



TO: Honorable Members of the House Civil Justice Committee

FROM: Marci Hamilton, Founder & CEO, CHILD USA; Professor, University of Pennsylvania, and Kathryn Robb, Executive Director, CHILD USA Advocacy

RE: HB 322

DATE: December 4, 2023

Dear Honorable Members of the House Civil Justice Committee,

Thank you for allowing us to submit testimony in support of HB 322, which will criminalize grooming children for child sexual abuse (“CSA”). This legislation will stop sexual violence at earlier stages and offer Ohio’s children more robust protection from CSA, which aligns with the growing body of knowledge about child predators and their methods.

By way of introduction, Professor Marci Hamilton is a First Amendment constitutional scholar at the University of Pennsylvania who has led the national movement to reform statutes of limitations to reflect the science of delayed disclosure of childhood sexual abuse and who founded CHILD USA, a national nonprofit think tank devoted to ending child abuse and neglect. Kathryn Robb is the Executive Director of CHILD USA Advocacy, an advocacy organization dedicated to protecting children’s civil liberties and keeping children safe from abuse and neglect. Kathryn is also an outspoken survivor of child sex abuse.

I. Child Predators Use Grooming as a Weapon to Harm Children

Dangerous child predators often “groom” children to prime them for assault.¹ Such grooming can occur via in-person or online methods, and is increasing worldwide.² In response to the growing awareness of the grooming methods predators use, federal law changes have criminalized grooming in an effort to protect children from such harm.³

HB 322 criminalizes predatory behavior that is precursory to sexual violence and seeks to offer law enforcement the ability to intervene at an earlier stage, offering Ohio’s children a better chance at avoiding or lessening harm and exposing predators to the public.

A. There is a Nationwide Epidemic of CSA 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 18.⁴ CSA is a social problem that occurs in all social groups and institutions, including familial, religious, educational, medical, and athletic.



Nearly 90% of CSA perpetrators are someone the child knows; in fact, roughly one third of CSA offenses are committed by family members.⁵

The trauma stemming from CSA is complex and individualized, and it impacts victims throughout their lifetimes:⁶

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

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

CSA 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.¹²

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.

C. Legal Reform Stops Perpetrators from Abusing More Children

Criminal law reform is critical to child protection because perpetrators of CSA remain a threat throughout their lives. Unlike other types of criminal offenders, the recidivism risk of child sex abusers does not significantly decrease merely by the passage of time. A study of 91 child sex offenders found that 30% had 10 or more victims, 23% had committed offenses against 10 to 40 children, and 7% had committed offenses against 41 to 450 children. Moreover, **55% reported that their offenses became more serious over time**. For example, when the *Boston Globe* shed light on the Boston Archdiocese’s cover-up of child sex abuse in 2002, we learned about one of the most harmful priests, John Geoghan, who was sexually abusing children well into his 80s. Thus, even a victim who is in middle age can protect other children from sex abuse by pressing charges.

When child abusers are identified and stopped at an earlier stage, they enter the sex offender registry thus blocking predators from access to professional and volunteer positions that require close contact with children. HB 322 will protect Ohio’s children by allowing its existing law enforcement and child welfare systems to identify and prevent harmful grooming tactics.

D. Legal Reform Prevents Further Abuse

Legal reform also educates the public about the dangers of CSA 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 children and the institutional failures that enabled their abuse.¹³ By shedding light on the problem, parents and other guardians are better able to identify abusers and responsible institutions, 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, CSA publicity creates more social awareness to help keep kids safe, while also encouraging institutions to implement accountability and safe practices.

II. Ohio Should Join the National Trend Toward Legal Reform for CSA

HB 322 also extends the criminal statute of limitations (“SOL”) for certain CSA crimes to four years after the violations is committed, or after the victim reaches age 18. The gold standard of the SOL reform movement for CSA is for states to eliminate civil and criminal SOLs and revive expired civil claims—like Maryland, Vermont, Maine, Guam, and NMI have already done. Ohio is lagging behind with its short SOLs for CSA crimes.

