

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 128

Representatives Koehler, Miller, A.

Cosponsors: Representatives O'Brien, Schaffer, Patterson

A BILL

To amend sections 2907.24 and 5101.87 of the 1
Revised Code to modify the penalties for certain 2
soliciting offenses and to specify that an 3
imposed fine may be deposited into the Victims 4
of Human Trafficking Fund. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2907.24 and 5101.87 of the 6
Revised Code be amended to read as follows: 7

Sec. 2907.24. (A) (1) No person shall solicit another who 8
is eighteen years of age or older to engage with such other 9
person in sexual activity for hire. 10

(2) No person shall solicit another to engage with such 11
other person in sexual activity for hire if the other person is 12
sixteen or seventeen years of age and the offender knows that 13
the other person is sixteen or seventeen years of age or is 14
reckless in that regard. 15

(3) No person shall solicit another to engage with such 16
other person in sexual activity for hire if either of the 17
following applies: 18

(a) The other person is less than sixteen years of age, 19
whether or not the offender knows the age of the other person. 20

(b) The other person is a person with a developmental 21
disability and the offender knows or has reasonable cause to 22
believe the other person is a person with a developmental 23
disability. 24

(B) No person, with knowledge that the person has tested 25
positive as a carrier of a virus that causes acquired 26
immunodeficiency syndrome, shall engage in conduct in violation 27
of division (A) of this section. 28

(C) (1) Whoever violates division (A) of this section is 29
guilty of soliciting. 30

~~A~~(a) Except as otherwise provided in divisions (C) (1) (b) 31
and (c) of this section, a violation of division (A) (1) of this 32
section is a misdemeanor of the third degree. 33

(b) Except as otherwise provided in division (C) (1) (c) of 34
this section, if the offender offered payment to engage with the 35
other person in sexual activity, a violation of division (A) (1) 36
of this section is a misdemeanor of the first degree. 37

Notwithstanding the fine specified in division (A) (2) (a) of 38
section 2929.28 of the Revised Code for a misdemeanor of the 39
first degree, in sentencing the offender under this division and 40
if the court decides to impose a fine, the court may do any of 41
the following: 42

(i) Impose upon the offender a fine of not more than one 43
thousand five hundred dollars; 44

(ii) Designate not more than seven hundred fifty dollars 45
of the fine imposed in division (C) (1) (b) (i) of this section to 46
be deposited into the victims of human trafficking fund pursuant 47

to division (E) (1) of this section. 48

(c) If the offender offered payment to engage with the 49
other person in sexual activity and committed the offense within 50
one thousand five hundred feet of a school or place of worship, 51
a violation of division (A) (1) of this section is a felony of 52
the fifth degree. Notwithstanding the fine specified in division 53
(A) (3) of section 2929.18 of the Revised Code for a felony of 54
the fifth degree, in sentencing the offender under this division 55
and if the court decides to impose a fine, the court may do any 56
of the following: 57

(i) Impose upon the offender a fine of not more than one 58
thousand five hundred dollars; 59

(ii) Designate not more than seven hundred fifty dollars 60
of the fine imposed in division (C) (1) (c) (i) of this section to 61
be deposited into the victims of human trafficking fund pursuant 62
to division (E) (1) of this section. 63

~~A~~ (d) Except as otherwise provided in division (C) (1) (e) 64
of this section, a violation of division (A) (2) of this section 65
is a felony of the fifth degree. 66

(e) If the offender offered payment to engage with the 67
other person in sexual activity, a violation of division (A) (2) 68
of this section is a felony of the fourth degree. 69
Notwithstanding the fine specified in division (A) (3) of section 70
2929.18 of the Revised Code for a felony of the fourth degree, 71
in sentencing the offender under this division and if the court 72
decides to impose a fine, the court may do any of the following: 73

(i) Impose upon the offender a fine of not more than one 74
thousand five hundred dollars; 75

(ii) Designate not more than seven hundred fifty dollars 76

of the fine imposed in division (C) (1) (e) (i) of this section to 77
be deposited into the victims of human trafficking fund pursuant 78
to division (E) (1) of this section. 79

