

TO: Honorable Members of the Senate Judiciary Committee

FROM: Marci Hamilton, Founder & CEO, CHILD USA; Professor, University of Pennsylvania

RE: HB 531: Enact Braden's Law to prohibit sexual extortion

DATE: November 12, 2024

Dear Honorable Members of the Senate Judiciary Committee,

Thank you for allowing me to submit testimony in support of HB 531, which will include aggravated sexual extortion in claims based on “criminally injurious conduct” and provide a statute of limitation (“SOL”) that will apply retroactively to previously barred claims. This legislation will not only bring long overdue justice to survivors of child sexual abuse and exploitation (“CSAE”), but will also greatly reduce the present danger to children in Ohio by exposing hidden predators who continue extorting children today.

By way of introduction, Professor Marci Hamilton is a First Amendment constitutional scholar at the University of Pennsylvania. She has led the national movement to reform statutes of limitations to reflect the science of delayed disclosure of childhood sexual abuse. Hamilton founded CHILD USA, a national nonprofit think tank devoted to ending child abuse and neglect.

I. Research on Trauma and Delayed Disclosure Supports SOL Reform for Child Sexual Abuse and Exploitation

A. There is a Nationwide Epidemic of Child Sexual Abuse Causing Lifelong Damage to Victims

Currently, more than 10% of children are sexually abused, with at least one in five girls and one in thirteen boys sexually abused before they turn 18.¹ Online CSAE has increased by 422% over the last 15 years.² Millions of individual users consume more than 15 million child sexual abuse images (“CSAM”) in a market currently valued between \$3 and \$20 billion dollars annually.³ Unfortunately, there are no signs that the market is slowing down.

Tragically, the demand for CSAM has reached epidemic proportions in recent years. The COVID-19 crisis created a “perfect storm” for CSAM to proliferate as children spent more, often unsupervised, time online. In 2020, 65.4 million images and video files of CSAM were reported to the National Center for Missing and Exploited Children’s (“NCMEC”) CyberTipline, the highest number of reports ever received in a single year.⁴

The trauma stemming from child sexual abuse and exploitation is complex and individualized, and it impacts victims throughout their lifetimes:⁵



- Childhood trauma, including CSAE, can have **devastating impacts on a child’s brain**,⁶ including disrupted neurodevelopment; impaired social, emotional, and cognitive development; psychiatric and physical disease, such as post-traumatic stress disorder (PTSD)⁷; and disability.⁸
- Child sexual abuse victims suffer an **increased risk of suicide**—in one study, female survivors were two to four times more likely to attempt suicide, and male survivors were four to 11 times more likely to attempt suicide.⁹
- Child sexual abuse leads to an increased risk of **negative outcomes across the lifespan**, such as alcohol problems, illicit drug use, depression, marriage issues, and family problems.¹⁰

B. Child Sexual Abuse Victims Commonly Delay Disclosure of Their Abuse for Decades

Many victims of CSAE suffer in silence for decades before they talk to anyone about their traumatic experiences. As children, child sexual abuse victims often fear the negative repercussions of disclosure, such as disruptions in family stability, loss of relationships, or involvement with the authorities.¹¹ Additionally, survivors may struggle to disclose because of trauma and psychological barriers such as shame and self-blame, as well as social factors like gender-based stereotypes or the stigma surrounding victimization.¹²

Moreover, disclosure of CSA to the authorities for criminal prosecution or an attorney in pursuit of civil justice is a difficult and emotionally complex process, which involves the survivor knowing that he or she was abused, being willing to identify publicly as an abuse survivor, and deciding to act against their abuser. In light of these barriers to disclosure, it is not surprising that:

- In a study of survivors of abuse in Boy Scouts of America, **51%** of survivors disclosed their abuse for the first time at **age 50 or older**.
- An estimated **70%** of child sexual assault victims **never contact police** to report abuse.
- **One-third** of child sexual abuse survivors **never report** their abuse to anyone.

For both children and adults, disclosure of CSAE trauma is a process and not a discrete event in which a victim comes to terms with their abuse.¹³ To effectively protect children from abuse, SOL laws must reflect this reality.


II. SOL Reform Serves the Public Good by Giving Survivors Access to Justice and Preventing Future Abuse

Historically, a wall of ignorance and secrecy has been constructed around child sexual abuse, which has been reinforced by short SOLs that kept victims out of the legal system. Short SOLs for CSAE play into the hands of the perpetrators and the institutions that cover up for them; they disable victims’ voices and empowerment and leave future children vulnerable to preventable sexual assault.




CHILD USA is leading the vibrant national and global movement to eliminate civil and criminal SOLs and revive expired civil claims as a systemic solution to the preventable CSAE epidemic.¹⁴ **There are three compelling public purposes served by the child sexual abuse SOL reform movement**, which are explained in the graphic below:

HOW STATUTE OF LIMITATIONS REFORM HELPS EVERYONE




Identifies Hidden Child Predators and the Institutions that Endanger Children
to the public, shielding other children from future abuse.



