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**House Criminal Justice Committee
Proponent Testimony for S.B. 100
April 16, 2024**

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Chairwoman Abrams, Vice Chairman Williams, Ranking Member Brown, and members of the House Criminal Justice Committee:

My name is Lisa DeGeeter, and I am the Director of Systems Advocacy and Policy Counsel for the Ohio Domestic Violence Network, Ohio's federally designated domestic violence membership coalition, with a network of 76 local domestic violence organizations throughout the state. Thank you for the opportunity to provide proponent testimony on S.B. 100, which would empower law enforcement and other criminal justice agencies in Ohio to hold accountable those who use technology to stalk and terrorize their victims.

ODVN was supportive of S.B. 100 as it worked its way through the Senate, and during that process, we discussed bill language and technology-based tracking scenarios with the bill sponsors. We realized that while we had national data around the prevalence of technology-based stalking and the story mentioned in the Sponsors' testimony, we didn't have a grasp on how prevalent this issue across the state.

In February 2024, ODVN surveyed advocates at our member programs about their work with survivors who suspected or confirmed that they were being monitored through location-tracking technology. **Four out of five of the 40 advocates surveyed reported that they have worked with survivors who found tracking devices in their cars.**¹ Seventy-one percent of the advocates worked with survivors who found tracking applications on their mobile phones and nearly one third of the advocates said they worked with survivors who found tracking applications on their laptops or similar devices. Attached to our testimony is a fact sheet with all this survey information, including direct quotes and experiences from advocates.

¹ *S.B. 100 Fact Sheet*, available from https://www.odvn.org/wp-content/uploads/2024/03/ODVN_SB100_FactSheet.pdf



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Unfortunately, not every advocate reported that the location-tracking technology evidence was used in civil or criminal court proceedings. The lack of system involvement can be attributed to our current stalking and menacing statute, which makes the application of the law inconsistent when trying to prove that a pattern of conduct has occurred. **We are in strong support of Senate Bill 100 which would establish a new, non-pattern offense, making even a one-time tracking offense a crime.**

On behalf of the Ohio Domestic Violence Network and our 76 member programs, I would like to thank Senator Manning and Senator Antonio for their leadership. We support the current iteration of this bill and believe that banning the use of unwanted tracking devices to stalk and monitor Ohioans will have a positive impact on victim safety, give peace of mind to families experiencing domestic violence, and create a path to hold accountable those causing harm.

135TH GENERAL ASSEMBLY FACT SHEETS

S.B. 100: SUPPORT

Prohibit installing tracking devices or apps without consent

Sponsors: Minority Leader Nickie J. Antonio (D- Lakewood) & Sen. Nathan H. Manning (R-North Ridgeville)
Committee Status



Current Law

Ohio's menacing by stalking statute requires a pattern of conduct where two or more incidents have occurred in order to support a criminal charge. There is **no current statute** that makes placing a tracking device or application on another person or their property without their knowledge or consent a crime.

If passed, this legislation would:

- Establish a new statute that prohibits a person from knowingly installing a tracking device without consent.
- Charge violators with a first-degree misdemeanor that carries a maximum sentence of 180 days in jail and a maximum fine of \$1,000.
- Charge violators with a fourth-degree felony in certain circumstances, including a prior conviction for this offense or the offender being subject to a protection order.
- Add Ohio to the list of at least 26 states and the District of Columbia that have addressed stalking via tracking devices.

Why is S.B. 100 Important?

In a February 2024 survey of 40 ODVN member program advocates:



95% of respondents stated that they have encountered at least one case where the victim **suspected** that location-tracking technology was being used to stalk them.

92% of advocates stated that they had **confirmed** cases where location-tracking technology was being used by the perpetrator to stalk or monitor the victim or their family/friends.



60% of respondents had cases where the evidence was used in court proceedings.



82% of respondents had cases where a tracking device was found in a vehicle owned by the victim.

24% of respondents had cases where a device was found in a vehicle owned by someone other than the victim.



71% of respondents had cases where a device was found as an application on the victim's mobile phone.

31% of respondents had cases where a device was found as an application on the victim's laptop or a similar item.



21% of respondents had cases where a device was found in the victim's children's belongings, such as diaper bags or their children's toys.



16% of respondents had cases where a device was found in the victim's personal item, such as a purse or backpack.



8% of respondents had cases where a device was found hidden in the victim's clothing.

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ADVOCATES REPORT:

Four out of five advocates have worked with survivors who found tracking devices in their cars, according to a survey of advocates at ODVN member programs conducted in February 2024.

“When working with victims, we have seen a trend in magnetic tracking devices. I do not believe that police and advocates have the knowledge of locating these devices and if so, what can be done. In my two most recent cases, it has been a passerby who had seen that there was a tracker put on their car and told the survivor.”

When a survivor of domestic violence leaves the violent relationship, it can become the most dangerous time for the survivor. Tracking systems greatly increase the risk of fatality during this time period. Offenders have used these systems to locate victims at the shelter. Unfortunately, there is nothing legally law enforcement can do, however, the device is used to stalk the victim.”

One victim I worked with found an Airtag in her car through a notification on her phone and it became part of her argument in court for her CPO. The police made the abuser come to her home while they were there to remove the AirTag because she and the officers were unable to locate it.”

Abuser programmed a "Ford MyKey" to a victim's vehicle. This key tracks your speed, distance, fuel. It was really creepy. Deputy explained the air tags are Bluetooth, so victim's abuser could have been using a GPS tracker that would not show up on a cell phone. Law enforcement and victim heard a device beeping; however, it could have died or been removed before deputies got in to look. They took apart the whole dash and still could not find it. The actual dealer months later discovered that the ignition wiring was spliced. Their assumption was that the abuser hardwired a GPS tracker into the electrical wiring.”

It is important to know that Deaf, Deafdisabled, Deafblind are at risk 2-3 times more. A lot of times when we talk to them, often they are not aware what it means to be stalked or aware of items that can be used to stalk them. Some victims think it is normal (example one victim thought it was normal for her husband to monitor her in the house while he was working for "protection" because she is "Deaf". In those case when perp use items to stalk victim, the behavior increases and becomes dangerous.”

Survivors who suspect stalking/location tracking can sometimes present as mentally unstable. Abusers are intentional about making survivors look unwell so that law enforcement and others don't believe survivors when they disclose abuse.”

..People who misuse technology to victimize others face minimal consequences even in cases where a protection order forbids it as there is a burden of proof on the victim to show that a fake username, a google phone number, or a device found in their car to track them is really tied to their abuser. The more steps we can take to place protections and safeguards on the use of technology, the better we will be prepared to keep victims safe from abuse.”