



# Office of the Ohio Public Defender

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*Timothy Young, State Public Defender*

## **HB431 Interested Party Testimony Sexual Exploitation Database Sponsor Representative Abrams and Carfagna**

Chair Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for the opportunity to provide written interested party testimony on behalf of the Office of the Ohio Public Defender (“OPD”) regarding House Bill 431 (“HB431”).

OPD previously testified as a proponent of Senate Bill 13 (“SB13”), which makes changes to the law regarding juveniles who are the victim of human trafficking. The language of SB13 was amended into HB431 in the House Criminal Justice Committee. OPD remains very supportive of SB13, and OPD believes SB13, which passed the Senate unanimously, should be passed as standalone bill. OPD opposes the provisions of HB431 that were not included in SB13. While the substitute bill is a great improvement, OPD remains opposed to these provisions of the bill.

As this committee knows, HB431 would allow local government entities to enter into an agreement with the Attorney General to create a public and searchable registry<sup>1</sup> of individuals in their community who are convicted of a “prostitution offense,” meaning the individual was convicted of “recklessly induc[ing], entic[ing], or procur[ing] another to engage in sexual activity for hire ...”<sup>2</sup> Although the substitute bill allows the registry to be done as pilot project,<sup>3</sup> all public

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<sup>1</sup> Lines 43 – 44.

<sup>2</sup> Lines 395 – 397.

<sup>3</sup> Line 39.

registries, even pilot programs, cause devastating unintended consequences for those on the registry and their families.

For many, perceptions of prostitution were formed by popular culture. Movies like *Moulin Rouge* and the show *The Cathouse* glorify prostitution. Even Attorney General Yost pointed out that most of the public thinks of prostitution as it was portrayed in the movie “*Pretty Woman*.”<sup>4</sup> What Ohio’s top attorney and this legislature know is that prostitution is often human trafficking. As Attorney General Yost has pointed out, when someone solicits a prostitute, they do not know if that individual is acting on her own freewill or is manipulated and controlled by a trafficker.<sup>5</sup> “The average john is a middle-aged white male, married, with a full time job.”<sup>6</sup> Attorney General Yost is correct that most of these individuals probably do not realize that by patronizing a prostitute, they are furthering her victimization to the benefit of her trafficker.

Proponents of HB431 have been clear that the purpose of this registry is to be an “easy to search state database”<sup>7</sup> designed to shame individuals convicted of these offenses.<sup>8</sup> As I testified before, OPD opposes public registries because the research is clear that public registries do not make communities safer. In fact, there is a significant amount of research that has found that public registries make communities less safe. Inclusion on a registry makes it harder for individuals to obtain employment or find housing. Researchers have found that a

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<sup>4</sup> Jeremy Pelzer, Ohio AG Dave Yost launches human trafficking summit to build ‘free to freedom’ for victims, *Cleveland.com*, January 9, 2020, <https://www.cleveland.com/open/2020/01/ohio-ag-dave-yost-launches-human-trafficking-summit-to-build-freeway-to-freedom-for-victims.html>.

<sup>5</sup> *A letter from Dave Yost: Human trafficking turns girls into slaves*, On the Job, Criminal Justice Update, October 2, 2019, <https://www.ohioattorneygeneral.gov/Media/Newsletters/Criminal-Justice-Update/Fall-2019/A-letter-from-Dave-Yost-Human-trafficking-turns-gi>

<sup>6</sup> Senator Schaffer and Senator Fedor, Sponsor testimony for SB247, February 2, 2020.

<sup>7</sup> Cornelius Frolik, *Buyer’s Remorse ad program reached thousands last year in effort to expose men who buy sex in Dayton*, *Dayton Daily News*, February 2, 2020, <https://www.daytondailynews.com/news/crime--law/ohio-wants-prostitution-registry-dayton-already-has-johns-list/9kdQTnwIMX6bZpzL3btgpO/>.

<sup>8</sup> Randy Ludlow, *Shame as deterrence: Bill would create online registry of Ohio’s ‘johns’*, *The Columbus Dispatch*, January 21, 2020, <https://www.dispatch.com/news/20191106/shame-as-deterrence-bill-would-create-online-registry-of-ohio-johns/1?rssfeed=true>.



lack of housing and a “transient status seems to be associated with higher sexual recidivism rates” for individuals on sex offender registries.<sup>9</sup> Another study hypothesized that the link between sex offender registries and increased rates of recidivism is due to the personal, professional, financial, and social consequences of making registries public causing crime-free lifestyles to be unobtainable for registrants.<sup>10</sup> As one of the researchers put it, “[w]e have an anti-reentry policy for sex offenders.”<sup>11</sup> Since the purpose of this registry is to make this information as public as possible, logic dictates that individuals on the registry will suffer the same fate as those on sex offender registries.

