



PROPONENT TESTIMONY OF:
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IN SUPPORT OF:
Senate Bill 162 – Sex Offenses
Senate Judiciary Committee
February 19, 2020

Chairman Eklund, Vice-Chair Manning, Ranking Minority Member Thomas, and distinguished members of the Senate Judiciary Committee, thank you for the opportunity to testify today on Ohio Senate Bill 162.

My name is Erin Ryan and I serve as the Managing Director of the Ohio Women's Public Policy Network. We are a coalition of nearly 40 organizations working collaboratively to advocate for public policy solutions that build economic opportunity for women and families.

We believe that the measure of success for our state and communities is in large part determined by the success of Ohio's women. Therefore, policymakers must advance public policies centered in equity, fairness, and justice that address the following issue areas:

1. Promoting an economic security agenda for women;
2. Ensuring fairness and opportunity in the workplace; and
3. Improving women's health and well-being

These shared policy goals have shaped our interest in testifying today in support of Senate Bill 162, which would eliminate the statute of limitations for rape, sexual battery, and other sexual offenses and remove the spousal exemption for criminal and civil sex offense crimes in the state of Ohio. This legislation would modernize our state law to ensure that victims and survivors sexual violence are able to seek justice, without a statute of limitations – and it provides access to full legal protections for married survivors and victims of sexual offenses. Because we know that all women deserve the opportunity to lead economically secure, safe and healthy lives, **we strongly urge the committee to advance and support this critical piece of legislation.**

Women disproportionately experience domestic violence and sexual assault – issues that not only affect the health and safety of women, but also permeate into the workforce by affecting productivity, jeopardizing the safety of victims and co-workers, and increasing absenteeism and employee turnover. Research estimates that the average lifetime cost of intimate partner violence for women is nearly \$104,000. Often times, sexual violence at the hands of an intimate partner occurs with other forms of abusive behavior, such as physical abuse. Research has found that the

majority of women who were physically abused by an intimate partner had also been sexually assaulted by the same partner.¹

According to research, approximately 10-14 percent of married women report being raped by their husbands in the United States, and experts expect that this percentage is actually an underestimate of the prevalence of marital rape.² Additionally, perpetrators of marital rape are more likely to commit multiple instances of rape against their spouse, but victims may often be unable to identify the act as rape due to antiquated notions of sexual assault within marriage and outdated laws, such as the “marital exemption” loophole. Survivors and victims of marital rape experience short-term and long-term consequences to their physical, social, and mental health, including physical injuries, PTSD, anxiety, and depression.³

Women who are victims of sexual or physical violence at the hands of an intimate partner remain in that relationship for a number of reasons, including financial security or fear of more violence. For victims and survivors of marital rape, the inability to take legal action can often be an insurmountable obstacle to even reporting the crime. As a consequence of this loophole, many women may not recognize that they have been victims of marital rape, or they may be cautious to question or resist unwanted sexual advances from their spouse.

The first component of Senate Bill 162 would remove that barrier, providing married victims equal access to protections under the law to seek legal recourse against their spouse for sexual abuse. Although marital rape is technically illegal in the United States, loopholes in our state code still allow for sexual offenses to be treated differently if the offender is married to the victim or survivor. Because of the way that the law classifies rape and sexual assault differently for married couples, this outdated loophole means that there are no legal options to prosecute the crime in certain circumstances – and it is deeply rooted in victim-blaming culture and reinforces an outdated belief that married women are the property of their husbands.

This legislation would remove this problematic loophole by eliminating the words “not the spouse of the offender” from the state code for cases of rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, and sexual imposition. Ohio is one of only twelve states that has not updated this archaic law to provide full legal protections against sexual offenses to married victims. It would provide equal protections under the law for married survivors and victims of sexual offenses, bringing Ohio’s laws into the 21st century.

The second piece of this legislation would align Ohio code with the growing evidence that the statute of limitations for prosecuting rape and other sexual crimes is outdated – leaving many women unable to seek justice for crimes that are not reported and solved within a certain time period. Ohio’s statute of limitations for sex crimes is currently set at between 20 and 25 years

¹ Taylor, L., & Gaskin-Laniyan, N. (2007). Sexual Assault in Abusive Relationships. *NIJ Journal*, (256). Retrieved from <http://nij.gov/journals/256/Pages/sexual-assault.aspx>

² Bergen, R & Barnhill E. (2006). Marital Rape: New Research and Directions. Retrieved from <https://vawnet.org/material/marital-rape-new-research-and-directions>

³ Bennice J., Resick P., Mechanic M., & Astin M. (2010). The Relative Effects of Intimate Partner Physical and Sexual Violence on Post-Traumatic Stress Disorder Symptomatology. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2981038/>

depending on the circumstances, based on the mindset that evidence can be less reliable or lost after a certain period of time. However, this artificially set deadline to seek justice for sex crimes has not evolved along with the advancement of DNA technology, and it does not take into consideration the trauma that many victims and survivors face, which may prevent or delay them from reporting the crime.

The call for action to remove the statute of limitations for sexual offenses in Ohio should be even more pressing after a recent series from the Dayton Daily News, which illuminated the barriers to justice for victims who received answers too late. Over the course of five years, Ohio tested nearly 14,000 rape kits that had been facing a backlog in the state. From those cases, there were 5,024 DNA matches against known profiles in the system, which led to criminal charges being filed against hundreds of suspects. Yet, there were 87 cases that did not end with this same justice. Despite DNA matches for these 87 cases, they were unable to bring criminal charges because the attacks occurred outside of Ohio's current statute of limitations.⁴ The case for repealing the statute of limitations is not abstract or hypothetical; it is incredibly real and pressing for survivors who face time constraints imposed by the current statute of limitations. Ohio Senate Bill 162 seeks to address these arbitrary barriers to justice by eliminating the statute of limitations for sex crimes – and the 87 cases where survivors' path to justice were derailed demonstrates exactly why it is so important that our state take action.

Again, we strongly urge the committee to support the passage of Ohio Senate Bill 162, which would modernize state laws related to sexual offenses. It is far past time for Ohio to update our laws, which currently leave behind women from seeking justice for crimes that fall outside of an outdated statute of limitations and send the message that rape of a spouse is not a crime and less serious than other forms of sexual violence. The passage of this bill is vital to ensuring that victims and survivors of sexual offenses are able to seek legal recourse and justice, regardless of whether or not they are married to the perpetrator and without a statute of limitations.

Thank you again for the opportunity to testify in support of this legislation. I am available to answer any questions today or by email at ryan@innovationohio.org.

Thank you,

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⁴ Bischoff, Laura. "Ohio considers eliminating time limits to prosecute rape cases." *Dayton Daily News*. 18 August 2019. <https://www.daytondailynews.com/news/local/ohio-considers-eliminating-time-limits-prosecute-rape-cases/y540t3xXVjWSazNEYQnHul/>