

Ohio House Criminal Justice Committee
December 12, 2017
Substitute Senate Bill 4
Proponent Testimony

Chairman Manning, Vice Chair Rezabek, Ranking Member Celebrezze and members of the Criminal Justice Committee: My name is Phyllis Carlson-Riehm and I am representing ACTION OHIO Coalition For Battered Women, a statewide domestic violence coalition. On behalf of ACTION OHIO, I am submitting this testimony in support of the passage of Substitute Senate Bill 4.

Substitute Senate Bill 4 will:

- For an offender convicted of any of six specified offenses (including soliciting and prostitution) expands the criminal offenses the records of which may be expunged to clarify that the provision generally applies regarding any offense, the offender's participation in which resulted from the offender being a victim of human trafficking;
- Excludes from expungement records of an aggravated murder, murder, or rape conviction;
- For records of a first or second degree felony conviction, specifies factors a court must consider and requires court to find that applicant's interest is not outweighed by government's need to maintain records;
- Enacts mechanism related to a finding of not guilty or to a dismissed criminal charge if finding or charge was result of person having been a human trafficking victim;
- Specifies application may request expungement for more than one offense, but if so court must consider each separately;
- Authorizes intervention in lieu of conviction for a person whose criminal activity resulted from person's status as a victim of compelling prostitution.

ACTION OHIO's support for this bill is based on the fact that research has established that victims of human trafficking are typically members of vulnerable groups, including child sexual assault victims, rape and domestic violence victims, runaways from abusive homes, homeless youth and undocumented immigrants duped by pimps with promises of good jobs or other opportunities for success. Once trapped in sex trafficking, they often succumb to drug addiction in order to survive.

ACTION OHIO's support for this bill is also based on the success of CATCH Court in Columbus, established by Judge Paul Herbert. In 2009 the Judge came to the realization that the prostitutes appearing before him were victims of violence and abuse. Judge Herbert revolutionized his approach and offered rehabilitation and treatment (a new life entirely!) to the women. Although not all women appearing in his courtroom are able to make the leap and buy into his program, enough of them do to show that it can work and those women who accept the challenge and follow through develop new, successful lives.

Often having a criminal record is a major roadblock for changing that life path. Even in cases of entry level low-pay jobs, employers all too frequently reject job applicants with criminal records. Similarly, housing programs and landlords typically have reservations about taking a risk and renting an apartment or house to someone (anyone!) with a record of criminal behavior (especially prostitution).

With passage of Substitute Senate Bill 4, human trafficking victims will have the opportunity for expungement of their criminal records in order to make a clean break with their past and increase their ability to achieve independent, self-supporting lives. Without the opportunity for expungement, they will face more hurdles to establish crime free lives – entirely free from economic dependence on their jobs.

On behalf of ACTION OHIO, I urge committee members to support Substitute Senate Bill 4. Thank you for your consideration of these viewpoints.

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