

WRITTEN TESTIMONY

BILL NO: House Bill 461
TITLE: Apply Same Human Trafficking Offense to All Victims Under 18
COMMITTEE: House Criminal Justice
DATE: May 22, 2018
POSITION: SUPPORT

Dear Chairperson Manning, Vice Chairperson Rezabek, and Committee Members:

Shared Hope International is a national NGO dedicated to combating the commercial sexual exploitation of children in the United States. By pursuing comprehensive, victim-centered approaches to combat domestic minor sex trafficking, we have found that states are most successful in addressing this crime when all commercially sexually exploited minors can be identified as victims of sex trafficking. Under the Protected Innocence Challenge project, Shared Hope has outlined the minimum legal components essential for holistically and appropriately addressing the crime of sex trafficking through legislation. Since first commencing this project, Ohio has taken noticeable legislative measures to ensure that the state is safer for vulnerable children and an unwelcoming place for traffickers; resultantly, the state has raised its score from 60.5 in 2011 to 75.5 in 2017.

However, Ohio remains one of two states that require the use of force, fraud, coercion, or compulsion to prove cases of child sex trafficking. Presently, Ohio's human trafficking law provides specific exceptions to minors less than 16 years of age, while requiring that older minors prove that their trafficking victimization was a result of compulsion or occurred at the hands of a person in a position of trust or authority to the child. As a result, not all commercially sexually exploited minors meet the state's definition of child sex trafficking victim and, consequently, are excluded from the specific protections and processes designed for youth survivors.

House Bill 461 seeks to resolve this dated requirement by amending the state's trafficking definition to include 16 and 17 year olds as persons excluded from having to prove compulsion or exploitation by a person in a position of trust to qualify as a victim of sex trafficking. Requiring a finding of force, fraud, coercion, or compulsion implies that older minors are capable of consenting to commercial sex acts. Contrarily, minors face a host of unique vulnerabilities that can result in commercial sexual exploitation; involvement in commercial sex is not the result of consent or will, but reflective of another taking advantage of such vulnerabilities. Reconciling Ohio's state human trafficking law with the notable progress previously achieved will further strengthen the state's response provided to youth survivors.

In addition to eliminating barriers to services and protections for minor victims, removing the compulsion requirement for older minors will facilitate the prosecution of traffickers. Having to prove the use of compulsion or the trafficker's position of authority over the minor excludes offenders who cause a minor to "engage in sexual activity for hire" through various other means. As such, HB 461 will increase survivor protections and offender accountability.

We are grateful for the Committee's commitment to this issue and ask for your support on this bill.

Sincerely,

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