



## **Representatives Laura Lanese and Kristin Boggs**

Chair LaRe, Vice Chair Swearingen, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for the opportunity to provide sponsor testimony on House Bill 121, which would eliminate Ohio's spousal exemption for sex offenses. Today, we stand before you to ask that you eliminate the marital exemption under Ohio law. HB 121 eliminates all exceptions to the following sex offenses that currently apply if the person subjected to the prohibited conduct is the offender's spouse: rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, and sexual imposition. This legislation was previously introduced in the 132<sup>nd</sup> General Assembly and passed through committee with a 12-1 bipartisan vote.

Statistically, it is reported that up to 10% of sexual assaults occur within the confines of marriage, and if there is domestic violence present the number can go as high as 70%. Tragically, many of the victims don't realize that they have been assaulted until they find recordings of the rape on their spouse's phone or worse in the public realm or on social media. In 2013, the wife of a Utah police officer discovered recordings on her husband's phone of him raping her after he had drugged her. The day after she accused him, he killed her, their children, her mother and finally himself. Another case occurred in Indiana where a woman discovered her husband had been giving her either Ambien or Xanax. It wasn't until later that she found the recordings on his phone of him raping her. He was convicted but only received house arrest, which he later violated and only then was he sentenced to 5 years in prison. If either of these cases had happened in Ohio, these rapists would not have been prosecuted because they had occurred within the confines of marriage and did not include the use of force or the threat of force.

Shortly after introducing this bill in the 132<sup>nd</sup> GA, I received a call from a woman that wanted to let me know that she was a victim of spousal rape. Her husband was a police officer and been abusive throughout their marriage. He had slipped a Xanax into her drink and for all intents and purpose, he raped her. Except, it wasn't rape because Ohio law makes an exception for spouses to engage in unwanted sexual activity with their spouse—as long as they are drugged or unconscious.

Carving out an exception for spouses to do what is otherwise considered rape is barbaric. Saying "I do", should not forfeit ones' ability to access justice under the law. The goal of our bill is to eliminate those words, "not the spouse of the offender," so that married victims have the same

protections from sexual assault as unmarried ones. The legal status of your relationship should never determine whether such abhorrent conduct as rape is criminal or not.

This legislature should not continue to turn its back on Ohio's sexual assault victims. House Bill 121 allows Ohio to catch up with the vast majority of states that find no distinction between married and unmarried victims and provides the opportunity to update this archaic portion of our code. Rape is rape. A wedding ring should not be part of the definition.

We'd be happy to answer any questions from the Committee at this time.