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Ohio Legislators Introduce Braden's Law to Criminalize Sextortion

Client Bulletins

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Groundbreaking legislation was recently introduced in the Ohio Legislature that would protect Ohio citizens from the threat of sexual extortion. Also known as Braden's Law, Senate Bill 263, sponsored by State Senator Andrew Brenner and House Bill 531, sponsored by State Representatives Beth Lear and Brian Lorenz, would create penalties for violating this potential new criminal offense.

According to the FBI, sextortion is the fastest growing crime in the country. With the help of Benesch, Braden's Law was drafted in memory of Braden Markus, an Olentangy High School student who tragically took his own life on October 17, 2021, just 27 minutes after falling victim to online exploitation.

In addition to creating felony penalties, this legislation would establish a pathway for parents or guardians to access the digital devices of deceased minors through the Court of Common Pleas within 30 days of their passing. Privacy laws currently prohibit telecom companies from sharing information. This measure seeks to alleviate the burden on grieving families by providing them with timely access to crucial information.

Braden's parents, Jenn and Jarod Markus, endured months of anguish after being denied access to Braden's personal cell phone by large technology companies. Their tireless advocacy, in collaboration with state legislators, local supporters and Markus family friend, Rachel Winder, Benesch's Director of Government Relations, propelled the drafting and garnering of support for Braden's Law.

Both Senate Bill 263 and House Bill 531 include the following provisions:

- Adds the offense of Sexual Extortion to Ohio Law as well as the offense of Aggravated Sexual Extortion if the crime results in bodily harm or death of the victim and allows a court to impose an additional term of up to ten years.
- Provides immunity to a victim of sexual extortion for sending a private image as a proximate result of the sexual extortion
- Requires a 30-day review and adjudication by the Court of Common Pleas for an order of Digital Access to a device if the request was made by a parent or guardian of a person under the age of 18. Civil penalties for failure to comply.
- Adds Sexual Extortion victims and family members of victims as eligible recipients to receive funds through the Crime Victim's Compensation Program housed in the Ohio Attorney General's office.
- Provides immunity for telecommunications carriers.

If passed, Ohio would join a growing list of states that have already criminalized sexual extortion. House Bill 531 has been referred to the House Criminal Justice Committee and will receive its first hearing this week. Senate Bill 263 has been referred to the Senate Judiciary Committee. Benesch stands united in the firm's resolve to create a safer and more compassionate society for all.

If you would like more information about this or any other issue, please contact...

If you or someone you know is struggling or in crisis, call or text 988 or chat 988lifeline.org for 24-hour, confidential support via the 988 Suicide and Crisis Lifeline.

For more information, contact a member of Benesch's Government Relations Practice Group.

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