



INTERESTED PARTY TESTIMONY
HB 431, The Ohio House Criminal Justice Committee
Emily Dunlap, Esq., Advocating Opportunity
Hearing: February 26, 2020, 1:00p.m.

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 in regard to House Bill 431 on behalf of Advocating Opportunity.

Advocating Opportunity is a statewide nonprofit organization that provides holistic advocacy and free legal services to survivors of human trafficking. With offices in both Toledo and Columbus, we represent survivors in communities across Ohio. Last year, our advocates and attorneys served over 200 survivors of human trafficking. These survivors included people of all genders, nationalities, and ages who experienced labor trafficking, sex trafficking, and not uncommonly, both forms of victimization. We speak extensively on the ways that laws and social structures make people, particularly those who are marginalized, vulnerable to this kind of exploitation, and advocate for changes that eliminate these vulnerabilities.

Advocating Opportunity is dedicated to ending human trafficking in Ohio. We honor that this committee shares that aspiration, as do the representatives who introduced House Bill 431, and the Ohio Attorney General, who recently provided testimony in support of this bill. I come before you today as an interested party because Advocating Opportunity has concerns about the consequences of House Bill 431.

This law is championed as a way to end human trafficking, though its focus appears to only be sex trafficking and not the widespread but under-identified issue of labor trafficking. Specifically, the goal of this bill is to end demand for human trafficking, sex trafficking, by establishing a database for people who are convicted of purchasing or exchanging something of value for sex, or those who are convicted of promoting prostitution.

Advocating Opportunity is concerned that this bill is targeted at all sex work, not just sex work that is compelled by a trafficker. We fear that by painting with such a broad brush, this law overreaches its stated goals. Instead of fighting human trafficking, it will, in reality, make things more dangerous for people engaging in commercial sex- both people doing so on their own volition and those who are being compelled. Increased risk and police presence will not eliminate the existence of people who will pay for sex, but will instead push people engaging in sex work further into the margins and into more dangerous situations. By making commercial sex more dangerous to engage in, we are putting those most vulnerable to exploitation in an even more precarious position.

Similar laws have been passed in only one state, recently in Florida, and the database is not yet active. At least 11 states have database and registry provisions, but registrants are limited to those who engage in a "prostitution offense" with a minor. Ohio, similarly, currently requires adults who solicit children for commercial sex to be placed on a sex offender registry.

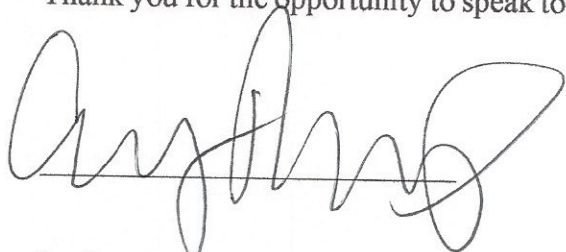
Advocating Opportunity supports evidence-based solutions to end human trafficking. We dedicate our time to removing legal and systemic barriers from the paths of survivors so they may meaningfully pursue their goals and live their lives on their own terms. Spending years doing that work, day in and day out, has made us particularly wary of criminal justice based solutions billed as the only way to eliminate human trafficking. We honor our law enforcement and judicial partners in this fight, as we cannot succeed without them. However, we have also heard from those same partners repeatedly that we are not going to arrest our way out of this problem. The solution is not going to be a quick fix or a silver bullet, but will require holistic, community-based solutions supported by evidence and best practices. It concerns Advocating Opportunity that national studies have concluded that while databases and registries are popular criminal justice mechanisms, they do not actually make our communities safer.

Promoting prostitution and solicitation are already criminal offenses, penalties for the former having just recently increased with Senate Bill 5. Further increasing the punitive consequences in this manner takes legislative capital, funding, and law enforcement hours and focuses them on a small part of a much bigger problem. Why not use these resources to investigate

and prosecute the traffickers we know are out there? Why are we not discussing passing laws that will tangibly support survivors of human trafficking directly? Advocating Opportunity would love to see Ohio support sex workers and survivors of human trafficking by broadening their protections under the law. While purchasing sex is not inherently violent, if someone is harmed while engaging in commercial sex, why are we not making it easier for them to come forward and report what happened to them without fear of the repercussions? Instead, we fear that this law that asks Ohio for nearly \$200,000.00 to engage in anti-prostitution shaming will not meet its stated objectives and instead put some of Ohio's most vulnerable people in even more difficult circumstances.

Advocating Opportunity is actively in support of evidence-based solutions that emphasize harm reduction for those involved in the sex trade, those who are vulnerable to victimization, and those being victimized in Ohio. We look forward to continuing to work with you in pursuit of these goals.

Thank you for the opportunity to speak to you about such an important issue, as an interested party.

A handwritten signature in black ink, appearing to read 'Emily Dunlap', written over a horizontal line.

Emily Dunlap

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She/Her/Hers