**Senate Judiciary Committee**

**Senate Bill 247—Sponsor Testimony**

**Wednesday, February 5, 2020**

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 247.

Let’s be clear: no one accidentally engages in sexual activity for hire.These offenders are aware their conduct is illegal and choose to engage anyway. This bill would shine a light on this horrible crime, especially on those enabling the issue and supplying the demand for it, and allow for real change to occur.

We, as a legislature, have recently made important strides in helping to end human trafficking. As we try to tackle these problems, it is important that we put a greater focus on those who pay to engage in the act and create the demand which keeps it alive. To do so, the bill would do the following:

1. **Split the current soliciting statute into two separate charges (“soliciting” and “engaging in prostitution”) and increase penalties on the purchaser, or ‘john.’**

Currently under the Ohio Revised Code (ORC), the buyers and victims are both charged under the soliciting statute. The second charge, “engaging in prostitution”, would target those who recklessly “induce, entice, or procure” someone to engage in sexual activity in exchange for the person giving anything of value to the other person.

Those who engage in prostitution would receive a 1st degree misdemeanor and, at most, a $1,500 fine. Additionally, these individuals will be required to attend “john school” – an education or treatment program aimed at preventing people from engaging in prostitution. With subsequent convictions of this charge, the act would raise to a felony with mandatory prison terms.

1. **Create a public Sexual Exploitation Database.**

The bill would add a new section of code to the ORC which would place those convicted of promoting or engaging in prostitution onto a public, online registry. The database would list the name, address, photo, offense they were convicted of or plead guilty to, date of conviction, and location (city and county) of the offense of only Ohioans who have been caught purchasing sex for hire in this state. Offenders would remain on the list for 5 years before automatically being removed, but may also petition for removal from the database which is valid under certain circumstances. If they were to re-offend, they would be put on the database for another 5 years.

This database would not be retroactive – offenders would be added to the database for an offense that occurs on or after the date the law would go into effect – and the idea comes from the state of Florida, which created a similar database last summer. Additionally, the bill would include an appropriation of $190,000 over the biennium, from the GRF, that would be given to the Attorney General’s office to establish and maintain the database. It is important to note that the information displayed on this database is already on press releases published by the Attorney General’s Office after each prostitution sting conducted by the office.

Last year, the city of Dayton launched a similar initiative, called “Buyer’s Remorse”. While data is still being collected, the Dayton Police Department reports that this program may have contributed to a 41% decrease in prostitution-related crimes in the city in 2019.

1. **Create a new charge, ‘Receiving Proceeds of Prostitution.’**

Currently, in code, there are various charges that could be used to target pimps and traffickers. Compelling prostitution ranges from 1st to 3rd degree felonies, promoting prostitution is either a 3rd or 4th degree felony, and a procuring charge ranges from 4th degree felony to 1st degree misdemeanor.

However, it is often difficult to prosecute these individuals because they are not present at the scene of the crime. The bill creates a new offense, “receiving proceeds of prostitution”, which would resolve that issue by criminalizing a third party who knowingly receives anything of value, including drugs or cash, from someone committing prostitution. The offense would be a 3rd degree felony, and would be escalated to a 2nd degree felony if the victim is a minor.

This bill is about putting a stop to human traffickers in Ohio. Human trafficking is modern day slavery—it takes away a person’s basic human right to freedom. It can take many forms including commercial sexual exploitation, labor, or forced servitude. S.B. 247 is Ohio’s latest attempt to combat commercial sexual exploitation.

Throughout our lives, you may have heard that prostitution is the oldest profession in the world. We disagree; it is the oldest *oppression* in the world, and it always has been. Fighting human trafficking in all forms is the human rights issue of our lifetime. This is not a partisan issue. We must get to the root cause and put an end to it.

Trafficking in humans is big business. The internet has labeled it as the fastest growing criminal enterprise in the world. It is a cash business that brings in $99B worldwide and $10-15B right here in the United States. According to the Ohio Human Trafficking Prevalence Study, in 2019, Ohio identified 1,032 victims of human trafficking. Of those identified, 82% were women, 85% were minors, and the average age of those identified was 12-30. Though now presumably safe, these individuals face a multitude of physical and mental health issues, including addiction, post-traumatic stress, depression, hypertension, and STIs, as well as a lifetime of scars and chronic pain.

Though we have made a great deal of progress in Ohio, when compared to other states, we are falling far behind. Passing SB 247 will help. Unfortunately, Ohio ranked as the state with the fourth highest number of reported cases of human trafficking just behind California, Texas and Florida.

Last year, Shared Hope released its report card, which gave our state a “C” rating. This is largely because Ohio is the only state in the county that requires proof of force, fraud, of coercion when a victim of sex trafficking is 16 or 17 years old. Additionally, our “trafficking in persons” law does not apply to buyers of commercial sex acts with minors 16 and 17 years old. Another factor is that currently, Ohio’s “trafficking in persons” law does not include the crime of assisting, enabling, or financially benefitting from trafficking. This last point is addressed in Senate Bill 247, as we will outline in this testimony.

Senate Bill 247 will create new penalties for those purchasing prostitution and will establish the Sexual Exploitation Database for those who are convicted of or plead guilty to promoting or engaging in prostitution.

Under current law, it is not difficult for someone caught soliciting a prostitute to keep that information hidden from family and friends. The average john is a middle-aged white male, married, with a full time job. They seem “squeaky clean” but are continuing the cycle of human trafficking.

After 15 years of working on this issue, we know that we are nowhere near reducing the demand to control the growth of human trafficking. That is why we need to pass this vital piece of legislation. We must make sure Ohio gets to the core of who is responsible for running this criminal enterprise. We know it’s not the unsuspecting victims.

This legislation has had the direct input and support of Ohio Attorney General Dave Yost. The action plan it creates will give law enforcement and prosecutors the resources they need to fight human trafficking. By unmasking those who drive and profit from this humanitarian crisis, we can begin to put a stop to it.