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**Ohio General Assembly**  
**House of Representatives**

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RECLAIM ADVISORY COMMITTEE

February 13, 2018

Chair Manning, Ranking Member Celebrezze, and members of the House Criminal Justice Committee, thank you for allowing Representative Hill and I the opportunity to provide sponsor testimony on Amended House Bill 355.

If enacted, this bill will provide a second chance for teens who have engaged in “sexting,” or the distribution of sexually explicit digital material. In these situations, where it is simply the sending or receiving of sexually explicit digital material, teens under the age of nineteen, where the victim is less than four years younger than the offender and is over the age of thirteen, may be eligible for a sexting educational diversion program or another diversionary-type program that is feasible. Additionally, this is only available for teens without a prior adjudication (or conviction if over the age of 18, but not 19 yet) for committing a sex-related offense.

Quite simply, this bill will allow for judges, prosecutors, and defense attorneys to determine who are actually guilty of pandering obscene material of minors and who are just teenagers making a bad choice. It creates that middle ground that allows for teens to learn from their mistakes and understand the dangers of their actions, while at the same time, if they do not successfully complete the diversion program, they can be brought to trial or before the juvenile court.

Additionally, with the inclusion of AM0856-1, we believe this bill strikes a balance that will allow for prosecutors to go after individuals who are possessing or distributing child pornography. Also, we believe that this bill clearly defines that if individuals are engaging in actions more than just the sending or receiving of sexually explicit digital material, whether that is solicitation, blackmailing, extortion, etc., there are still grounds for prosecution under the existing code sections. Lastly, there are also justifications put in place for the possession of these types of material.

I am now going to turn it over to my colleague, Representative Hill, where he will talk more in-depth about how this legislation came about and following his testimony, we would be more than happy to answer any questions that the committee may have.

**OHIO'S 43<sup>RD</sup> HOUSE DISTRICT**

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