



**Proponent testimony submitted to the
Ohio House Criminal Justice Committee
Sub. Senate Bill 13
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January 13, 2020**

Chair Lang, Vice Chair Plummer, Ranking Member Leland and Members of the Ohio House Criminal Justice Committee, thank you for the opportunity to provide testimony in support of Sub. Senate Bill 13. 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, Sub. Senate Bill 13 seeks to reduce barriers for minor survivors of human trafficking.

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)

As this committee knows, Sub. Senate Bill 13 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 immediate expungement, and importantly, the bill removes an existing differentiation between survivors under 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.

This 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, allowing offenders engaged in trafficking of 16 and 17-year-olds an easier escape from justice. Our current code ignores that a person who is groomed and subjected to trafficking may have been brought in by another individual at an earlier age, disregards that teenagers mature at varying paces, and fails to acknowledge that the factors that make someone vulnerable to trafficking to not disappear on a victim's 16th birthday. Ultimately, our law disregards the realities of successful trafficking enterprises, and in so doing leaves offenders able to escape justice and places more victims and potential victims at risk for additional harm.

To get rid of this loophole would recognize what traffickers already know, many 16 and 17-year-olds are vulnerable to victimization. Treating offenses against 16 and 17-year old victims with less severity creates additional risks for that age group, leaving offenders without accountability and survivors without the resources they desperately need.

Ohio Sub. Senate Bill 13 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 Sub. Senate Bill 13. In addition to my testimony today, I am available for any questions from committee members via email or phone at crary@oaesv.org or 216-658-1381.