**Liz Poprocki, MA, RAAS, CA**

**Executive Director, Ohio Victim Witness Association**

**Senate Bill 162**

**Proponent Testimony**

**February 19th, 2020**

Chairman Ecklund, Vice-Chair Manning, Ranking Member Thomas and members of the Senate Judiciary Committee, thank you for the opportunity to provide proponent testimony in support of Senate Bill 162 which would eliminate the statute of limitations for criminal and civil sex crimes and remove the spousal exemptions for rape, sexual battery, and other offenses.

Statutes of limitations on sex crimes were put in place with the assumption that evidence erodes over time and to discourage convictions based on “unreliable witness testimony” that may have included memories of events that occurred years in the past[[1]](#footnote-1). Thankfully, with new technology and more trauma-informed systems, we can say that the original premises for these limitations are simply not true. Evidence such as DNA, audio and video recordings, emails, texts, and other forms of communication are readily available for prosecution.

Ohio has taken great strides in the past few years to eliminate a backlog of rape kits as well as begin the development of a sexual assault kit tracking system. These developments are setting the foundation for eliminating the statute of limitations on criminal and civil sex crimes. There were several prosecutions against serial rapists that came from the rape kit backlog. Senate Bill 162 requires that all biological evidence related to an investigation or prosecution of a rape or attempted rape be preserved as long as the offense remains unsolved. The steps that Ohio is currently taking would support this biological evidence requirement and lead to more prosecutions against serial rapists.

Our communities across the country are becoming more educated on the physical, emotional, and psychological effects of sexual violence and therefore why a victim might not report the crime immediately after it happened.[[2]](#footnote-2) The dynamics of reporting are different for both child and adult victims as to why they might not immediately report. A statute of limitations should not be the reason why a child or adult cannot seek justice against their offender leaving that offender free to continue to commit crimes against others.

Ohio is currently one of 12 states with an existing loophole that allows a spouse to use drugs to incapacitate their spouse and commit sexual acts upon them without their consent as long as there was no “threat of force or violence”, per Senator Antonio and Senator O’Brien’s Sponsor Testimony on November 13th, 2019. Unlike some societal perceptions, sexual assault does happen frequently without the use of force or violence especially in marital situations. It is a way for the offender to control and abuse their spouse. We know that an estimate 33% of rapes are committed by a current or former partner.[[3]](#footnote-3)

Why do we continue to allow spousal abuse and spousal rape to go unnoticed? These victims deserve justice!

OVWA believes that all victims of sexual violence should be able to seek justice at any time throughout their recovery journey without a statute of limitations or exception because of marital status. Sex crimes are horrific and lead to years of psychological, emotional, and physical effects on the survivor and their families. Eliminating the statute of limitations on sexual violence and eliminating the spousal exception is in the interest of public safety. Through these eliminations, Ohio is supporting justice and encouraging health, resiliency, and recovery.

Thank you for the opportunity to testify on this important legislation.

Most respectfully,

Liz Poprocki, MA, RAAS, CA

1. [www.rainn.org/articles/statutes-limitations-sex-crimes](http://www.rainn.org/articles/statutes-limitations-sex-crimes) [↑](#footnote-ref-1)
2. [www.rainn.org/articles/statutes-limitations-sex-crimes](http://www.rainn.org/articles/statutes-limitations-sex-crimes) [↑](#footnote-ref-2)
3. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, 2010-2016 (2017). [↑](#footnote-ref-3)