



Ohio House Bill 84 – The Innocence Act

Chair Claggett, Vice Chair Workman, Ranking Member Mohamed, and esteemed colleagues of the House Technology and Innovation Committee – thank you for allowing me to speak about House Bill 84, the Innocence Act.

Do you remember video rental stores? Many had an adults-only section, accessible only to those old enough to enter. In Ohio, businesses that primarily sell or rent adult content are legally required (Ohio Revised Code Section 2907.39) to verify the age of their customers.¹

The Innocence Act brings this commonsense safeguard into the 21st century. While video rental stores are now relics of the past, smartphones and the internet have become the primary gateways through which our children encounter obscene and harmful content. It's time to modernize our laws to reflect today's digital reality. We must pass the Innocence Act to ensure our children receive the same level of protection online as they did in the physical world.

Numerous studies highlight the dangers of children accessing explicit material:

- A 2016 study in *Archives of Sexual Behavior* found that 48.7% of men surveyed were exposed to pornography before age 13.²
- A 2010 study in *Aggressive Behavior* reported that intentional exposure to violent, X-rated material led to a nearly sixfold increase in self-reported sexually aggressive behavior.³

¹ [ORC 2907.39](#)

² Sun, C., Bridges, A., Johnson, J.A., & Ezzell, M.B. (2016). Pornography and the male sexual script: An analysis of consumption and sexual relations. *Archives of Sexual Behavior* 45, 983–994. <https://doi.org/10.1007/s10508-014-0391-2>

³ “After adjusting for other potentially influential proximal (i.e., sexual aggression victimization) and distal characteristics (e.g., substance use), we found that intentional exposure to violent x-rated material over time predicted an almost 6-fold increase in the odds of self-reported sexually aggressive behavior (aOR: 5.8, 95% CI: 3.2, 10.5)”

Ybarra, M.L., Mitchell, K.J., Hamburger, M., Diener-West, M. & Leaf, P.J. (2011), X-rated material and perpetration of sexually aggressive behavior among children and adolescents: is there a link?. *Aggressive Behavior.*, 37: 1-18. <https://doi.org/10.1002/ab.20367>

- Another study found that 88.2% of pornography contains depictions of violence.⁴
- The American Psychological Association in 2017 linked early exposure to pornography with an increased desire for power over women.⁵
- Additional research shows a correlation between pornography consumption and heightened feelings of social isolation.⁶

These facts make it clear: we must protect our children from harmful and obscene content.

The Innocence Act introduces common-sense age verification requirements for online pornography distributors. The bill establishes clear guardrails that these companies must follow to prevent Ohio's children from accessing illegal material, in accordance with ORC 2907.31.

We've worked closely with the Ohio Casino Control Commission, which has successfully implemented similar safeguards for online sports betting. Many of these best practices are reflected in the Innocence Act.

For distributors who fail to comply, the penalty is a first-degree misdemeanor.⁷ Importantly, minors attempting to access such content will not face penalties under this bill. The legislation also establishes a private right of action for minors or their legal guardians to seek an injunction if a child is given access to pornographic content online.

The bill also tackles the rising crisis of nonconsensual fabricated sexual images, commonly known as deepfake pornography. This technology allows bad actors to superimpose someone's likeness into explicit content, making it appear disturbingly real.

You may have seen Elliston Berry at President Trump's most recent address to the nation. Elliston is a fifteen-year-old girl who is a victim of deepfake pornography. Her likeness was superimposed using an AI tool on a pornographic image by a classmate. Elliston's traumatic experience underscores the urgent need to criminalize the creation and distribution of nonconsensual fabricated sexual images.

⁴ Bridges, A. J., Wosnitzer, R., Scharrer, E., Sun, C., & Liberman, R. (2010). Aggression and sexual behavior in best-selling pornography videos: a content analysis update, *Violence Against Women*, 16(10), 1065–1085.
<https://doi.org/10.1177/1077801210382866>

⁵ American Psychological Association. (2017). *Age of first exposure to pornography shapes men's attitudes toward women*. Retrieved January 5th, 2024 from <https://www.apa.org/news/press/releases/2017/08/pornography-exposure>

⁶ Butler, M.H., Pereyra, S.A., Draper, W.D., Leonhart, N.D., & Skinner, K.B. (2017, March 7). Pornography use and loneliness: A bi-directional recursive model and polit investigation, *Journal of Sex & Marital Therapy*, 44(2), 127-137.
<https://doi.org/10.1080/0092623X.2017.1321601>

⁷ This aligns with ORC Sections [2907.31\(F\)](#) and [2907.39\(F\)\(1\)](#) which both have the penalty of a misdemeanor of the 1st degree.

The penalties for violating this section of the bill reflect the severity of the crimes:

- A fourth-degree felony for a first offense.
- A third-degree felony for repeat offenses, sexually oriented crimes, or offenses involving minors.
- A private right of action for victims to seek justice.

Additionally, this bill increases penalties for distributing real sexual images without the subject's consent—commonly known as revenge porn.

- The first offense is a fifth-degree felony.
- A repeat offense, sexually oriented offense, or child-oriented offense is a fourth-degree felony.

Currently, these crimes are treated as misdemeanors—penalties far too lenient given the serious harm they inflict.⁸

During this process, you will likely hear from the so-called Free Speech Coalition. While their name suggests they are neutral advocates for free expression, their membership consists primarily of adult industry representatives. I prefer to call them what they really are: the Porn Lobby.

This group has fought similar legislation in states like Texas, Louisiana, Virginia, California, and Utah—despite those laws passing with broad bipartisan support. The Innocence Act is not about restricting free speech; it's about protecting our children from exploitation.

This legislation has been developed with input from:

- The Ohio Casino Control Commission
- The Ohio Department of Public Safety
- The Ohio Prosecuting Attorneys Association
- The Ohio Judicial Conference
- The Ohio Attorney General's Office
- The Age Verification Providers Association

I want to thank each of these organizations for their time and expertise. I also want to express my appreciation for my Legislative Aide, Branden Agnew, who first brought this issue to my attention and has worked tirelessly to research and draft this bill.

This bill was formerly House Bill 295 in the 135th General Assembly, where it was thoroughly vetted through numerous committee hearings.

⁸ [ORC 2917.211 \(F\)](#)

Now, I urge your support for the Innocence Act. Let's protect Ohio's children from the dangers of unregulated online obscenity and exploitation.

I welcome any questions from the committee.