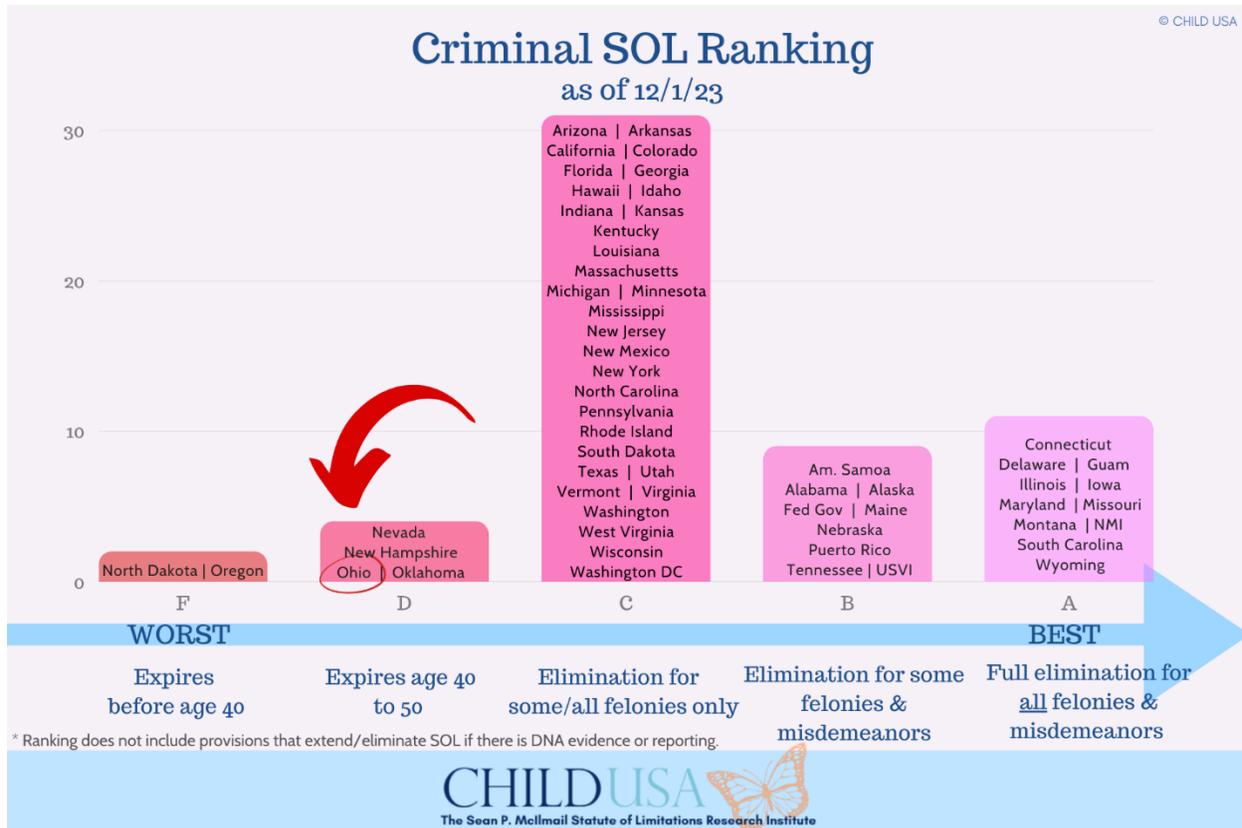
CHILD USA and CHILD USAAdvocacy are proud to have played a major role working with bipartisan leaders on a new federal law eliminating the SOL for over a dozen federal civil CSA claims and permitting victims to bring a lawsuit against perpetrators and institutions for compensation for their injuries. 18 U.S.C. § 2255. “The science of trauma is clear: it often takes years for victims to come forward,” stated Senator Richard Durbin (D-Ill.), the sponsor of the bill. Co-sponsor Senator Marsha Blackburn (R-Tenn.) correctly pointed out that “[t]he statute of limitations for sexual abuse offenses should never prohibit young survivors from getting the justice they deserve.”

