



PROPONENT TESTIMONY
HB 385, The Ohio House Criminal Justice Committee
Advocating Opportunity
May 6, 2024

Chair Abrams, Vice Chair Williams, Ranking Member Brown and members of the Committee, thank you for the opportunity to provide proponent testimony for House Bill 385 on behalf of Advocating Opportunity.

Advocating Opportunity (AO) is a nonprofit organization that provides holistic advocacy and free legal services to survivors of human trafficking. With offices in both Toledo and Columbus, AO represent survivors in communities across Ohio, working in collaboration with courts, law enforcement, grassroots organizations, and social services providers. Our attorneys and advocates serve over 200 survivors of human trafficking a year. These survivors include people of all ages, genders, and nationalities who experienced sex trafficking, labor trafficking, and both forms of victimization. Survivors of human trafficking are also commonly survivors of domestic violence, sexual assault and abuse, and stalking.

House Bill 385 is a triumph for anti-trafficking efforts in the State of Ohio. This law makes expungement of certain records more accessible for human trafficking survivors. This is a simple fix in the language of the statute that will have an incredible impact on the lives of survivors. We could not be more honored to stand here and thank you for this meaningful work.

Advocating Opportunity is grateful to the Ohio Legislature for building the best expungement mechanism possible to alleviate the burden that criminal records place on survivors of human trafficking. Traffickers force their victims into illegal activity for the trafficker's financial benefit, making the victim take the fall so the trafficker avoids liability; no risk, all reward. The most frequent crimes we seek to expunge from survivors' records are drug and theft related offenses committed at the direction of a trafficker. There is no justice in requiring survivors to carry the crimes they were coerced to commit for the rest of their lives. These records place significant barriers on access to gainful employment, financial independence, higher education and professional licensing, safe and stable housing, as well as the emotional toll of continuing to live under the shadow of their trafficker(s), while working to build a brighter future for themselves and their families.

Currently, Ohio law requires a conviction for soliciting, loitering, or prostitution for an applicant to be eligible to apply to expunge their criminal record pursuant to R.C. § 2953.36. While our office has had the pleasure of helping many survivors apply to expunge their records under the current law, we have also been in the heartbreaking position of delivering the news that even though someone is a victim of human trafficking, and even though their record is a result of that victimization, they are not eligible for expungement simply because they do not have certain offenses on their record.

Advocating Opportunity supports the passage House Bill 385 and supports broad access to expungement for human trafficking survivors. This bill was born of collaboration between the many interests involved in the criminal legal system. While Advocating Opportunity would be thrilled to see Ohio allow individuals without the predicate offenses the same access to expungement as those with those offenses on their records, we understand why the lines have been drawn.

To help the Committee better understand the expungement landscape, today there are 30 survivors on our Columbus office's expungement waitlist. We instituted a waitlist due to the steady need for specialized legal representation compared to a very small number of attorneys who provide these services, the many hours it takes to prepare an expungement application, and the time spent educating courts about the human trafficking expungement law. Of those survivors specifically seeking expungement, 17 do not have a qualifying conviction on their record. These 17 survivors would be directly impacted by this law change. These survivors, who have put significant portions of their lives on hold, who are still having their victimization thrown in their faces, have prompted us to come here today and let you know how much this law change would mean to them. Survivors have already done the hard work, take this step toward a life-changing goal with us.

We meet survivors without the qualifying commercial sex convictions on their record for many reasons, but often it is as simple as where they were victimized. Most frequently, the survivor was trafficked in a city or town where law enforcement does not regularly patrol for sex work related crimes. Cities with law enforcement units that routinely arrest people for soliciting are not the norm in most of Ohio, typically only found in large cities, and as such this requirement leaves out survivors who were trafficked in more rural parts of our state. We also meet many survivors who were not trafficked in street-based sex work, where the probability of arrest is highest. Traffickers rely more and more on technology, brokering deals online rather than in the streets. Survivors who experienced trafficking behind closed doors: in hotels, clubs, houses, or other venues where it is far less likely that an arrest will be made are similarly excluded from expungement.

Additionally, in some jurisdictions that regularly patrol for commercial sex related crimes, we are seeing encouraging efforts to avoid arresting victims of human trafficking. We appreciate our law enforcement partners for taking new approaches that reduce the harm of arrest and incarceration on victims of human trafficking. However, as our law enforcement partners learn and grow away from prior policing practices, fewer and fewer survivors will have the qualifying offenses on their records, thus rendering them ineligible for expungement of any other trafficking-related offenses they have on their record. This cannot be the result this body intended when the original expungement law was passed.

Thank you to the Committee for taking the time to consider the great benefits of House Bill 385 and to Representatives Richardson and Williams for being strong advocates for survivors of human trafficking. Several survivors have submitted proponent testimony and we hope you spend time with their stories. We urge you move swiftly in passing this critical fix to the existing human trafficking expungement law. Thank you for your time, effort, and consideration.

/s/ Emily Dunlap_____

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