



Chair Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee, thank you for the opportunity to testify in favor of House Bill 161, which would end the spousal exception to sexual assault. We were thrilled to see that HB 161 passed the Ohio House of Representatives nearly unanimously.

First, a brief history of this law. The concept itself dates back to England, to the Blackstone commentaries which provided that women were the property of their husbands, subject to “coverture” which gave women protection from others at the expense of autonomy and safety in the home.

This concept was imported into American law in every state and left unchanged until the 1970’s when states began to remove these spousal exceptions, and to recognize that rape in marriage was still rape, and that married women didn’t give up all rights to their bodies once they said their vows. It took 20 years, but every state removed the spousal exception to what’s generally termed forcible rape, or rape by direct physical violence.

Twenty-two years after the supposed repeal of the spousal rape privilege, the CDC reported that sexual violence in intimate relationships happened to around 18.3% of women. The National Institute of Justice found that there were an estimated 322,230 intimate partner rapes committed in one year alone. The preceding numbers roughly amount to over seven million women that have experienced intimate partner rape in their lifetime.

That’s partly because many states didn’t remove those spousal exceptions completely, they kept them in one way or another including Ohio, which retained everything but forcible rape. That means the most common types of partner rape, like drug-induced sexual assault, remain completely legal. But in the last few years, we’ve seen those states decide that women deserve safety within marriage, and those exceptions have started to fall away. After Alabama removed theirs in 2019, and Maryland and Mississippi removed theirs this year, it’s merely West Virginia, Ohio and a few other states that remain.

And just to be clear, all this isn’t just for prosecutions. If you want to get a protection order, which someone might if they were trying to get away from a spouse who repeatedly sexually assaulted them, they cannot use that as a basis in Ohio.

It’s time for Ohio to end this medieval-era law that treats women as property and doesn’t allow them to protect themselves. I thank you members of the committee for their time, and for representatives Hillyer and Miranda for bringing this bill forward.

Sincerely,
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