A. Ohio Should Eliminate Criminal SOLs

Currently, Ohio has an SOL setting a short time limit for the State to initiate criminal proceedings against the abuser. The criminal SOL for felony CSA offenses is age when the survivor turns 24, or age 20 for misdemeanor offenses. According to the accompanying chart, **Ohio has the second-worst criminal SOL for CSA crimes in the nation.**

In contrast, an overwhelming majority of U.S. states, including 44 states and 5 territories, as well as the Federal Government, have eliminated their criminal SOL for prosecuting some types of CSA offenses. Some states, such as Montana and Missouri, have gone further and eliminated criminal SOLs for *all* CSA offenses. States and territories that maintain age limitations preventing the prosecution of CSA crimes are not in line with the latest scientific evidence and the profound impact of the trauma caused by CSA. **Ohio is among the six states in the U.S. that have not**

removed any SOLs for prosecuting CSA crimes. These criminal SOLs continue to represent a significant barrier to justice for survivors and an impediment to holding perpetrators accountable and preventing sexual abuse.



There should never be a time limit on when the government ought to be able to prosecute CSA crimes when they possess substantial evidence to charge an offender. The scientific and empirical evidence overwhelmingly support the need to provide CSA victims seeking to bring their perpetrators to justice more time to come forward. Short SOLs keep the public in the dark as to the identities of individuals who pose an ongoing and significant risk to our children. HB 322 is a step in the right direction towards justice for victims and the protection of children.

III. Conclusion

Once again, we commend you for supporting this legislation, which is desperately needed to protect Ohio's children from preventable sexual abuse. Criminalizing grooming and extending the criminal SOL for misdemeanor CSA offenses 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,



Marci A. Hamilton, Esq.
 Founder & CEO
 CHILD USA
 3508 Market Street, Suite 202
 Philadelphia, PA 19104
 mhamilton@childusa.org
 (215) 539-1906



Kathryn Robb, Esq.
 Executive Director
 CHILD USA Advocacy
 3508 Market Street, Suite 201
 Philadelphia, PA 19104
 krobb@childusadvocacy.org
 (781) 856-7207

¹ Daniel Pollack, Understanding Sexual Grooming in Child Abuse Cases, ABA CHILD LAW PRACTICE TODAY (November 1, 2015), https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-34/november-2015/understandingsexual-grooming-in-child-abuse-cases/.

² U.S. Department of Justice, National Sex Offender Public Website, SMART Program. (“Although not all child sexual abuse involves grooming, it is a common process used by offenders.”)

³ 18 U.S.C. § 2251(a) (2006)

⁴ 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).

⁵ Perpetrators often being parents, stepparents, siblings, and grandparents. Sarah E. Ullman, *Relationship to Perpetrator, Disclosure, Social Reactions, and PTSD Symptoms in Child Sexual Abuse Survivors*, 16 J. CHILD SEX. ABUSE 19 (2007); David Finkelhor & Anne Shattuck, *Characteristics of Crimes Against Juveniles*, University of New Hampshire, Crimes Against Children Research Center (2012), available at http://www.unh.edu/ccrc/pdf/CV26_Revised%20Characteristics%20of%20Crimes%20against%20Juveniles_5-2-12.pdf.

⁶ 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.

⁷ 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).

⁸ Josie Spataro et al., *Impact of Child Sexual Abuse on Mental Health: Prospective Study in Males and Females*, 184 Br. J. Psychiatry 416 (2004).

⁹ 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).

¹⁰ 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).

¹¹ Shanta R. Dube et al., *Long-Term Consequences of Childhood Sexual Abuse by Gender of Victim*, 28 AM. J. PREV. MED. 430, 434 (2005).

¹² Elizabeth J. Letourneau et al., *The Economic Burden of Child Sexual Abuse in the United States*, 79 CHILD ABUSE NEGL. 413 (2018).

¹³ E.g., Netflix's *Jeffrey Epstein: Filthy Rich*; HBO's *At the Heart of Gold: Inside the USA Gymnastics Scandal*.