

44th House District

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State Representative Joshua E. Williams
Ohio House of Representatives

Chairman Thomas, Vice-Chair Mathews, Ranking Member Isaacsohn, and members of the Judiciary Committee, thank you for the opportunity to offer sponsor testimony on House Bill 249. I would also like to thank my joint sponsor, Representative King, for her work on this legislation across multiple General Assemblies.

The primary goal of this legislation is to update our state's indecent exposure laws. This starts with Section 2907.09 (A)(1), in which the bill changes the term "private parts" to "private area". Though these terms do not seem to differ much in common parlance, amending the section to say "private area" has a large impact on the viability of the enforcement of the law.

This impact is notable in the case of Darren Glines, a transgender woman also known as Rachel, who was charged with indecent exposure after women and young girls complained of Glines' presence in the women's locker room of a Xenia YMCA. Glines was eventually found not guilty, as his body fat covered his genital area. Due to this section referencing "private parts", which is undefined in the Revised Code, a conviction was not possible¹. Had the section said "private area", which is defined in the Revised Code, our justice system would have been able to fully prosecute Glines. As defined in Section

¹ <https://nypost.com/2023/05/07/trans-woman-rachel-glines-genitalia-exposure-charges-cleared-due-to-body-fat-coverage/>

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2907.01, “private area” means “the genitals, pubic area, buttocks, or female breast below the top of the areola, where nude or covered by an undergarment”.

Another goal of this legislation is to update the weak and outdated obscenity laws in our state. Last updated in 2004, these laws were targeted at individuals who produced, published, advertised, and exhibited obscene content and performances to juveniles. While these activities were rightly criminalized, the criminal code does not address an increasingly common form of obscenity: those who willfully engage in an obscene performance in front of a child. HB 249 seeks to close the gap in our obscenity laws and ensure that children are not exposed to obscene content.

When I began my research on this topic, I was astonished to discover that there is no requirement in the law that limits obscene performances to adult-only establishments. Restricting performances considered obscene and harmful for children to adult cabarets, where the proprietor has a legal obligation to prevent minors from entering, is a simple and effective way of preserving the free speech rights of the performers while also protecting minors from exposure to obscene conduct.

Increasingly, we have seen examples of children spectating and even participating in overtly sexualized performances. This state, both through law and established precedent, has always protected the rights of children to be free from the exposure to

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obscene acts by adults and prevented adults from exposing children to obscene material.

Now, with the incidences of such public performances increasing, it is incumbent upon us to update our obscenity law to reflect our continued commitment to this idea.

Chairman Thomas, Vice-Chair Mathews, Ranking Member Isaacsohn, and members of the Judiciary Committee, thank you again for the opportunity to speak in favor of HB 249.

I welcome any questions you may have.