

Proponent Testimony

House Criminal Justice Committee

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Marsy's Law - HB 343

Sophia Fifner

Chair LaRe, Vice Chair Swearingen, Ranking Member LeLand, and members of the Ohio House Criminal Justice Committee, thank you for this opportunity to testify in support of HB 343. My name is Sophia Fifner, and I am a survivor of sexual violence. I am here today to share the importance of supporting the constitutional rights of all Ohioans and specifically those who are victims of crime.

As a teenager, never in my wildest dreams did I believe that I would be the victim of a violent crime. I grew up in a relatively safe neighborhood where kids played flashlight tag after the sun went down. In my town, the community rallied behind the local football team for Friday night games. Saturdays were filled with riding my bike and playing in the backwoods, and Sundays were for church. Thus for the overwhelming majority of my childhood, except for the occasional self-induced fear of bringing home a bad grade and disappointing my immigrant parents – I felt safe.

However, little did I know how quickly that feeling of safety would fade after waking up on November 29, 2003. That morning, I woke to an unfamiliar person raping me as I lay unresponsive and frozen in a cold, musty, and dark basement.

Every day, for nearly 19 years, there has not been a day where I feel safe.

I worry about brief interactions and familiar embraces that last a moment too long. I wonder if the alcohol at a work event might have an unexpected triggering reaction. And, I think about how to escape whenever in close quarters with unfamiliar male faces. The truth is, the torturous events of that balmy November night have impacted every element of my life. For 6,690 days, the trauma of my rape has served as an invisible handcuff. Yet, I am supposed to be the victim.

While living with invisible handcuffs has been a perpetual struggle, the crime of a justice system that unevenly favors criminals' versus victims' rights has been my dungeon of terror.

After I was raped, I was one of the few survivors who reported the crime. However, instead of a system that helped me understand my rights, I was treated like a delinquent. I was called a liar by the individuals who were supposed to serve and protect me. I didn't understand my rights. By the time I understood what little rights I had, I had already faced a botched polygraph examination, sloppy record-keeping, a destroyed rape kit, and 16 years of unjust victim-blaming.

Far too often, victims of violent crimes do not know that they have rights too. Our current system places an inconceivable burden on victims to seek and access justice. Marsy's Law for Ohio passed as a constitutional amendment over four years ago. However, the supporting legislation that would provide the guidance and funds to enact the constitutional amendment awaits your approval.

I'm not here to advocate on behalf of myself. I'm here to advocate on behalf of every survivor of a crime - and especially survivors of the most violent of crimes - whose personal liberty depends on a truly just and equal system. Victims of crimes deserve equal rights.

Crime victims should have 30 days to file a notice of appeal, the same as defendants. Unlike my experience, victims of sex offenses should not be asked or required to submit to a polygraph for any purpose. The trauma I endured from my experience with the state trooper who interviewed me for a polygram examination was the key that locked my invisible handcuffs. Her actions resulted in psychological anguish for years, and her crime of indifference to my experience was far worse than the crime of being raped. This needs to stop.

Ohioans deserve access to the constitutional amendment we supported. With your support of H.B. 343, I hope we can act and inform victims of life-saving resources for when the unconceivable strikes.

Thank you for the opportunity to testify on H.B. 343.