(f) A violation of division (A) (3) of this section is a 80
felony of the third degree. 81

(2) Whoever violates division (B) of this section is 82
guilty of engaging in solicitation after a positive HIV test. If 83
the offender commits the violation prior to July 1, 1996, 84
engaging in solicitation after a positive HIV test is a felony 85
of the second degree. If the offender commits the violation on 86
or after July 1, 1996, engaging in solicitation after a positive 87
HIV test is a felony of the third degree. 88

(D) If a person is convicted of or pleads guilty to a 89
violation of any provision of this section, an attempt to commit 90
a violation of any provision of this section, or a violation of 91
or an attempt to commit a violation of a municipal ordinance 92
that is substantially equivalent to any provision of this 93
section and if the person, in committing or attempting to commit 94
the violation, was in, was on, or used a motor vehicle, the 95
court, in addition to or independent of all other penalties 96
imposed for the violation, may impose upon the offender a class 97
six suspension of the person's driver's license, commercial 98
driver's license, temporary instruction permit, probationary 99
license, or nonresident operating privilege from the range 100
specified in division (A) (6) of section 4510.02 of the Revised 101
Code. In lieu of imposing upon the offender the class six 102
suspension, the court instead may require the offender to 103
perform community service for a number of hours determined by 104
the court. 105

(E) (1) The clerk of the court shall deposit the fine 106

designated by the court under divisions (C) (1) (b) (ii), (c) (ii), 107
and (e) (ii) of this section into the state treasury to the 108
credit of the victims of human trafficking fund created under 109
section 5101.87 of the Revised Code. 110

(2) The clerk of the court shall deposit the remainder of 111
the fine imposed by the court under divisions (C) (1) (b) (i), (c) 112
(i), and (e) (i) of this section into the county treasury. 113

(F) As used in this section: 114

(1) "Person with a developmental disability" has the same 115
meaning as in section 2905.32 of the Revised Code. 116

(2) "Place of worship" means a building where activities 117
of an organized religious group are conducted and includes the 118
grounds and any other buildings on the grounds used for such 119
activities. 120

(3) "School" includes both a "public school" and a 121
"private school" as those terms are defined in section 3781.106 122
of the Revised Code. 123

(4) "Sexual activity for hire" means an implicit or 124
explicit agreement to provide sexual activity in exchange for 125
anything of value paid to the person engaging in such sexual 126
activity, to any person trafficking that person, or to any 127
person associated with either such person. 128

Sec. 5101.87. (A) As used in this section: 129

(1) "Education or treatment program" means a john school 130
or other program aimed at preventing persons from soliciting 131
another to engage in sexual activity for hire. 132

(2) "Sexual activity for hire" has the same meaning as in 133
section 2907.24 of the Revised Code. 134

(B) There is hereby created in the treasury of state the 135
victims of human trafficking fund consisting of money seized in 136
connection with a violation of section 2905.32, 2907.21, or 137
2907.22 of the Revised Code or acquired from the sale of 138
personal effects, tools, or other property seized because the 139
personal effects, tools, or other property were used in the 140
commission of a violation of section 2905.32, 2907.21, or 141
2907.22 of the Revised Code or derived from the proceeds of the 142
commission of a violation of section 2905.32, 2907.21, or 143
2907.22 of the Revised Code and deposited pursuant to section 144
2981.12 of the Revised Code, fine money collected by the clerk 145
of the court for a violation of divisions (A) (1) and (2) of 146
section 2907.24 of the Revised Code and deposited pursuant to 147
division (E) (1) of section 2907.24 of the Revised Code, and such 148
other money as may be appropriated or contributed to the fund. 149

(C) Money in the fund shall be used for the ~~sole purpose~~ 150
~~of treating~~ following purposes: 151

(1) Treating, caring for, rehabilitating, educating, 152
housing, and providing assistance for victims of trafficking in 153
persons; 154

(2) Providing education or treatment programs for persons 155
who have solicited another to engage in sexual activity for 156
hire. 157

(D) The director of job and family services shall 158
administer the fund. 159

Section 2. That existing sections 2907.24 and 5101.87 of 160
the Revised Code are hereby repealed. 161