



Fact Sheet Series for the 135th General Assembly

Senate Bill 237:

Enacts the Uniform Public Expression Protection Act

Sponsors: Senator Gavarone, Senator Manning

Current law:

Lawsuits which target victims for reporting crime are known as strategic lawsuits against public participation (SLAPP). Under current Ohio law, survivors can be subjected to months or even years of defamation or SLAPP lawsuits, simply for coming forward or reporting the abuse. These lawsuits are typically meritless, but are allowed to proceed even though procedurally, they should be dismissed early in the civil legal process.

While SLAPPs come in many forms, in the context of crime victims' rights SLAPPs are most often civil lawsuits brought by a criminal defendant against a crime victim or witness who reported the crime or cooperated with law enforcement during investigation.

If passed, this legislation would:

- Create an expedited motion to dismiss these claims within 60 days after a party to the case is served with a complaint or other claim.
- Create a pathway for survivors to recover court costs, attorneys' fees, and other reasonable litigation expenses should the case be dismissed.

Considerations for this legislation:

- Abusers frequently weaponize institutional and legal processes against their victims. Despite the extreme prevalence of and harm caused by sexual and domestic violence, choosing not to report remains the safest choice for many victims. In fact, retaliation is top concern reason why survivors do not report to police.
- Survivors are often sued with a SLAPP or defamation lawsuit following a police report to law enforcement, a complaint to their school's Title IX office, or when they speak about the abuse to another judicial, legislative, or governmental office.
- SLAPPs censor, chill, intimidate and punish survivors who speak out about their abuse in any form, whether that be reporting to police, reporting to campus officials, or seeking medical care. We do not want an Ohio where victims are silenced and offenders are free to abuse.
- Even if a survivor can eventually recover litigation costs at the end of a SLAPP, most do not have the resources to litigate cases to their conclusion, particularly against abusers with significant resources. A typical meritless defamation lawsuit costs around \$21,000-\$55,000 to defeat, but the cost of a legal defense can easily soar into the six figures, and legal bills can run in the millions of dollars.