

RAINN

May 9, 2024

The Honorable Nathan Manning
Senate Committee on Judiciary
Senate Building
1 Capitol Square
Columbus, OH 43215

The Honorable Michele Reynolds
Senate Committee on Judiciary
Senate Building
1 Capitol Square
Columbus, OH 43215

Dear Chair Manning and Vice Chair Reynolds:

We are writing today in support of SB 237, which protects survivors from meritless attacks on their right to speak out. We ask for your support in favor of this legislation.

As you may be aware, RAINN is the nation's largest anti-sexual assault organization. Founded in 1994, RAINN created and operates the National Sexual Assault Hotline (800.656.HOPE and rainn.org) and carries out programs to support victims, educate the public, improve public policy, and help companies and organizations improve the way they prevent and respond to sexual violence.

Retaliatory defamation lawsuits are intended to instill fear in the survivor and dissuade them from continuing to speak out. Legal proceedings, or even the threat of legal proceedings, can be intimidating and stressful for anyone, but especially survivors of sexual violence. Survivors facing the prospect of a defamation suit anytime they share their story can cause unnecessary emotional and financial harm that stunts the healing and restoration process of survivors.

This threat has a significant impact on individual survivors and the survivor community as a whole; it influences the rate of survivors reporting their incidents and the rate at which survivors speak out publicly. Only 310 out of every 1,000 sexual assaults are reported to police. That means more than 2 out of 3 go unreported.¹ SB 237 would both empower survivors to speak out, but also discourage abusers from filing defamation cases because of the financial impact if they are found to be retaliatory in nature.

¹ i. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, 2015-2019 (2020).

ii. Federal Bureau of Investigation, National Incident-Based Reporting System, 2012-2016 (2017);

iii. Federal Bureau of Investigation, National Incident-Based Reporting System, 2012-2016 (2017);

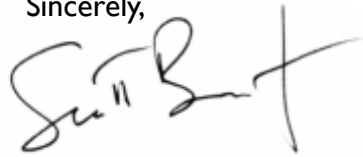
iv. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Felony Defendants in Large Urban Counties, 2009 (2013).

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SB 237 aims to protect those using their First Amendment rights to discuss public issues and curtail lawsuits aimed at restricting this fundamental right to public participation. The changes made in this bill will establish a process to address meritless claims early and allow defendants to recoup attorney fees and other court fees if the case is dismissed. SB 237 saves victims' resources and protects their ability to speak out. This bill offers an opportunity for survivors to pursue justice by speaking out about their abuse, harassment, and discrimination without the threat of litigation. Ohioans need this legislation to protect and uplift the voices of survivors.

As such, we urge you to support this bill and pass it out of committee. Thank you for your continued leadership and for supporting victims of sexual violence in Ohio.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Berkowitz", written in a cursive style.

Scott Berkowitz
President