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Senate Financial Institutions and Technology Committee
Written Proponent Testimony for SB 100
April 25, 2023

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Chairman Wilson, Vice Chairman Hackett, and members of the Senate Financial Institutions and Technology Committee:

The Ohio Domestic Violence Network (ODVN) is Ohio's federally designated domestic violence coalition, representing 76 local domestic violence organizations throughout the state. In calendar year 2022, ODVN programs sheltered 9,886 survivors (approximately 5,594 adults and 4,292 children) and provided nearly 73,000 survivors and their children with supportive services, including safety planning around technology abuse.^{1,2}

ODVN appreciates the opportunity to provide support for SB 100. The proposed bill aims to empower law enforcement and other criminal justice agencies in Ohio to hold accountable those who use technology to stalk and terrorize their victims. At least 26 states and the District of Columbia have addressed technology abuse, according to the National Conference of State Legislatures.³ In many of the states with similar legislation, it's against the law to put a tracker on a car unless the owner gives consent and additional states include tracking someone without their knowledge in their stalking laws.

SB 100 addresses a critical gap in current statute by recognizing that technology misuse is one tactic among many that offenders use against their victims. A 2022 Bureau of Justice Statistics special report on stalking indicates that 80% of stalking victims report being stalked through technology and 14% of stalking victims have their location tracked with an electronic device or application.⁴ This is especially alarming for domestic violence survivors, who are already at a heightened risk of harm. Recent research shows that 40% of stalking offenders are current or

¹ The Ohio Domestic Violence Network (ODVN) surveyed its 76 member programs January 5 to 27, 2023 about the prevalence of domestic violence. A total of 74 programs responded, a 97% response rate.

² Technology Safety Plan: A Guide for Survivors and Advocates. 2018. Available at <https://www.techsafety.org/resources-survivors/technology-safety-plan>

³ Private Use of Location Tracking Devices: State Statutes. 2022. Available from <https://www.ncsl.org/technology-and-communication/private-use-of-location-tracking-devices-state-statutes>

⁴ Morgan, R. E., & Truman, J. L. (2022, February). Stalking Victimization, 2019. Washington, DC: US DOJ, Bureau of Justice Statistics, Special Report, available at <https://bjs.ojp.gov/library/publications/stalking-victimization-2019>



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former intimate partners of the victim, and electronic stalking is a way for them to maintain power and control even after the victim has left the relationship.⁵

One of the most dangerous times for victims is when they choose to leave. Violence and abuse may escalate significantly during this time and victim safety often depends on preventing perpetrators from knowing their location. The 2022 bipartisan reauthorization of the Violence Against Women Act (VAWA), for the first time defines “technological abuse” as an act or pattern of behavior within domestic violence, sexual assault, dating violence, or stalking that is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor another person using any form of technology. This definition recognizes that technology can be used in various ways to leverage power over victims, even after the victim leaves the relationship, and that its misuse needs to be actively addressed to keep victims safe and hold perpetrators accountable.

SB 100 represents an important first step in addressing the issue of technological abuse and protecting victims from stalking behaviors from their abuser. We are grateful that the act of knowingly installing a tracking device or application on someone else's property without their consent is being recognized as a crime. However, we strongly recommend that the language of the bill be strengthened to avoid any unintended negative consequences. For example, the bill presumes that any survivor with an order of protection revokes consent, but the same presumption does not apply to the many survivors who sought protection orders but were not able to get a judge to grant the final order. This is a common occurrence in our advocates' experiences and according to a study published in the *Journal of Family Violence* that found that 40% of more than 500 protection order requests were denied due to a lack of evidence.⁶

We look forward to continuing this conversation so that SB 100 can provide all domestic violence survivors with the support and protection they need to safely move forward with their lives.

⁵ Smith, S.G., Basile, K.C., & Kresnow, M. (2022). The National Intimate Partner & Sexual Violence Survey (NISVS): 2016/2017 Report on Stalking- Updated Release. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, available at <https://www.cdc.gov/violenceprevention/pdf/nisvs/nisvsstalkingreport.pdf>

⁶ Denied Justice: An Empirical Study of Domestic Violence Protection Orders in Ohio" by Rachel A. Smith, T.K. Logan, and Robert Walker. Available from [Journal of Family Violence | Home \(springer.com\)](https://www.springer.com/journal/10891)