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Am. H. B. No. 427

Representatives White, Manchester

Cosponsors: Representatives Plummer, LaRe, Carfagna, Loychik, Young, T., Click, Koehler, Schmidt, John, Lanese, Riedel, Bird, Manning, Holmes, Johnson, Fowler Arthur, Richardson, Cutrona, Gross, Troy, Miller, A., Abrams, Boggs, Boyd, Brent, Brown, Carruthers, Cross, Crossman, Edwards, Fraizer, Galonski, Ghanbari, Ginter, Hicks-Hudson, Humphrey, Ingram, Jarrells, Jones, Kick, Leland, Lightbody, Liston, Miller, J., Miller, K., Miranda, O'Brien, Oelslager, Patton, Pavliga, Robinson, Roemer, Russo, Smith, M., Stein, Upchurch, Weinstein, West, Speaker Cupp

Senators Manning, Antonio, Blessing, Brenner, Cirino, Craig, Dolan, Gavarone, Hackett, Hottinger, Johnson, Kunze, McColley, Reineke, Romanchuk, Rulli, Schaffer, Schuring, Wilson

A BILL

To amend sections 2905.32 and 2907.21 of the 1
Revised Code to prohibit the use of a controlled 2
substance or manipulation of controlled 3
substance addiction as a method of human 4
trafficking or to compel prostitution. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2905.32 and 2907.21 of the 6
Revised Code be amended to read as follows: 7

Sec. 2905.32. (A) No person shall knowingly recruit, lure, 8
entice, isolate, harbor, transport, provide, obtain, or 9
maintain, or knowingly attempt to recruit, lure, entice, 10
isolate, harbor, transport, provide, obtain, or maintain, 11

another person if either of the following applies: 12

(1) The offender knows that the other person will be 13
subjected to involuntary servitude or be compelled to engage in 14
sexual activity for hire, engage in a performance that is 15
obscene, sexually oriented, or nudity oriented, or be a model or 16
participant in the production of material that is obscene, 17
sexually oriented, or nudity oriented. 18

(2) The other person is less than eighteen years of age or 19
is a person with a developmental disability whom the offender 20
knows or has reasonable cause to believe is a person with a 21
developmental disability, and either the offender knows that the 22
other person will be subjected to involuntary servitude or the 23
offender's knowing recruitment, luring, enticement, isolation, 24
harboring, transportation, provision, obtaining, or maintenance 25
of the other person or knowing attempt to recruit, lure, entice, 26
isolate, harbor, transport, provide, obtain, or maintain the 27
other person is for any of the following purposes: 28

(a) For the other person to engage in sexual activity for 29
hire with one or more third parties; 30

(b) To engage in a performance for hire that is obscene, 31
sexually oriented, or nudity oriented; 32

(c) To be a model or participant for hire in the 33
production of material that is obscene, sexually oriented, or 34
nudity oriented. 35

(B) For a prosecution under division (A) (1) of this 36
section, the element "compelled" does not require that the 37
compulsion be openly displayed or physically exerted. The 38
element "compelled" has been established if the state proves 39
that the offender overcame the victim's will ~~was overcome~~ by 40

force, fear, duress, intimidation, or fraud, by furnishing or 41
offering a controlled substance to the victim, or by 42
manipulating the victim's controlled substance addiction. 43

(C) In a prosecution under this section, proof that the 44
defendant engaged in sexual activity with any person, or 45
solicited sexual activity with any person, whether or not for 46
hire, without more, does not constitute a violation of this 47
section. 48

(D) A prosecution for a violation of this section does not 49
preclude a prosecution of a violation of any other section of 50
the Revised Code. One or more acts, a series of acts, or a 51
course of behavior that can be prosecuted under this section or 52
any other section of the Revised Code may be prosecuted under 53
this section, the other section of the Revised Code, or both 54
sections. However, if an offender is convicted of or pleads 55
guilty to a violation of this section and also is convicted of 56
or pleads guilty to a violation of section 2907.21 of the 57
Revised Code based on the same conduct involving the same victim 58
that was the basis of the violation of this section, or is 59
convicted of or pleads guilty to any other violation of Chapter 60
2907. of the Revised Code based on the same conduct involving 61
the same victim that was the basis of the violation of this 62
section, the two offenses are allied offenses of similar import 63
under section 2941.25 of the Revised Code. 64

(E) Whoever violates this section is guilty of trafficking 65
in persons, a felony of the first degree. For a violation 66
committed prior to March 22, 2019, notwithstanding the range of 67
definite terms set forth in division (A) (1) (b) of section 68
2929.14 of the Revised Code, the court shall sentence the 69
offender to a definite prison term of ten, eleven, twelve, 70

thirteen, fourteen, or fifteen years. For a violation committed 71
on or after March 22, 2019, notwithstanding the range of minimum 72
terms set forth in division (A)(1)(a) of section 2929.14 of the 73
Revised Code, the court shall sentence the offender to an 74
indefinite prison term pursuant to that division, with a minimum 75
term under that sentence of ten, eleven, twelve, thirteen, 76
fourteen, or fifteen years. 77

