

February 14, 2017

Senate Bill 4: Freeing Human Trafficking Survivors to Reclaim Their Lives



Dear Chairman Bacon, Vice Chair Dolan, and the Honorable Members of the Ohio Senate Judiciary Committee:

Thank you for taking the time today to consider this important bill that will change the lives of many inspiring individuals whom we serve. The Central Ohio Rescue and Restore Coalition is a central Ohio network of organizations fighting human trafficking in different roles and different sectors. Our mission is to provide a collaborative, comprehensive community response to human trafficking in central Ohio through education, services, advocacy, and prosecution. (You can find out more about our work at www.centralohiorescueandrestore.org.)

The human trafficking survivors we serve are often forced to commit a number of different crimes by their traffickers, including prostitution, drug trafficking, theft, and more. Sometimes, trafficking victims are forced to take the blame for crimes committed by their trafficker; sometimes crimes as severe as murder. After survivors have escaped their traffickers and start their lives over, records of these crimes keep them from enrolling in college, getting jobs, and renting apartments.

Under current Ohio law, sex trafficking survivors can expunge criminal records regarding prostitution related charges but struggle with jurisdictions which misinterpret the statute to forbid expungement of records related to other crimes. Senate Bill 4 will help fix this. This bill will help many human trafficking survivors get their lives back and reintegrate into society.

On the next page we've outlined our brief analysis of the bill as well as **two amendments** we would like to see made to the bill. If you are interested in sample language regarding these amendments, I would be happy to supply it.

- The current language of the bill requires a survivor have prostitution related charges before they can apply for expungement. Many of the survivors we serve have never been charged with prostitution per se but may have been picked up for other related charges. This leaves them with no remedy. We recommend removing these predicate offenses from the statute.
- We've seen more than one case where a survivor took the rap on a murder charge for her pimp. We encourage you to leave the statute open to allow judges the discretion to make case-by-case determinations without restriction on whether or not to expunge serious charges.

Please do not hesitate to contact me directly to let us know what we can do to aid in the successful passage of Senate Bill 4. Thank you for your support of this critical piece of legislation.

In Solidarity,

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Legislative Advocacy Co-Chair

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Ohio Senate Bill 4 (132st Session)

Expunge Convictions

- Amends Ohio Revised Code (ORC) 2953.38 to allow human trafficking survivors to apply to a court for the expungement of any conviction record except convictions for aggravated murder, murder, and rape
 - We are aware of at least two cases in Ohio where a human trafficking survivor took the blame for a murder committed in front of her by her trafficker.
 - **CORRC victim advocates support amending the language to allow judges to exercise their discretion on a case-by-case basis without restriction.**
- Requires that the applicant have convictions on record for solicitation or prostitution before they apply for expungement of other types of criminal charges
 - Some sex trafficking survivors and most *labor* trafficking survivors don't have convictions for solicitation or prostitution – they just have convictions for other crimes, like theft or drug trafficking.
 - **CORRC supports amending the statute to remove the requirement for these predicate offenses, and instead only requiring that the applicant have been a victim of human trafficking as defined by ORC 2905.32.**

Expunge Non-Convictions

- Creates ORC 2953.521 to allow human trafficking survivor to apply to a court for the expungement of any records relating to dismissed charges
- This would help survivors who have managed to have their convictions expunged but still have “found not guilty” charges on their record that could still show up in a record search and negatively impact employment, housing, or schooling.

Offer Intervention in Lieu to Victims of Compelling Prostitution

- Amends ORC 2951.041 to allow people who were victims of compelling prostitution when they received criminal charges to request intervention in lieu of conviction.