

COMMITTEES:

Chair – Criminal Justice

Civil Justice

Education

Transportation and Public Safety

Joint Committee on Agency Rule Review

CAPITOL OFFICE:

77 South High Street

12th Floor

Columbus, Ohio 43215-6111

Phone: (614) 644-5076

Rep55@ohiohouse.gov

www.ohiohouse.gov



Nathan H. Manning
State Representative
55th District

Chairman Bacon, Vice-Chair Dolan and Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for the opportunity to testify as a joint-sponsor of House Bill 497 with Representative Rogers. This legislation seeks to close a loophole in Ohio law that allows individuals to knowingly disseminate private images, without consent of the victim, with a purpose to harm the person in the images. Currently victims of image-based violence have little recourse when pictures of them have been posted online, distributed via text message, or publicly disseminated in some other way. House Bill 497 would seek to address this by creating a civil cause of action and a criminal penalty for someone to knowingly disseminate nude or sexual images of a person without consent and provide victim protections if:

- The person pictured is 18 years or older
- The person can be identified
- The offender knows there was not consent
- The image was disseminated with the intent to harm

This two-prong approach allows for the victim to receive civil damages, attorney fees, seek an injunction or temporary restraining order, and any profits received by the person who committed the violation. HB 497 also criminalizes the action by punishing first time offenders with a first degree misdemeanor, a fifth degree felony for a second offense, and two or more violations would be a fourth degree felony. To avoid any unintended consequences of the bill, there are the following exemptions in place where the bill does not apply:

- Criminal investigation
- Reporting of unlawful conduct
- The image is part of a news report, or artistic in nature
- Law enforcement or corrections officer acting within official duties
- Actions in a public place
- Medical treatment or examination

Lastly, this legislation creates protections for victims in the workplace and at school. Students would not be allowed to lose any scholarship or financial assistance for being the victim of image based violence. Additionally, state licensing boards would not be allowed to deny application or revoke a person's license due to their status as a victim. House Bill 497 is common-sense legislation that takes a comprehensive approach to the issue of image based violence. I would like to thank Representative Rogers for working with me on this important bill, and we will be happy to answer any questions.