(F) As used in this section: 78

(1) "Person with a developmental disability" means a 79
person whose ability to resist or consent to an act is 80
substantially impaired because of a mental or physical condition 81
or because of advanced age. 82

(2) "Sexual activity for hire," "performance for hire," 83
and "model or participant for hire" mean an implicit or explicit 84
agreement to provide sexual activity, engage in an obscene, 85
sexually oriented, or nudity oriented performance, or be a model 86
or participant in the production of obscene, sexually oriented, 87
or nudity oriented material, whichever is applicable, in 88
exchange for anything of value paid to any of the following: 89

(a) The person engaging in such sexual activity, 90
performance, or modeling or participation; 91

(b) Any person who recruits, lures, entices, isolates, 92
harbors, transports, provides, obtains, or maintains, or 93
attempts to recruit, lure, entice, isolate, harbor, transport, 94
provide, obtain, or maintain the person described in division 95
(F)(2)(a) of this section; 96

(c) Any person associated with a person described in 97
division (F)(2)(a) or (b) of this section. 98

(3) "Material that is obscene, sexually oriented, or 99

nudity oriented" and "performance that is obscene, sexually 100
oriented, or nudity oriented" have the same meanings as in 101
section 2929.01 of the Revised Code. 102

(4) "Third party" means, with respect to conduct described 103
in division (A)(2)(a) of this section, any person other than the 104
offender. 105

Sec. 2907.21. (A) No person shall knowingly do any of the 106
following: 107

(1) Compel another to engage in sexual activity for hire; 108

(2) Induce, procure, encourage, solicit, request, or 109
otherwise facilitate either of the following: 110

(a) A minor to engage in sexual activity for hire, whether 111
or not the offender knows the age of the minor; 112

(b) A person the offender believes to be a minor to engage 113
in sexual activity for hire, whether or not the person is a 114
minor. 115

(3) (a) Pay or agree to pay a minor, either directly or 116
through the minor's agent, so that the minor will engage in 117
sexual activity, whether or not the offender knows the age of 118
the minor; 119

(b) Pay or agree to pay a person the offender believes to 120
be a minor, either directly or through the person's agent, so 121
that the person will engage in sexual activity, whether or not 122
the person is a minor. 123

(4) (a) Pay a minor, either directly or through the minor's 124
agent, for the minor having engaged in sexual activity pursuant 125
to a prior agreement, whether or not the offender knows the age 126
of the minor; 127

(b) Pay a person the offender believes to be a minor, 128
either directly or through the person's agent, for the person 129
having engaged in sexual activity pursuant to a prior agreement, 130
whether or not the person is a minor. 131

(5) (a) Allow a minor to engage in sexual activity for hire 132
if the person allowing the child to engage in sexual activity 133
for hire is the parent, guardian, custodian, person having 134
custody or control, or person in loco parentis of the minor; 135

(b) Allow a person the offender believes to be a minor to 136
engage in sexual activity for hire if the person allowing the 137
person to engage in sexual activity for hire is the parent, 138
guardian, custodian, person having custody or control, or person 139
in loco parentis of the person the offender believes to be a 140
minor, whether or not the person is a minor. 141

(B) For a prosecution under division (A) (1) of this 142
section, the element "compel" does not require that the 143
compulsion be openly displayed or physically exerted. The 144
element "compel" has been established if the state proves that 145
the offender overcame the victim's will ~~was overcome~~ by force, 146
fear, duress, or intimidation, by furnishing or offering a 147
controlled substance to the victim, or by manipulating the 148
victim's controlled substance addiction. 149

(C) Whoever violates this section is guilty of compelling 150
prostitution. Except as otherwise provided in this division, 151
compelling prostitution is a felony of the third degree. If the 152
offender commits a violation of division (A) (1) of this section 153
and the person compelled to engage in sexual activity for hire 154
in violation of that division is sixteen years of age or older 155
but less than eighteen years of age, compelling prostitution is 156
a felony of the second degree. If the offender commits a 157

violation of division (A) (1) of this section and the person 158
compelled to engage in sexual activity for hire in violation of 159
that division is less than sixteen years of age, compelling 160
prostitution is a felony of the first degree. If the offender in 161
any case also is convicted of or pleads guilty to a 162
specification as described in section 2941.1422 of the Revised 163
Code that was included in the indictment, count in the 164
indictment, or information charging the offense, the court shall 165
sentence the offender to a mandatory prison term as provided in 166
division (B) (7) of section 2929.14 of the Revised Code and shall 167
order the offender to make restitution as provided in division 168
(B) (8) of section 2929.18 of the Revised Code. 169

Section 2. That existing sections 2905.32 and 2907.21 of 170
the Revised Code are hereby repealed. 171