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Opposition Testimony to HB 431

Chairman Lang, Vice-Chairman Plummer, Ranking Member Leland, and all Honorable Members of the House Criminal Justice Committee – thank you for the opportunity to testify in opposition to HB 431, which would create a sexual exploitation database. We oppose this legislation for two main reasons – this database would significantly hamper the ability to resolve solicitation offenses and unnecessarily interfere with existing court rehabilitation and education efforts. In addition, we oppose public registries, which have been proven to be ineffective and only exist for the rather medieval purpose of public shaming and ridicule, an archaic concept not suited for the modern criminal justice system.

First, we have serious concerns that this database registration would throw a major wrench into well-established plea and sentencing procedures for solicitation in courts across the state. Courts across the state are currently quite capable of handling and properly punishing solicitation offenses. Many courts require that the offender complete an education program, colloquially called a “john school,” as part of the consequences of solicitation. These educational programs are quite effective and serve the laudable goal of educating the offender about the realities of prostitution and the dangers of human trafficking. If this database were to be enacted, pleas and efficient resolution of these cases would likely come to a screeching halt; as discussed below, the public shaming portion of this database would likely become a major point of contention in any negotiations or discussions on resolution of the case. A person is facing the loss of their marriage, housing, and employment from this bill – draconian punishments that have far-reaching effects. This will inhibit voluntary compliance with existing resources to combat

solicitation – such as john’s schools – and will likely upend many courts tried-and-true approach to dealing with such offenses.

Also, the punitive aspect of the public shaming portion of the registry is archaic and quite frankly beneath the dignity of a modern criminal justice system. Placement on a public database would not further any legitimate penological goal related to punishment or rehabilitation – its sole purpose is humiliation and public ridicule. Placement on a database could have catastrophic effects for a person’s employment, ability to find safe and affordable housing, or the person’s family or children. By indirectly targeting a person’s livelihood or housing, this bill would have the **opposite effect** of rehabilitation – it would increase the likelihood of criminal recidivism and reduce the chance for the offender to be a productive member of society.

Existing penalties and educational requirements are more than sufficient to punish an offender for the crime of solicitation and to help target and change their behavior. A modern-day equivalent of the stockades is overkill and would not meaningfully enhance public safety in any way – but it certainly would harm the rehabilitation and education efforts that are needed to address the issue of solicitation. We respectfully ask that you reject this bill. Thank you.

Respectfully,



Blaise Katter, Esq.
OACDL Public Policy Chair