



1855 E. Dublin-Granville Road, Suite 301  
Columbus, Ohio 43229  
Phone: 614-781-9651  
www.odvn.org

Micaela Deming, Policy Director and Staff Attorney  
Ohio Domestic Violence Network  
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### **Written Testimony in Support of HB 121**

Chairman LaRe, Vice Chair Swearingen, Ranking Member Leland, and members of the House Criminal Justice Committee, my name is Micaela Deming and I am the Policy Director and Staff Attorney of the Ohio Domestic Violence Network. I am here today representing 75 local domestic violence organizations across the state. In 2020, ODVN programs sheltered more than 7,190 DV survivors and their children and provided 111,487 survivors and children with services. Those victims needed help obtaining a protective order or support while they prosecuted their abusers. Many of them were looking for housing and other assistance as they rebuild their lives after experiencing abuse.

Based on our direct service and support of direct service providers across the state of Ohio, we support House Bill 121.

According to a national Institute of Justice report, 40 to 45% of women in abusive relationships are sexually assaulted by their abusive partner, and over half of those women were sexually assaulted multiple times.<sup>1</sup> This form of intimate partner sexual assault is more likely to cause physical injury than sexual assault perpetrated by non-intimate partners.<sup>2</sup> Women who are sexually assaulted by their violent partner are at a greater risk for homicide.<sup>3</sup> Despite this reality, married women in Ohio have less legal protection from rape than unmarried women. Indeed, current law serves as a disincentive for women to enter into marriage, knowing that they will lose legal protection if their spouse decides to be violent.

One in nine girls and one in 53 boys under the age of 18 experience sexual abuse or assault at the hands of an adult.<sup>4</sup> Some of these minor victims of sexual assault by adults or older youth experience unwanted teen pregnancy and forced or coerced marriage to their perpetrators to

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<sup>1</sup> Tjaden, P. & Thoennes, N. *Extent, Nature, and Consequences of Intimate Partner Violence*. Findings from the national violence against women survey (NCJ 181867). July 2000. Washington, DC: U.S. Department of Justice.

<sup>2</sup> *Id.*

<sup>3</sup> McFarlane, J. & Malecha, A. *Sexual Assault Among Intimates: Frequency, Consequences & Treatments*. October 2005. (NCJ 211678). Washington, DC: U.S. Department of Justice.

<sup>4</sup> David Finkelhor, Anne Shattuck, Heather A. Turner, & Sherry L. Hamby, *The Lifetime Prevalence of Child Sexual Abuse and Sexual Assault Assessed in Late Adolescence*, 55 *Journal of Adolescent Health* 329, 329-333 (2014).

invoke the protections of current Ohio law. According to the Cincinnati Enquirer, before HB 511 was passed in 2018, nearly 4,500 girls under the age of 17 had been married in Ohio since 2000. (Ohio raises minimum age to marry and bans child marriages, by Jessie Balmert. Cincinnati Enquirer Jan 2019.) In one instance, a 14-year-old pregnant girl married her 48-year-old boyfriend with the court's consent in southern Ohio's Gallia County, according to a Dayton Daily News investigation into child marriages. While those marriages are now not lawful in Ohio, child predators can still escape punishment under existing Ohio law by just claiming marital privilege and exemption once married to their victim.

Survivors of child sexual abuse experience mental and physical health problems at much higher rates than their non-victimized peers.<sup>5</sup> Women who are sexually abused by intimate partners suffer higher rates of depression than those who are sexually assaulted by a non-intimate partner or who are physically but not sexually abused by their intimate partner.<sup>6</sup>

HB 121 removes the spousal rape exceptions so that all victims of rape and sex offenses in Ohio have equal access to the law and the ability to testify about those crimes regardless of marital status.

Our domestic violence programs across the state work with victims of sexual assault every day. It is for these adult and child victims that we welcome and support measures like HB 121 that remove barriers to achieve an oppression and violence free life.

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<sup>5</sup> H.M Zinzow, H.S. Resnick, J.L. McCauley, A.B. Amstadter, K.J. Ruggiero, & D.G. Kilpatrick, Prevalence and risk of psychiatric disorders as a function of variant rape histories: results from a national survey of women. *Social psychiatry and psychiatric epidemiology*, 47(6), 893-902 (2012). See also: Springer, Kristen W et al. *The long-term health outcomes of childhood abuse. An overview and a call to action*. *Journal of general internal medicine* vol. 18,10 (2003): 864-70. doi:10.1046/j.1525-1497.2003.20918.x

<sup>6</sup> Bergen, R. (2006, February). *Marital Rape: New Research and Directions*. Harrisburg, PA: VAWnet, a project of the National Resource Center on Domestic Violence/Pennsylvania Coalition Against Domestic Violence. Retrieved May 25, 2021, from: <http://www.vawnet.org>.