

**SENATOR STEPHANIE KUNZE**  
16<sup>th</sup> District



**SENATOR SCOTT OELSLAGER**  
29<sup>th</sup> District

Substitute Senate Bill 4  
Sponsor Testimony  
June 20, 2017  
House Criminal Justice Committee

Chairman Manning, Vice Chair Rezabek, Ranking Member Celebrezze and members of the Ohio House Criminal Justice committee. Thank you for allowing me, on behalf of myself and Senator Scott Oelslager who is chairing the Senate Finance committee and is unable to attend today, to present sponsor testimony on Substitute Senate Bill 4, legislation that if enacted into law, would establish a procedure where victims of human trafficking can apply to the courts for a fresh start as they begin to rebuild their lives. Lingering convictions, which resulted from compelled prostitution, often make it impossible for victims to pass background checks or find permanent housing.

As you are all aware, Ohio has taken significant steps to address the problem of human trafficking. Notably, we have recognized the conditions under which people often become involved in prostitution, and have sought to give individuals who are forced to engage in those acts justice through the courts. Despite the progress the state has made in the last few years, our legal system still creates the possibility of compounding the harm to victims. Because a defendant's information is still accessible as a court record after a dismissal or finding of not guilty, the potential exists for the victim to suffer significant harm if a potential employer or landlord should discover the record as part of a background check.

This measure, if enacted into law, would allow for a victim of compelled prostitution to apply to the court for intervention in lieu of conviction. Victims of human trafficking are currently permitted to make this application, and this bill would extend that same option to a victim of compelled prostitution. Courts currently have multiple options for prosecuting the perpetrators of these crimes and extending the application for intervention in lieu of conviction to victims of compelled prostitution would add another tool to the court's toolbox for providing adequate victim protection and services.

Substitute Senate Bill 4 received 4 hearings in the Ohio Senate Judiciary committee, receiving no opposition testimony, before being reported out favorably 10-0. It received proponent testimony from: Franklin County Municipal Court Judge Paul Herbert; Survivor's Ink; Central Ohio Rescue & Restore Coalition; ACTION Ohio Coalition for Battered Women; AAUW of Ohio/American Association of University Women; Ohio Justice & Policy Center and several human trafficking victims.

It was amended in committee to provide more judicial discretion based on a six-factor test in cases of first- and second-degree felonies to allow judges to make these decisions on a case by

case basis based upon the fact pattern, level of duress and evidence presented. The Ohio Senate voted on this measure 33-0 with twenty-eight members joining us as co-sponsors.

The bottom line to remember about this legislation is:

- Substitute Senate Bill 4 is about redemption and recovery;
- All too often, victims of human trafficking are forced to engage in a life of crime while coerced into selling their bodies for money;
- This life is not one anyone seeks out; it is abusive, and filled with force and duress;
- Women who escape the abusive and cruel world of forced prostitution should not be responsible for crimes they committed when a criminal gave them a choice between their life or theft;
- Substitute Senate Bill 4 establishes a plan where victims of human trafficking may apply to the court to have their criminal record cleared when they show the crimes committed resulted from forced prostitution;
- As they begin to rebuild their lives, a clean slate can allow victims of human trafficking to find safe housing and a stable job.

Chairman Manning and members of the Ohio Senate House Criminal Justice committee, thank you for allowing me to present sponsor testimony on Substitute Senate Bill 4. I am happy to answer any questions that the committee might have.