



Ohio Chapter of the National Lawyers Guild

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To: Ohio House Criminal Justice Committee

From: Jacqueline Greene, on behalf of the Ohio Chapter of the National Lawyers Guild

Date: May 26, 2020

Re: Interested Party Testimony to HB 431

Written Testimony:

Chair Lang, Vice Chair Plummer, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for the opportunity to provide interested party testimony on behalf of the Ohio Chapter of the National Lawyers Guild (“Ohio NLG”) in regard to Ohio House Bill 431 (“HB 431”).

The Ohio Chapter of the National Lawyers Guild is an independent chapter of the national body of the National Lawyers Guild, which is a bar association dedicated to the need for basic change in the structures of our legal, political, and economic systems. We are dedicated to working for an end to the continued subjugation of people of color, poor people, women, queers, and other oppressed people.

The goal of ending human trafficking is laudable and one our organization supports. However, HB 431 is misguided and does not effectively address the problems it seeks to remedy.

The bill’s proposed public database for prostitution-related misdemeanor offenses is not an effective method to address trafficking. Instead, this database would only harm sex workers with the consequences of public shame and would amplify the collateral effects of criminal conviction. There is no evidence that this type of public shaming is effective in combatting human trafficking, and instead, establishing a database as proposed in HB 431 runs contrary to ongoing reform efforts. HB 431’s proposed database will not protect people engaged in sex work (coerced or otherwise) or keep their communities safe, and is unlikely to affect the behavior of buyers of sex work. The bill would also punish people convicted of misdemeanor crimes for years after they have served sentences or paid fines, making it exceedingly difficult to find housing, employment, and otherwise re-integrate into our society. This, too, places a burden on communities and creates systemic marginalization.

Even if ending sex trafficking is the underlying goal of HB 431, criminalizing sex work actually exacerbates the risks to sex workers, who are already vulnerable. Not all sex

workers are coerced or victims or survivors of trafficking. Sex workers nonetheless often enter this field for complex and potentially coercive reasons, like poverty, trauma, violence, or trafficking. Increased criminalization of sex workers themselves will dangerously push sex workers further into the margins, both for those doing sex work on their own volition and those who are coerced. Well-established research and advocacy efforts have already shown that further marginalization will not end sex work, and will instead only cause harm to sex workers.

Ohio NLG asserts that the underlying causes of societal problems should be addressed at their roots. Community-based programs and services, based on evidence, best practices, and harm-reduction for survivors—and not punitiveness for its own sake—are the right approach to advocating for trafficked people. The harm and tragedy of human trafficking are very real and destructive, but HB 431 misses the mark and will only cause further harm.

