



House Bill 385 Proponent Testimony

Zachary Miller, Legislative Policy Manager

House Criminal Justice Committee

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Chair Abrams, Vice Chair Williams, Ranking Member Brown, and members of the House Criminal Justice Committee:

On behalf of the Office of the Ohio Public Defender (OPD), thank you for the opportunity to submit proponent testimony on House Bill 385 (HB 385). We support the bill's expansion of eligible offenses for expungement by survivors of human trafficking to include certain misdemeanors and fifth- and fourth-degree felonies. The OPD provides legal representation to indigent Ohioans accused of a crime, and we believe HB 385 will positively impact all victims of human trafficking, whether indigent or not, across the state of Ohio.

A criminal record can severely hinder an individual's ability to obtain employment, housing, financial aid, professional licenses, and social services. A criminal record is especially burdensome for those who are already living in poverty and struggling to reintegrate into society. Ohio has made considerable progress in recognizing that victims of human trafficking are often forced to engage in criminal activity by their traffickers in order to survive. Most human trafficking victims will encounter law enforcement and the judicial system several times throughout their life, therefore most survivors will have a criminal record. The OPD urges the General Assembly to continue to enact laws that protect individuals from being trafficked and acknowledge that individuals who escape this life are victims in need of public policy that facilitates their pursuit of safety and prosperity.

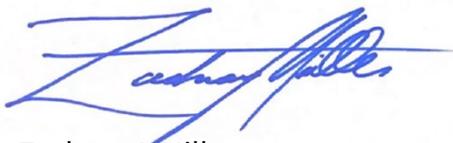
HB 385 is a critical part of this path forward because expungement of these criminal records will allow these victims the opportunity to move past these traumatic experiences, of which they were forced to engage, and reintegrate into society with confidence and economic security. Currently, Ohio law specifically enumerates soliciting, loitering, and prostitution as predicate offenses a victim must be convicted of in order to seek expungement. This language excludes survivors who were charged with a qualifying offense but were ultimately not



convicted, survivors of sex trafficking with other convictions outside of the requisite three, and survivors of labor trafficking from applying for expungement. If enacted, HB 385 would permit human trafficking victims to apply to the sentencing court for expungement of the record of conviction for a misdemeanor, a fourth-degree felony, or a fifth-degree felony where the person's participation was a result of the person having been a human trafficking victim. The inclusion of these lower-level nonviolent offenses will broaden the road to recovery and opportunity for many victims in Ohio.

The 135th General Assembly has, through multiple bills introduced this session, recognized that one's ability to find steady employment and secure housing is an essential component to successfully reintegrating into society. HB 385 stands to directly improve a victim of human trafficking's ability to move forward with their life with dignity and economic security. The OPD applauds the introduction of HB 385 along with the companion legislation in the Senate, SB 214, and urges this committee's support and passage of HB 385.

Sincerely,



Zachary J. Miller
Legislative Policy Manager
Office of the Ohio Public Defender
Zachary.miller@opd.ohio.gov