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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

H.B. 128
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Koehler and A. Miller

Jeff Hobday, Attorney

Summary

- Increases the penalty for soliciting when the person solicited is age 16 or older and the offender offered payment to engage in sexual activity.
- Increases the penalty for soliciting a person age 18 or older if the offender offered payment to engage in sexual activity and solicited the other person within 1,500 feet of a school or place of worship.
- Authorizes a court to impose a fine of up to \$1,500 for soliciting in the circumstances above.
- Allows the court to designate up to \$750 of the fine to be deposited into the Victims of Human Trafficking Fund.
- Permits money in the Victims of Human Trafficking Fund to be used for providing education or treatment programs for persons who have solicited another to engage in sexual activity for hire.

Detailed Analysis

Soliciting – increased penalty

The bill increases certain penalties for soliciting another to engage with that person in sexual activity for hire. Under current law, soliciting another who is 18 or older is a third degree misdemeanor. Soliciting another who is age 16 or 17 when the offender knows that the other person is 16 or 17 or is reckless in that regard is a fifth degree felony. The bill raises the penalty for soliciting in those circumstances if the offender also offered payment to engage in sexual activity. For soliciting another who is 18 or older, the degree of the offense increases to a first degree misdemeanor, punishable by up to 180 days in jail. For soliciting another who is age 16

or 17, the degree of the offense increases to a fourth degree felony, punishable by up to 18 months in prison.¹

The bill also enhances the penalty for soliciting another who is 18 or older if the offender offered payment to engage with the other person in sexual activity and solicited the other person within 1,500 feet of a school or place of worship. In that circumstance, soliciting becomes a fifth degree felony. The school within distance of the crime may be public or private. The bill defines a “place of worship” as a building where activities of an organized religious group are conducted, including the grounds and any other buildings associated with it.²

Fine for soliciting

In addition to increasing the potential jail or prison term for soliciting in the three circumstances described above, the bill allows the court to impose a fine of up to \$1,500 for soliciting in those circumstances. If the court imposes that fine, the court may designate not more than \$750 of the fine to be deposited into the Victims of Human Trafficking Fund. The clerk of the court must deposit the designated portion of the fine into the state treasury to the credit of the Victims of Human Trafficking Fund, and the remainder of the fine must be deposited into the county treasury.³

Victims of Human Trafficking Fund

Under current law, money in the Victims of Human Trafficking Fund must be used for the sole purpose of providing treatment and services to trafficking victims. The bill allows money in the fund to be used for the additional purpose of providing education or treatment programs for persons who have solicited another to engage in sexual activity for hire. The type of education or treatment program eligible for funding would be a john school or other program aimed at preventing persons from soliciting another to engage in sexual activity for hire. As under current law, the Director of Job and Family Services administers the fund.⁴

History

Action	Date
Introduced	03-12-19

H0128-I-133/ks

¹ R.C. 2907.04(C)(1)(b) and (e).

² R.C. 2907.04(C)(1)(c) and (F).

³ R.C. 2907.04(C)(1)(b), (c), and (e) and 5101.87(B).

⁴ R.C. 5101.87.