Proponent Testimony: Senate Bill 393
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Ohio Alliance to End Sexual Violence

Chair Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee:

Thank you for the opportunity to provide proponent testimony on Senate Bill 393. The Ohio Alliance to End Sexual Violence (OAESV) is the federally designated sexual violence coalition of rape crisis centers and allied organizations working to prevent sexual violence and support survivors across Ohio.

OAESV works alongside advocates and communities responding to the realities of sexual violence. These realities are complex. They include clear cases of exploitation and abuse, as well as situations shaped by adolescent development, evolving technology, and relationships where harm is not always immediately visible or easily categorized.

Senate Bill 393 reflects an effort to address this complexity. The bill introduces greater proportionality by setting the age of consent at 18 while creating close-in-age exemptions. We recognize that adolescents engage in sexual contact with peers close in age, and current law can impose severe, lifelong consequences, such as felony charges and sex offender registration, for conduct that is not predatory, coercive, or violent. By contrast, current law allows predatory behavior by significantly older individuals who have sex with 16-and 17-year-olds. This bill's nuanced approach allows the legal system to focus its penalties on conduct involving force, exploitation, coercion, and other power imbalances.

However, age proximity alone does not determine whether a relationship is healthy or sex is consensual. Young people can and do experience coercion, pressure, and manipulation in peer relationships. Survivors may struggle to name or report that harm, particularly when the person who caused it is someone they know or trust. As this bill is implemented, it will be critical to ensure that systems continue to look beyond age and consider the full context of a situation, including power dynamics and the presence or absence of true consent.

We are also encouraged by S.B. 393's recognition of emerging forms of harm, particularly its inclusion of artificially generated sexual images of minors. As technology evolves, individuals are increasingly using digital tools to create and distribute sexual images without consent. Even

when images are artificially generated, the impact on a survivor can be profound, affecting their safety, relationships, and overall well-being.

OAESV recommends that penalties for the proposed offense of "Artificially Generated Depiction of a Minor" not be divided based on the age of the minor depicted. AI-generated sexual images can cause reputational harm, psychological trauma, and ongoing harassment regardless of whether the minor is 12 or 15. Creating stricter penalties based on age risks implying that harm to older minors is less serious, when in reality, the impact can be significant across all ages. It may also unintentionally reinforce harmful narratives that adolescents ages 14–17 are less vulnerable or less deserving of protection. Instead, penalties should more accurately reflect the nature of the conduct—such as creation, distribution, coercion, volume, and intent—rather than distinctions in victim age.

Additionally, it is OAESV's position that consensual, private sexting between adolescents should not be treated like child pornography. Sometimes sexting—regardless of the age of the person doing it—is problematic. When sexting involves coercion, bullying, harassment, or other abuse, it should be taken seriously, and a range of responses by school officials or law enforcement may be appropriate. We appreciate the step proposed by the bill to reduce the penalty under current law from a felony to a misdemeanor. In our work, we find that the more punitive the reaction is to consensual sexual behavior, the more likely it is to prevent youth who have been coerced or victimized from reporting abuse out of fear of prosecution themselves. The most effective and appropriate approach is to educate youth about digital safety and the potential consequences of creating and sharing intimate images and videos.

Ultimately, preventing sexual violence requires a careful balance. We must hold individuals accountable for harm, particularly in cases of exploitation and abuse, while avoiding systems that create additional harm or fail to reflect the full context in which harm occurs.

Thank you for your time and consideration. OAESV appreciates Senator Manning and Senator Timken's leadership on this issue. We remain committed to working with the sponsors to ensure the bill is effective, balanced, and survivor-centered.