Fact Sheet Series for the 134th General Assembly

House Bill 121
Eliminate Sex Crime Spousal Exceptions; Permit Spousal Testimony

Sponsors: Representatives Lanese & Boggs
Introduced 2/17/2021

Under Current Law:

- The following sex crimes exempt from culpability perpetrators who are married to their victim (this is commonly referred to as Ohio’s Marital Rape Exemption): § 2907.02 Rape, § 2907.03 Sexual Battery, § 2907.04 Unlawful Sexual Conduct with a Minor, § 2907.05 Gross Sexual Imposition, § 2907.06 Sexual Imposition, § 2907.07 Importuning.
  - Note that though the marital rape exemption to § 2907.02 does not apply in cases where the perpetrator used force or threat of force, it does apply in cases where the perpetrator uses drugs, intoxicants, or controlled substances to impair the victim, or the victim’s ability to resist is otherwise substantially impaired.

This Bill Would:

- Remove the spousal exemptions from § 2907.02 Rape, § 2907.03 Sexual Battery, § 2907.04 Unlawful Sexual Conduct with a Minor, § 2907.05 Gross Sexual Imposition, § 2907.06 Sexual Imposition, and § 2907.07 Importuning.
- Permit spousal testimony in a prosecution of the following offenses: § 2907.03 Sexual Battery, § 2907.04 Unlawful Sexual Conduct with a Minor, § 2907.05 Gross Sexual Imposition, § 2907.06 Sexual Imposition, § 2907.07 Importuning, and § 2907.09 Public Indecency.

Why This Bill is Important:

- An estimated 33% of rapes are committed by a current or former partner.¹
- A person can be a victim of a sex crime regardless of their relationship to the perpetrator, and sexual violence in a relationship is rarely an isolated incident. This legislation will remove Ohio’s codification of outdated and harmful ideas about marital rape.
- Survivors of intimate partner sexual violence are at a higher risk for repeat victimization, higher levels of physical injury, lethality, and longer-lasting trauma.² ³
- Because of the current law’s exemptions, §§ 2907.02-2907.07 offenses perpetrated by a spouse do not qualify as sexually oriented offenses. Therefore, married victims are precluded from qualifying for a Sexually Oriented Offense Protection Order.

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¹ Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, 2010-2016 (2017).
³ Kelly, T. & Stermac, L. Intimate partner sexual assault against women: Examining the impact and recommendations for clinical practice. Partner Abuse (3)1: 107-122.