



Ohio H.B. 97: Remove Spousal Exceptions for Certain Sex Offenses

Overview of Ohio Sub H.B. 97:

- Introduced by Representative Boggs on February 27, 2017
- Referred to the Criminal Justice Committee on March 7, 2017

Under Current Law:

- Each of the following statutes blocks prosecution if the victim is the spouse of the offender:
 - 2907.02 Rape (unless the perpetrator and victim are separated and live apart)
 - 2907.03 Sexual battery
 - 2907.04 Unlawful sexual conduct with a minor
 - 2907.05 Gross sexual imposition
 - 2907.06 Sexual imposition
 - 2907.07 Importuning
 - 2907.09 Public indecency

This Bill Would:

- Allow a person to be convicted of rape involving the spouse, regardless of whether the spouse lives with or apart from the offender
- Remove any spousal exception from 2907.03-.07 and 2907.09
- Permit a person to testify against the person's spouse in a prosecution for the sex offense of:
 - 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
 - 2907.09 Public indecency
- Permit a spouse to testify concerning a communication made by one to the other in a case involving any of the aforementioned offenses

Why This Bill Is Important:

- In 1986, the Federal government outlawed spousal rape on publicly-owned lands, and all but 13 states prohibit spousal rape without exception.
- This bill would improve safety for married survivors, and would also likely improve safety for non-married individuals who may be later victimized by perpetrators not prosecuted for raping their spouse.
- This bill creates legal recognition for personal safety and autonomy, regardless of marital status.