OPD supports the provisions in Sub. HB431 that require individuals who purchase sexual activity to “attend an education or treatment program aimed at preventing persons from inducing, enticing, or procuring another to engage in sexual activity for hire...”<sup>12</sup> This is the better approach to ending the demand for human trafficking in Ohio. Through these programs, individuals are educated about the realities of prostitution. These programs disillusion attendees of popular culture’s portrayal of prostitution and educate offenders on the brutal practice of human trafficking. Educating offenders is a more sensible approach to reducing the demand than putting them on a registry that makes impossible for these Ohioans to obtain housing and employment.

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<sup>9</sup> Steven Yoder & Commentary, *New evidence says US sex-offender policies are actually causing more crime*, Quartz, December 21, 2016, [https://qz.com/869499/new-evidence-says-us-sex-offender-policies-dont-work-and-are-actually-causing-more-crime/#:~:targetText=They%20found%20that%20the%20average,per%2010%2C000%20people%20to%209.3.](https://qz.com/869499/new-evidence-says-us-sex-offender-policies-dont-work-and-are-actually-causing-more-crime/#:~:targetText=They%20found%20that%20the%20average,per%2010%2C000%20people%20to%209.3.;); quoting *The Predictive Validity of Static-99R for Sexual Offenders in California: 2016 Update*, California Department of Justice & Public Safety Canada, July 13, 2016, [http://www.saratso.org/docs/ThePredictiveValidity\\_of\\_Static-99R\\_forSexualOffenders\\_inCalifornia-2016v1.pdf](http://www.saratso.org/docs/ThePredictiveValidity_of_Static-99R_forSexualOffenders_inCalifornia-2016v1.pdf).

<sup>10</sup> See J.J. Prescott & Jonah E. Rockoff, *Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?* 1 J.L. ECON 54, 15 (2008), <http://www.nber.org/papers/w13803.pdf>.

<sup>11</sup> Steven Yoder & Commentary, *New evidence says US sex-offender policies are actually causing more crime*, Quartz, December 21, 2016; quoting J.J. Prescott.

<sup>12</sup> Lines 401 – 405.



Proponents of HB431 have stated that a public registry will make it more likely that the “mothers, wives, children, bosses and other community members” will learn of the offender’s conviction.<sup>13</sup> Put yourselves in the position of an individual who learns their spouse was convicted of a prostitution related offense. This would obviously be a difficult time for any family. Perhaps the marriage will end. If separating parents is not hard enough for a child, the offender’s children may also be teased and mocked at school because the whole community will know of the conviction. Perhaps these married individuals will decide that they want to stay together and repair their relationship. Instead of allowing it to be a private decision among spouses, HB431 makes it a community decision. It is not hard to imagine that a spouse may be subject to opinions and comments from others in the community every time they leave the house. HB431 will punish more than just offenders, it will punish their family.

Historically, we blamed the victim — the prostitute — for prostitution.<sup>14</sup> We now better understand the true nature of prostitution. We should continue to educate the public about realities of human trafficking in order to reduce demand. However, registries like the one proposed in HB431 destroy opportunities for individuals to live as law-abiding citizens and punish their innocent family members. Ohio is not made better or safer by making it impossible for capable people to obtain adequate housing, employment, and care for their family. Thank you for the opportunity to provide written-only testimony.

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<sup>13</sup> Cornelius Frolik, *Buyer’s Remorse ad program reached thousands last year in effort to expose men who buy sex in Dayton*, Dayton Daily News, February 2, 2020, <https://www.daytondailynews.com/news/crime--law/ohio-wants-prostitution-registry-dayton-already-has-johns-list/9kdQTnwIMX6bZpzL3btgpO/>.

<sup>14</sup> Brandon Addeo, *Proposed legislation targets human traffickers, people who buy sex*, Sandusky Register, November 8, 2019, <https://sanduskyregister.com/news/25141/proposed-legislation-targets-human-traffickers-people-who-buy-sex/>, paraphrasing Tracy McGinley, Director of Bowling Green State University’s Criminal Justice Program.

