



TESTIMONY OF:

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IN SUPPORT OF:

House Bill 121
Eliminate sex crime spousal exceptions
House Criminal Justice Committee
May 26, 2021

Chair LaRe, Vice Chair Swearingen, Ranking Minority Member Leland, and distinguished members of the Ohio House Criminal Justice Committee, thank you for the opportunity to provide testimony today in support of Ohio House Bill 121.

My name is Erin Ryan and I serve as the Managing Director of the Ohio Women's Public Policy Network (WPPN), a coalition of nearly 40 organizations that 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 largely 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 guide our work as a coalition and have shaped our interest in House Bill 121. This critically important piece of legislation would close the outdated and troubling "spousal exception" loophole in sex crimes, modernizing our state law to provide access to full protections to married survivors and victims of sexual offenses. The passage of this bill is fundamental to our mission of providing women with the opportunity to lead economically secure, safe, and healthy lives.

Although rape within marriage 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, there are still certain circumstances, if there is no “force or threat of force,” where there are no legal options to prosecute the crime if they are married to and living with the victim. This outdated loophole is deeply rooted in victim blaming culture and reinforces an outdated belief that married women are the property of their husbands.

House Bill 121 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. This legislation would also allow for a person to testify against their spouse in a prosecution for any of these offenses. It would provide equal protections under the law for married survivors and victims of sexual offenses, bringing Ohio’s laws into the 21st century.

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. Violence perpetrated by an intimate partner or spouse can affect productivity, jeopardize the safety of victims and co-workers, and increase absenteeism and employee turnover. 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

There is an even more pressing need for this legislation as we address the increased rates of violence during the COVID-19 crisis. In Ohio, rates of intimate partner violence have increased during the pandemic due to shelter-at-home protocols; however, there is concern that the actual rates are significantly higher than what the data can capture. Studies found that throughout the pandemic, due to the disproportionate rates of financial and employment insecurity experienced by women of color - particularly Black and Latinx women - survivors of color are even more likely to remain in or return to unsafe situations.

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 actually an underestimate of the prevalence of rape within marriage.² Additionally, perpetrators of rape against their spouse are more likely to commit multiple instances of rape, but victims and survivors 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

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>

and victims of 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 rape within marriage, 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. House Bill 121 would remove that barrier, providing married victims equal access to protections under the law to seek legal recourse against their spouse for sexual abuse.

Again, we strongly urge the committee to support the passage of Ohio House Bill 121. This legislation would modernize state laws to eliminate “marital exceptions” in cases of rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, and sexual imposition. It is far past time for Ohio to update our laws, which currently 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.

Thank you again for the opportunity to testify. I am available to answer any questions by email at ryan@innovationohio.org.

Sincerely,
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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/>