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**Testimony of Micaela Deming, policy director and staff attorney of the Ohio Domestic Violence Network (ODVN), regarding HB 610 to House Criminal Justice Committee.**

November 10, 2020

Chairman Lang, Vice Chairman Plummer, Ranking Member Leland, and Committee Members:

Good morning.

My name is Micaela Deming and I am the Policy Director and Staff Attorney of the Ohio Domestic Violence Network. We are a coalition of the state's 75 domestic violence programs and I am writing to support further discussion on HB 610. Last year our member programs served more than 82,000 survivors and their children across the state. Those victims needed shelter (9,045) or help obtaining a protective order or support while they prosecuted their abusers. Many of them were looking for housing and other assistance as they worked to rebuild their lives after experiencing abuse.

HB 610 seeks to overhaul Ohio's criminal justice system and other areas related to the needs of crime victims. As currently drafted, the bill expands the rights of minor victims and those with disabilities to testify in court. ODVN supports many of the provisions as they expand options for domestic violence survivors. Some provisions may even make it safer for domestic violence victims who choose to participate in the process.

ODVN advocates for ALL survivors of domestic violence. We are their advocates when they are victims of crime AND when their victimization puts them on the wrong side of the law. For that reason, we are concerned about provisions in HB 610 that will likely limit the ability of victims who are prosecuted for crimes to seek redress for their own victimization, heal, and go on to remain productive members of society. For example, victims of domestic violence who use defensive violence to protect themselves would be ordered to pay their abusers' attorneys' fees. We have already seen public agencies like law enforcement departments use Marsy's law to seek restitution from people who call them for help. In fact, Marsy's law incentivizes law enforcement agencies to seek restitution from victims who call them for help and HB 610 does not restrict that incentive. We are concerned this provision may increase the likelihood that law enforcement agencies will seek restitution from victims who choose not to participate in the prosecution of their perpetrators after they or, as often happens, a neighbor calls for help.

The parts of HB610 that makes it easier for victims (including law enforcement) to seek unlimited restitution will have a disparate impact of women and child survivors of domestic and sexual violence. These concerns are heightened for survivors of color or who are part of other marginalized communities who are more likely to be charged and convicted of crimes even though they do not commit more crime.

ODVN strongly supports efforts to further amend HB 610 to address the racial and gender disparities present in the criminal justice system that would be exacerbated by some of the provisions as written.

On behalf of the Ohio Domestic Violence Network and its member programs, I would like to thank Speaker Cupp for his leadership on this issue. I believe strongly that HB 610 can move victim's rights forward and improve options and access to victims in the state of Ohio. ODVN looks forward to further discussion on the language of HB 610 to minimize unintended consequences and maximize preserving options for all victims of domestic violence in our state.