The following sex crimes exempt from responsibility perpetrators who are married to the victim (this is commonly referred to as Ohio’s "Spousal Rape Exemption"): O.R.C. 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).

Although the spousal rape exemption to O.R.C. 2907.02 (Rape) does not apply in cases where the perpetrator uses 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. The spousal exemption for rape is also distinct from the other sex offenses because it currently applies only if the spouse lives with the offender.

Existing law permits a person to testify against the person’s spouse in a prosecution for personal injury of either by the other or for certain other offenses, including rape. Additionally, a person may testify generally concerning a communication made by one to the other in case of personal injury by either spouse to the other or in certain other cases, including rape.

A person can be a survivor of sexual violence regardless of their relationship to the perpetrator. If passed, this bill will remove Ohio’s codification of outdated and harmful ideas about marital rape.

Research demonstrates that most rapes are committed by someone the victim/survivor knows. The 2016/2017 Report from the National Intimate Partner and Sexual Violence Survey (NISVS), which was conducted by the Centers for Disease Control, found that more than 1 in 3 female survivors (39.3%) reported being raped by an intimate partner, while 1 in 8 male survivors were raped by an intimate partner during their lifetimes.

Because of the current law’s exemptions, O.R.C. 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.