

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 520

Representatives Miller, Hughes

A BILL

To amend sections 2907.24 and 5101.87 of the Revised Code to increase the penalty for soliciting when the person solicited is eighteen years of age or older, to specify that the fine for soliciting in this circumstance is not more than two thousand five hundred dollars, and to specify that up to one thousand dollars of that fine may be deposited into the Victims of Human Trafficking Fund.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2907.24 and 5101.87 of the Revised Code be amended to read as follows:

Sec. 2907.24. (A) (1) No person shall solicit another who is eighteen years of age or older to engage with such other person in sexual activity for hire.

(2) No person shall solicit another to engage with such other person in sexual activity for hire if the other person is sixteen or seventeen years of age and the offender knows that the other person is sixteen or seventeen years of age or is reckless in that regard.

(3) No person shall solicit another to engage with such other person in sexual activity for hire if either of the following applies:

(a) The other person is less than sixteen years of age, whether or not the offender knows the age of the other person.

(b) The other person is a person with a developmental disability and the offender knows or has reasonable cause to believe the other person is a person with a developmental disability.

(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall engage in conduct in violation of division (A) of this section.

(C) (1) Whoever violates division (A) of this section is guilty of soliciting.

(a) A violation of division (A) (1) of this section is a misdemeanor of the ~~third~~ first degree. Notwithstanding the fine specified in division (A) (2) (a) of section 2929.28 of the Revised Code for a misdemeanor of the first degree, in sentencing the offender under this division and if the court decides to impose a fine, the court may do any of the following:

(i) Impose upon the offender a fine of not more than two thousand five hundred dollars;

(ii) Designate not more than one thousand dollars of the fine imposed in division (C) (1) (a) (i) of this section to be deposited into the victims of human trafficking fund pursuant to division (E) of this section.

(b) A violation of division (A) (2) of this section is a

felony of the fifth degree. 48

(c) A violation of division (A) (3) of this section is a 49
felony of the third degree. 50

(2) Whoever violates division (B) of this section is 51
guilty of engaging in solicitation after a positive HIV test. If 52
the offender commits the violation prior to July 1, 1996, 53
engaging in solicitation after a positive HIV test is a felony 54
of the second degree. If the offender commits the violation on 55
or after July 1, 1996, engaging in solicitation after a positive 56
HIV test is a felony of the third degree. 57

(D) If a person is convicted of or pleads guilty to a 58
violation of any provision of this section, an attempt to commit 59
a violation of any provision of this section, or a violation of 60
or an attempt to commit a violation of a municipal ordinance 61
that is substantially equivalent to any provision of this 62
section and if the person, in committing or attempting to commit 63
the violation, was in, was on, or used a motor vehicle, the 64
court, in addition to or independent of all other penalties 65
imposed for the violation, may impose upon the offender a class 66
six suspension of the person's driver's license, commercial 67
driver's license, temporary instruction permit, probationary 68
license, or nonresident operating privilege from the range 69
specified in division (A) (6) of section 4510.02 of the Revised 70
Code. In lieu of imposing upon the offender the class six 71
suspension, the court instead may require the offender to 72
perform community service for a number of hours determined by 73
the court. 74

(E) The clerk of the court shall deposit the fine 75
designated by the court under division (C) (1) (a) (ii) of this 76
section into the state treasury to the credit of the victims of 77

human trafficking fund created under section 5101.87 of the 78
Revised Code. The clerk of the court shall deposit the remainder 79
of the fine imposed by the court under division (C)(1)(a)(i) of 80
this section into the county treasury. 81

(F) As used in this section: 82

(1) "Person with a developmental disability" has the same 83
meaning as in section 2905.32 of the Revised Code. 84

(2) "Sexual activity for hire" means an implicit or 85
explicit agreement to provide sexual activity in exchange for 86
anything of value paid to the person engaging in such sexual 87
activity, to any person trafficking that person, or to any 88
person associated with either such person. 89

Sec. 5101.87. There is hereby created in the treasury of 90
state the victims of human trafficking fund consisting of money 91
seized in connection with a violation of section 2905.32, 92
2907.21, or 2907.22 of the Revised Code or acquired from the 93
sale of personal effects, tools, or other property seized 94
because the personal effects, tools, or other property were used 95
in the commission of a violation of section 2905.32, 2907.21, or 96
2907.22 of the Revised Code or derived from the proceeds of the 97
commission of a violation of section 2905.32, 2907.21, or 98
2907.22 of the Revised Code and deposited pursuant to section 99
2981.12 of the Revised Code, fine money collected by the clerk 100
of the court for a violation of division (A)(1) of section 101
2907.24 of the Revised Code, and such other money as may be 102
appropriated or contributed to the fund. Money in the fund shall 103
be used for the sole purpose of treating, caring for, 104
rehabilitating, educating, housing, and providing assistance for 105
victims of trafficking in persons. The director of job and 106
family services shall administer the fund. 107

Section 2. That existing sections 2907.24 and 5101.87 of 108
the Revised Code are hereby repealed. 109