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Senate Bill 393 Sponsor Testimony

Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee, thank you for allowing us the opportunity to provide sponsor testimony on Senate Bill 393. This bill makes needed changes to various sexually oriented offenses, particularly relating to juveniles. Both Senator Timken and I were working on various aspects of this legislation independently and decided to combine our efforts.

Right now, the age of consent in Ohio is 16 years old, which means a 16-year-old can lawfully consent to sexual relations with an adult of any age. Age of consent statutes vary across states, typically ranging from 16 to 18 years old. However, many states that have the age of consent at 16, like Ohio, have "close-in-age" exemptions, meaning there is no charge if the individuals are within a specified age range. Ohio is one of fourteen states that does not have any such exemption.

Senate Bill 393 will change the age of consent to 18 and implements a close-in-age exemption for individuals less than 4 years apart. We looked at other states to find fair and reasonable guidelines, and we are hoping to have a reference sheet soon which will outline how the bill creates different levels of offenses depending on the age gap in question and specific circumstances. The bill creates different charges depending on whether the individuals are 4-10 years apart, or more than 10 years apart, with no charge if they are less than four years apart.

Second, currently in the state of Ohio, if two minors send consensual photos of themselves in a state of nudity, it is a second-degree felony, considered "disseminating or possessing child pornography." While many of these juveniles are receiving diversion, we do not believe diversion is an appropriate response to the second highest degree of felony. While we do want to deter juveniles from committing these offenses, we realize it is happening frequently and believe the charge should more accurately fit the offense.

Thus, changes are made in the bill to allow for prosecutorial discretion in charging these instances of "sexting" as a misdemeanor of the first degree. Prosecutors would have the discretion to look at the specific instances in each case, and if there are elements of coercion or dissemination of photos, more serious charges that are in current law can be filed.

Members of the Committee, thank you for allowing me to testify, I'd be happy to answer questions at this time.