



Office of the Ohio Public Defender

Timothy Young, State Public Defender

Testimony in Support of HB121 Repeal of Spousal Rape Exception Sponsors Representatives Boggs and Lanese

Chair LaRe, Vice Chair Swearingen, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for the opportunity to testify in support of House Bill 121 on behalf of the Office of the Ohio Public Defender (OPD). I am Niki Clum, legislative liaison for OPD.

HB121 is a commonsense bill that removes the spousal exception from several sexual offenses in the Revised Code. HB121 will make illegal for a spouse to rape their spouse by surreptitiously, by force, by threat, or by deception giving their spouse an intoxicant and rendering them impaired and unable to resist sexual activity. HB121 will also make it illegal for a spouse to commit sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, sexual imposition, and importuning against one's spouse. Finally, the bill changes current law to allow spouses to testify against each other for cases involving these offenses.

The OPD knows that all individuals are presumed innocent until proven guilty and all individuals deserve a fair trial. Everyone accused of a sexual offense deserves due process under the law in order to have a fair and justice society. OPD also knows that individuals do not give up their personal autonomy just because they commit a crime, enter a prison, and, specifically, not because they decide to get married. All Ohioans deserve equal protection under the law. This gap in Ohio law has real consequences. Thirty-four percent of sexual abuse is committed by a family member of the victim.¹ Female victims of rape are raped by an intimate partner 51.1% of the time.² Individuals that force sexual activity on their spouse should not be given a free pass. Spouses do not own each other, and all Ohioans

¹ Rape, Abuse & Inces National Network, <https://www.rainn.org/statistics/perpetrators-sexual-violence>

² National Sexual Violence Resource Center, <https://www.nsvrc.org/statistics>.

deserve the right to decline sexual activity, even with a spouse. OPD has been supporting this change of Ohio law since our time on the Ohio Criminal Justice Recodification Committee, whose final recommendation also included removing the spousal rape exception. It is time to close this loophole.

Thank you for the opportunity to submit testimony in support of HB121, a long overdue update to Ohio's sexual offense law.

