



State Senator Stephanie Kunze
Ohio's 16th Senate District

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Ohio's 24th Senate District

Sponsor Testimony
Senate Bill 5
Senate Judiciary Committee
February 20, 2019

Chairman Eklund, Vice Chair Manning, Ranking Member Thomas and members of the Senate Judiciary committee. Thank you for the opportunity to present sponsor testimony on Senate Bill 5, legislation that seeks to amend the penalties for promoting prostitution.

In November 2016, the Cuyahoga Regional Human Trafficking Task force was established under the State of Ohio, Attorney General's Office, Organized Crime Commission. This task force is involved with the arrest and prosecution of several individuals for Human Trafficking and Promoting and/or Compelling Prostitution.

Many of the cases investigated by the Task Force involving human trafficking behavior do not meet the prosecution threshold needed to charge and convict for the offense of Trafficking in Persons. However, the cases are usually prosecuted for violations of Promoting Prostitution. It is opined that providing stricter sentencing for repeat offenders of Promoting Prostitution will help in just one of the many challenges faced in combating the complex crime of human trafficking.

Since the inception of the Task Force, there are countless examples of cases involving repeat offenders in Cuyahoga County. One case in particular, focuses on Anthony Hawkins, who had previously been found guilty of promoting prostitution. Hawkins was charged with Promoting Prostitution that involved trafficking two adult victims. For this crime and his past criminal history, he only served three and half years in prison.

This legislation, if enacted into law, increases penalties for those found to be guilty of promoting prostitution. This legislation levies increased penalties on repeat offenders as well as those found to be committing additional offenses. The changes are as follows:

1. If the offender has previously been convicted of or pleaded guilty to a violation of this section, the penalty is increased from a fourth-degree felony to a third-degree felony.
2. If the offender is guilty of drug trafficking in addition to promoting prostitution, the penalty is increased from a fourth-degree felony to a third-degree felony.
3. If the offender has two or more prior convictions, the penalty is increased from a third-degree felony to a second-degree felony.

Under the proposed changes, with the two previous convictions of Promoting Prostitution, Hawkins' conviction on November 9, 2017 would have been an F2, subjecting him to a prison term ranging from two to eight years, and preventing him from victimizing more women.

By providing the means to adequately penalize offenders, these increased penalties are necessary changes the justice system needs to counter this cruel industry. To further illustrate the need to increased penalties, one need look no farther than several of Ohio's neighboring states. In Michigan, the crime of human trafficking is punishable by up to 10 years in prison, a \$10,000 fine, or both. If the victim is a minor, then the penalty is boosted to a maximum of 20 years, \$20,000 fine, or both. In Pennsylvania, it is a second degree felony to facilitate human trafficking, a first degree felony for trafficking a minor, and a first degree felony for knowingly subjecting someone to involuntary servitude or sexual servitude. Finally, in West Virginia, the penalty for human trafficking, if the victim is an adult, is a felony punishable by 3-15 years in prison, a \$200,000 fine, or both. If the victim is a minor, then the penalty becomes a felony punishable by 10-20 years in prison, a \$300,000 fine, or both.

This legislation is a reintroduction of Senate Bill 244 from the previous general assembly that was passed by the Ohio Senate 33-0 and had the support of the Ohio Prosecuting Attorneys Association, Cuyahoga Regional Human Trafficking Task Force and then Attorney General Mike DeWine. It received no opposition testimony in the Ohio Senate Judiciary committee.

It is our goal that by increasing Ohio's penalties for human trafficking to be more on par with other states, then we can work to end this heinous act not only in Ohio, but to do our part to end it both nationally and globally.

Chairman Eklund and members of the Senate Judiciary committee. Thank you for the opportunity to present sponsor testimony on Senate Bill 5. We are happy to answer any questions that the committee might have.