

Testimony in Support of HB3

To address making changes to civil and criminal law regarding domestic violence, address State Highway Patrol arrest authority, name the act Aisha's Law, and to make an appropriation

Sponsors: Representative Boyd and Representative Carruthers

Chairman LaRe, Vice Chair Swearingen, Ranking Member Leland, and members of the Criminal Justice Committee, thank you for the opportunity to testify in support of House Bill 3, legislation that would amend sections 109.744, 109.803, 2903.01, 2919.25, 2919.27, 2929.12, 2929.13, 2929.14, 2929.22, 2935.03, 2935.032, 2937.23 and 3113.31; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 2935.033 (2935.034); and to enact new section 2935.033 and section 2919.261 of the Revised Code to make changes to civil and criminal law regarding domestic violence, to address State Highway Patrol arrest authority, to name the act Aisha's Law, and to make an appropriation. As a registered nurse for the past 24 years, seven of which were spent as a forensic nurse examiner, I have conducted forensic examinations for over 100 victims of sexual assault and domestic violence, many of which involved strangulation and/or suffocation. I am submitting testimony because I feel the passage of this legislation is a matter of life and death. According to Ohio Domestic Violence Network, Ohio suffered 109 domestic violence fatalities in the year ending June 30, 2020 – a 35% increase over the same time period last year (ODVN, 2020). The changes to Ohio civil and criminal law regarding domestic violence proposed by HB3 are necessary for victims to have the needed protections from these violent criminals, including stricter penalties for offenders, expansion of protection orders, screening processes for victims, and a much needed Domestic Violence Prosecution Study Committee. The Bill would also require the Superintendent and

Troopers of the Ohio State Highway Patrol to arrest and detain a person found violating state law within the limits of the territorial jurisdiction until a warrant can be obtained.

As a nurse and proponent of HB3, I encourage members of the Criminal Justice Committee to consider the hidden dangers of strangulation and suffocation.

Strangulation is not only a means for power and control, but one study found that prior non-fatal strangulation was associated with greater than six-fold odds of becoming an attempted homicide, and over seven-fold odds of becoming a completed homicide (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2573025>). Those who survive the attack often have pain with swallowing, voice changes, and headache. Victims of strangulation typically lose consciousness after 6-10 seconds and die if the event lasts just several minutes. Those who regain consciousness report feeling dazed and confused and their memory is often affected. There is usually little or no visible external injury with strangulation, but the hidden dangers are immense.

Some of the serious health issues that may result from non-fatal strangulation include anoxic brain injury, seizures, swelling of the airway, stroke, heart arrhythmias, rupture of arteries or veins in the neck due to weakening, swelling and fluid in the lungs, and organ failure. Swelling of the airway can be a delayed effect, with the most swelling occurring 4-5 days after the strangulation event. Victims must be educated to seek immediate medical care if they feel tightness in their throat in the days after the attack. We know that victims who report urinating or defecating on themselves during a strangulation event were near death because it is a sign they were losing control of their bodily functions. They do not always offer this information to law enforcement because they are embarrassed. Victims also experience emotional trauma from strangulation

events including depression, anxiety, fear, and suicidal thoughts. As a forensic nurse examiner, the patients I cared for who presented to the hospital after strangulation usually verbalized that they thought they were going to die and worried about who would care for their children. This was a consistent response from survivors and always elicited a very emotional response during my nursing interviews.

There are many excellent trainings offered to first responders, health care providers, victim advocates, and prosecutors throughout the state, and I feel the tide is turning on education related to strangulation and suffocation. However, we need more. If passed, House Bill 3 would create the Domestic Violence Prosecution Study Committee, providing prosecutors with evidence-based tools necessary to consider the totality of the circumstances, review all evidence in the case, and resist seeking voluntary dismissal or no contest based solely on the victim's wishes, unless justice demands otherwise. Prosecutors seem eager to charge it as felonious assault, but it can be difficult to convince a judge or jury that a victim with no visible external injuries has serious physical harm. Previous attempts to amend the felonious assault and domestic violence law have been unsuccessful, and it is time law in Ohio reflects the seriousness of this violent and dangerous crime.

Those who oppose this legislation often site the cost it will impose on our already crowded correction system. They pose scenarios such as seemingly harmless brawls between brothers and question the level of injury to victims. These are actual concerns raised among previous Ohio legislators, but other states have passed similar legislation and proved these theories false. I challenge you to consider the physical and mental health care costs associated with strangulation and suffocation, which usually falls on

the victim. I challenge you to consider the short- and long-term effects of strangulation and suffocation. I challenge you to consider that no person should be strangling or suffocating another person, family members or not. It is time for Ohio to pass HB3 and I hope this committee is willing to prioritize this legislation and be part of the progress that needs to happen.

The changes to civil and criminal law proposed by HB3 are crucial to the safety of Ohioans. The seriousness and increasing prevalence of domestic violence in our state warrants law that measure up and holds these violent offenders accountable. Strangulation and suffocation are serious crimes, worthy of serious punishment, and it is time for Ohio law to reflect that. This law will save lives and send a clear message to criminals that there is serious punishment associated with the violent acts of strangulation and suffocation. Thank you for your time and attention to this matter.

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