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Chairman LaRe, Vice Chairwoman White, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for allowing us to give sponsor testimony for House Bill 266 today.

Over 5,000 cases of rape were reported in the state of Ohio in 2016. This does not account for the numerous cases that go unreported each year. Nationwide, only 310 of every 1,000 sexual assaults are reported to the police¹. There are a myriad of reasons why a survivor may choose not to report their sexual assault. Some fear retaliation from the perpetrator or want to avoid getting the perpetrator in trouble. Others believe that law enforcement will not do anything to help them, or that their assault is a personal matter that does not warrant a police report. Some may face financial and legal obstacles that make it risky to report their assaults. Other survivors may not even realize that they were sexually assaulted until months, years, even decades after the fact, and feel that it is “too late” to pursue legal action.

Ohio’s outdated laws are failing survivors of sexual violence by keeping them from pursuing the justice they deserve, and for years, state leaders have refused to act on this issue.

Every 68 seconds, an American is sexually assaulted². That means that, on average, over 460,000 Americans experience sexual violence each year. The sad truth is that most people in this country likely know someone who is a survivor of sexual violence, whether they are aware of it or not.

Every 9 minutes, child protective services finds evidence for or substantiates a claim of child sexual abuse. According to the Centers for Disease Control and Prevention, about 1 in 4 girls and 1 in 13 boys in the United States experience child sexual abuse every year³. Imagine finding out that your child is a survivor of sexual abuse. They grow old knowing this secret, terrified of facing their perpetrator head on. One day, they decide it is time for justice. As they are building their case against their assailant, they are informed that too much time has passed. Their case is null and void and no justice will be served. How would you feel?

Sexual violence can have impactful, long-term effects on survivors that are detrimental to every facet of their day-to-day lives. 30% of women who are raped experience symptoms of post-traumatic stress disorder (PTSD) nine months after the rape, while 70% of rape or sexual assault victims experience moderate to severe distress, which is a larger percentage than for any other

¹ <https://rainn.org/statistics/criminal-justice-system>

² <https://rainn.org/statistics/scope-problem>

³ <https://www.cdc.gov/violenceprevention/childsexualabuse/fastfact.html>

violent crime. Moreover, survivors of sexual violence are more likely to struggle with substance abuse--they are 3.4 times more likely to use marijuana, 6 times more likely to use cocaine, and 10 times more likely to use other major drugs⁴.

Survivors may struggle with other severe emotional health issues, including self-harm, suicidal thoughts, panic attacks, sleep disorders, and eating disorders. In some cases, sexual violence may result in an unwanted pregnancy or a sexually transmitted infection. Relationships between family, friends, and co-workers are also negatively affected, with survivors often experiencing professional, educational, mental, and personal distress. Not receiving access to justice or closure can only exacerbate these effects.

Under current Ohio law, this is the unfortunate reality for many survivors. In Ohio, prosecution against a perpetrator of rape or sexual battery must begin within 25 years after the commission of or attempt to commit the crime. This is a mere 5-year extension of the 20-year statute of limitations that was in place prior to 2015. In cases of child sexual abuse, survivors must sue their abusers within 12 years of the time that they reach adulthood. While the basis of these laws comes from the assumption that evidence will deteriorate over time, it is outdated. DNA testing technology has advanced enough to detect evidence that is decades old. Further, seven states (Kentucky, Maryland, North Carolina, South Carolina, Virginia, West Virginia, and Wyoming) have already removed the statute of limitations for all felony sex crimes.

What might be even worse is that Ohio law also creates a loophole for spousal sexual abuse. While spousal rape has been illegal in all 50 states for over twenty years, Ohio is one of only twelve states in which there is a loophole that protects predators from prosecution in the case of spousal rape as long as no “threat of force or violence” exists. In other words, in Ohio it is legally permissible for a spouse to use drugs to incapacitate their spouse and engage in sex with them without their consent.

We must combat the myth that the perpetrators of sex crimes are strangers in dark alleys. This myth could not be further from the truth. According to RAINN, 8 out of every 10 rapes are committed by someone the survivor knows, and often times the perpetrator is the survivor’s intimate partner⁵. Furthermore, 55% of all sexual assaults occur in or near the survivor’s home--a place where no one should feel unsafe. Someone’s relationship status should not determine whether or not their rapist is “allowed” to be criminally prosecuted. Sexual assault is never okay, no matter the circumstances and no matter what relationship, if any, a perpetrator has to the person they attack. Survivors that have had their safety and autonomy violated within a spousal relationship still deserve justice, the same justice that all survivors of sexual violence deserve.

House Bill 266, seeks to correct these failures and bring Ohio in line with many other states that do a much better job providing survivors a pathway to justice. House Bill 266, which is a combination of House Bills [279](#) and [470](#) from the 133rd General Assembly, eliminates both the statute of limitations for criminal and civil sex crimes and spousal exemptions for rape, sexual battery, and other sexual offenses. It will also extend the window for survivors of childhood sexual abuse to sue their abusers from 12 years after they reach adulthood to 37 years, and create

⁴ <https://rainn.org/statistics/victims-sexual-violence>

⁵ <https://rainn.org/statistics/perpetrators-sexual-violence>

a three-year window for survivors older than 55 to take action. Adult survivors, who as children were victims of rape, sexual battery, sexual imposition or gross sexual imposition, will be given wider latitude to seek civil recourse against their offenders.

Sexual violence is something that far too many people have experienced. The stigma, the prevalence of rape culture, and the law has failed us. The impact and frequency of sexual assault has been proven to disproportionately affect members of marginalized communities, such as women of color, individuals with disabilities, and LGBTQ individuals. 21% of TGQN (transgender, genderqueer, nonconforming) college students have been sexually assaulted, compared to the 18% of non-TQN females, and 4% non-TGQN males. The group with the highest risk of sexual violence are Indigenous peoples. On average, Indigenous children and adults ages 12 and older experience 5,900 sexual assaults per year. They are twice as likely to experience sexual violence compared to all races. Sexual violence also affects thousands of incarcerated Americans, with an estimated 80,600 inmates each year experiencing sexual assault while incarcerated⁶. Most of the time that violence is perpetrated by jail or prison staff. Sexual violence in the military often goes underreported as well. 6,053 military members reported experiencing sexual violence during military service in 2018. This is unacceptable. Our laws need to change.

As legislators, it is our duty to make decisions that are in the best interest of Ohioans. We have a responsibility to ensure that each survivor of sexual violence in this state feels protected, and no predator feels safeguarded by the law. Ohio's laws are protecting sexual predators when, instead, our laws should protect survivors. These non-partisan, common-sense changes to Ohio's current Revised Code must be made in order to empower survivors of rape and other sex crimes who want to seek justice to do so comfortably, safely, and on their own terms.

Again, to Chairman LaRe, Vice Chairwoman White, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for allowing us to provide sponsor testimony today for House Bill 266. At this time, we welcome any questions you may have.



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⁶ <https://rainn.org/statistics/victims-sexual-violence>