



## Ohio Prosecuting Attorneys Association

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House Bill 121  
Proponent Testimony  
May 26, 2021

Chairman LaRe, Vice-Chair Swearingen, Ranking Member Leland and members of the House Criminal Justice Committee, thank you for the opportunity to provide proponent testimony on House Bill 121.

Our Association supports eliminating the spousal exceptions for rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, sexual imposition, and importuning, and to permit a person to testify against the person's spouse in a prosecution for any of these offenses.

Ohio prosecutors take all allegations of rape and other sexual misconduct seriously. Current law, however, often prevents even the consideration of charges when the statute provides for a spousal exception. We recognize concerns that have been raised in the past about the potential for false allegations and for abuse. Prosecutors are elected and trained to make tough decisions based on available evidence, something they do every day in a variety of contexts and for a variety of crimes. Multiple additional safeguards exist before and after a prosecutor even makes a decision whether to indict. Ultimately, someone with a viable allegation of spousal sexual abuse should not be prevented from seeking and obtaining justice out of concern that some other individuals will try to abuse our criminal justice system by making false allegations. Nor should the spouse who would commit spousal rape, sexual battery, or other sexual assault stand to benefit from a blanket rule that says we can't trust victims to be honest about victimization and can't trust the process to get to the truth of the matter. Removing these artificial barriers from the Ohio Revised Code will enable prosecutors to exercise more discretion. It will inevitably lead to some difficult choices. But it will also lead to the ability to consider and bring charges when appropriate and to secure justice for victims of spousal abuse.

House Bill 121 brings Ohio in line with most other states that have eliminated spousal exceptions for sexual abuse. Ohio should join the other states that have removed these antiquated exceptions from law.

Thank you again for the opportunity to provide testimony. We encourage your favorable consideration of House Bill 121. I would be happy to answer any questions.