Punishes Bad Actors & Shifts the Cost of Abuse
from the victims and taxpayers to those who caused it.



Prevents Further Abuse
by educating the public about the prevalence, signs, and impact of child sex abuse so that it can be prevented in the future.



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A. SOL Reform Identifies Hidden Child Predators and Institutions that Endanger Children

It is in society's best interest to have CSAE survivors identify hidden child predators to the public—whenever the survivor is ready. The decades before public disclosure give perpetrators and institutions wide latitude to suppress the truth to the detriment of children, parents, and the public. Some predators abuse a high number of victims and continue abusing children well into their elderly years. For example, one study found that 7% of offenders sampled committed offenses against 41 to 450 children, and the highest time between offense to conviction was 36 years.¹⁵ SOL reform helps protect Ohio's children by identifying sexual predators in our midst. By allowing claims for past sexual extortion to be brought to court, hidden predators are brought into the light and are prevented from further abusing more children in Ohio.

B. SOL Reform Punishes Bad Actors and Shifts the Cost of Abuse



CSAE generates staggering costs that impact the nation's health care, education, criminal justice, and welfare systems. The estimated lifetime cost to society of child sexual abuse cases occurring in the US in 2015 is \$9.3 billion, and the average cost of non-fatal per female victim was estimated at \$282,734. Average cost estimates per victim include, in part, \$14,357 in child medical costs, \$9,882 in adult medical costs, \$223,581 in lost productivity, \$8,333 in child welfare costs, \$2,434 in costs associated with crime, and \$3,760 in special education costs. Costs associated with suicide deaths are estimated at \$20,387 for female victims.¹⁶

It is unfair for the victims, their families, and Ohio taxpayers to be the only ones who bear this burden; this bill levels the playing field by imposing liability on the ones who caused the abuse and alleviating the burdens on the victims and taxpayers. Further, if this revival law is passed, Ohio could gain millions of dollars in revenue from Medicaid reimbursements as a result of the settlement funds and damages awards that survivors recover.

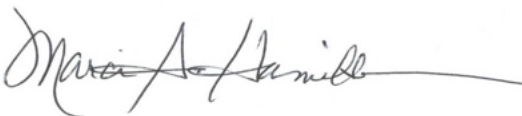
C. SOL Reform Prevents Further Abuse

SOL reform also educates the public about the dangers of CSAE and how to prevent it. When predators and institutions are exposed, particularly high-profile ones like Larry Nassar, Jeffrey Epstein, the Boy Scouts of America, and the Catholic Church, the media publish investigations and documentaries that enlighten the public about the insidious ways child molesters operate to sexually assault and exploit children.¹⁷ By shedding light on the problem, parents and other guardians are better able to identify abusers, while the public is empowered to recognize grooming and abusive behavior and pressure youth serving organizations to implement prevention policies to report abuse in real time. Indeed, CSAE publicity creates more social awareness to help keep kids safe, while also encouraging institutions to implement accountability and safe practices.

III. Conclusion

I commend you for supporting this legislation, which is desperately needed to validate survivors of CSAE and protect Ohio's children from preventable sexual abuse and extortion. Reviving expired sexual extortion claims is a positive step for Ohio's children and families. For more information about SOL reform, visit childusa.org/sol/ or email info@childusa.org. Please do not hesitate to contact us if you have questions regarding SOL reform or if we can be of assistance in any way on other child protection issues.

