



**Testimony submitted to the Ohio House Criminal Justice Committee
HB 461**

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Chair Manning, Vice Chair Rezabek, Ranking Member Celebrezze and members of the Ohio House Criminal Justice Committee, thank you for this opportunity to testify on and express support for House Bill 461. As Ohio's statewide coalition, the Ohio Alliance to End Sexual Violence (OAESV) advocates for comprehensive responses and rape crisis services for survivors and empowers communities to prevent sexual violence.

OAESV works with survivors, rape crisis centers, other statewide coalitions, and national partners to understand, respond to, and prevent human trafficking. In that work, we have faced the facts – traffickers are skilled manipulators who strategically target vulnerable individuals, and trafficking victimization puts significant and often life-long barriers in front of survivors.

OAESV is proud of Ohio's response to human trafficking. Ohio gains high ratings from the Polaris Project¹, maintains high quality awareness strategies, and provides training and support for professionals serving survivors. This systematic response is the result of a constantly evolving² understanding of the complex nature of human trafficking, and a dedication to removing barriers that stand in the way of the recovery and financial independence necessary to avoid revictimization.

Over the past several years, Ohio has transformed its approach from a system of detecting organized systems and prosecuting traffickers,³ to incorporating a Safe Harbor Law⁴ that focused on survivor rehabilitation. In the spirit of constant improvement, HB 461 seeks to reduce barriers for minor survivors of human trafficking.

As this committee knows, HB 461 requires a juvenile court to appoint a guardian ad litem if the charges at issue may be related to a human trafficking victimization. The bill modifies abeyance procedures to allow for diversion and automatic expungement, and importantly, the bill removes

¹ The Polaris Project, *2013 Analysis of State Human Trafficking Laws*, available at <https://polarisproject.org/sites/default/files/2013-State-Ratings-Analysis.pdf>

² International Women's Human Rights Clinic, City University of New York Law School and Trafficking Victims Advocacy Project, Legal Aid Society of New York, *Criminalization of Trafficking Victims*, available at <http://www.law.cuny.edu/academics/clinics/iwhr/publications/Criminalization-of-Trafficking-Victims.pdf>

³ See Steve Marcin, *Prostitution and Human Trafficking: A Paradigm Shift*, FBI Law Enforcement Bulletin, available at <https://leb.fbi.gov/2013/march/prostitution-and-human-trafficking-a-paradigm-shift>

⁴ Ohio Revised Code § 2953.38(B)

an existing differentiation between survivors under 16 and over 16. Under current law, a person is guilty of human trafficking if they knowingly recruit, lure, entices, isolate, harbor, transport, provide, obtain, or maintain another person, or attempt any of those actions with the knowledge that there will be involuntary servitude or certain conduct in violation of Chapter 2907. However, there is a distinction if the minor is 16 or 17. In that circumstance, a prosecutor must also prove that the perpetrator was a person of statutorily recognized authority – like a coach, teacher, cleric, or family member. Essentially, this statute borrowed the factors present in the sexual battery statute. However, the current law ignores that there is insufficient distinction between a 15-year-old and a 16-year-old to justify such a shift in elements. The law also ignores that a person who is groomed and subjected to trafficking may have been brought in by another individual at an earlier age. Finally, the law disregards that teenagers mature at varying paces, and that the factors that make someone vulnerable to trafficking to not disappear on a victim's 16th birthday.

To get rid of this loophole would recognize what traffickers already know, many 16 and 17-year-olds are vulnerable to victimization. Treating 16 and 17-year-old victims more harshly in the justice system puts more barriers in their way, and will delay their recovery and rehabilitation even longer.

Ohio HB 461 recognizes that child victims of human trafficking deserve every opportunity our state can give them for a way out. We owe our children the chance for a future – one that does not discriminate based on age. Thank you for the opportunity to testify on HB 461. In addition to my testimony today, I am available for any questions from committee members via email or phone at ccrary@oaesv.org or 216-658-1381.