Sincerely,



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- ¹ G. Moody, et. al., *Establishing the international prevalence of self-reported child maltreatment: a systematic review by maltreatment type and gender*, 18(1164) BMC PUBLIC HEALTH (2018) (finding a 20.4% prevalence rate of CSA among North American girls); M. Stoltenborgh, et. al., *A Global Perspective on Child Sexual Abuse: Meta-Analysis of Prevalence Around the World*, 16(2) CHILD MALTREATMENT 79 (2011) (finding a 20.1% prevalence rate of CSA among North American girls); N. Pereda, et. al., *The prevalence of child sexual abuse in community and student samples: A meta-analysis*, 29 CLINICAL PSYCH. REV. 328, 334 (2009) (finding a 7.5% and 25.3% prevalence rate of CSA among North American boys and girls respectively).
- ² U.S. SENT’G COMM’N, FEDERAL SENTENCING OF CHILD PORNOGRAPHY: PRODUCTION OFFENSES 3 (2021), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20211013_Production-CP.pdf.
- ³ Michael H. Keller & Gabriel J.X. Dance, *The Internet Is Overrun With Images of Child Sexual Abuse. What Went Wrong?*, NYTIMES.COM (Sep. 2019), available at <https://www.nytimes.com/interactive/2019/09/28/us/child-sex-abuse.html?msclkid=531b2a24a55511ec9733999ed45d40bd>.
- ⁴ NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN, *Overview* (2020), available at <https://www.missingkids.org/gethelpnow/cybertipline>.
- ⁵ B. A. van der Kolk, *The Body Keeps the Score: Memory & the Evolving Psychobiology of Posttraumatic Stress*, 1(5) HARVARD REV. OF PSYCHIATRY 253-65 (1994); see also Hoskell, L. & Randall, M., *The Impact of Trauma on Adult Sexual Assault Victims*, JUSTICE CANADA (2019), https://www.justice.gc.ca/eng/rp-pr/jr/trauma/trauma_eng.pdf.
- ⁶ As explained by the Center for Disease Control, “Adverse Childhood Experiences” (“ACEs”), like CSA, “have a tremendous impact on future violence victimization and perpetration, and lifelong health and opportunity.” Vincent J. Felitti et al., *Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences (ACE) Study*, 14(4) AM. J. PREV. MED. 245 (1998); S.R. Dube et al., *Childhood Abuse, Household Dysfunction, and the Risk of Attempted Suicide Throughout the Life Span: Findings from the Adverse Childhood Experiences Study*, 286 JAMA 24, 3089 (Dec. 2001).
- ⁷ Josie Spataro et al., *Impact of Child Sexual Abuse on Mental Health: Prospective Study in Males and Females*, 184 Br. J. Psychiatry 416 (2004).
- ⁸ See Felitti, at 245–58; see also R. Anda, et al., *The Enduring Effects of Abuse and Related Adverse Experiences in Childhood*, 256 EUR. ARCH PSYCHIATRY CLIN. NEUROSCIENCE 174, 175 (Nov. 2005) (“Numerous studies have established that childhood stressors such as abuse or witnessing domestic violence can lead to a variety of negative health outcomes and behaviors, such as substance abuse, suicide attempts, and depressive disorders”); M. Merricka., et al., *Unpacking the impact of adverse childhood experiences on adult mental health*, 69 CHILD ABUSE & NEGLECT 10 (July 2017); see also Sachs-Ericsson, et al., *A Review of Childhood Abuse, Health, and Pain-Related Problems: The Role of Psychiatric Disorders and Current Life Stress*, 10(2) J. TRAUMA & DISSOCIATION 170, 171 (2009) (adult survivors are thirty percent more likely to develop serious medical conditions such as cancer, diabetes, high blood pressure, stroke, and heart disease); T.L. Simpson, et al., *Concomitance between childhood sexual and physical abuse and substance use problems: A review*, 22 CLINICAL PSYCHOL. REV. 27 (2002) (adult survivors of CSA are nearly three times as likely to report substance abuse problems than their non-survivor peers).
- ⁹ Beth E. Molnar et al., *Psychopathology, Childhood Sexual Abuse and other Childhood Adversities: Relative Links to Subsequent Suicidal Behaviour in the US*, 31 PSYCHOL. MED. 965 (2001).
- ¹⁰ Shanta R. Dube et al., *Long-Term Consequences of Childhood Sexual Abuse by Gender of Victim*, 28 AM. J. PREV. MED. 430, 434 (2005).
- ¹¹ Delphine Collin-Vézina et al., *A Preliminary Mapping of Individual, Relational, and Social Factors that Impede Disclosure of Childhood Sexual Abuse*, 43 CHILD ABUSE NEGL. 123 (2015).
- ¹² Ramona Alaggia et al., *Facilitators and Barriers to Child Sexual Abuse (CSA) Disclosures: A Research Update (2000-2016)*, 20 TRAUMA VIOLENCE ABUSE 260, 279 (2019).
- ¹³ Often, this happens in the context of therapy; sometimes it is triggered many years after the abuse by an event the victim associates with the abuse; other times it happens gradually or over time as a victim recovers their memory. Hoskell, at 24.
- ¹⁴ For an analysis of the SOL reform movement since 2002, see CHILD USA, *History of US SOL Reform: 2002-2020*, CHILDUSA.ORG (last visited Aug. 30, 2021), available at www.childusa.org/sol-report-2020.
- ¹⁵ Michelle Elliott et al., *Child Sexual Abuse Prevention: What Offenders Tell Us*, 19 CHILD ABUSE NEGL. 579 (1995).
- ¹⁶ Elizabeth J. Letourneau et al., *The Economic Burden of Child Sexual Abuse in the United States*, 79 CHILD ABUSE NEGL. 413 (2018).
- ¹⁷ E.g., Netflix’s *Jeffrey Epstein: Filthy Rich*; HBO’s *At the Heart of Gold: Inside the USA Gymnastics Scandal*.

