

Proponent Testimony on Senate Bill 214
Senate Judiciary Committee
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Collaborative to End Human Trafficking
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Chair Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Judiciary Committee, thank you for the opportunity to provide proponent testimony for Senate Bill 214. My name is Kirsti Mouncey and I am the President and Chief Executive Officer of the Collaborative to End Human Trafficking (Collaborative). In fulfillment of our vision to eradicate human trafficking, we serve as the backbone organization of Greater Cleveland's Coordinated Response, which serves as Cuyahoga County's anti-human trafficking coalition. Our Legal and Legislative committee contributed to this testimony, which consists of community advocates, survivors with lived experience, and attorneys with extensive expertise in the field.

Freedom is a fundamental human right. It is a cornerstone of what makes us human. Yet, across the world and in our own communities, this right has been stripped from far too many as they are forced, tricked, and coerced into situations over which they have no control.

The legislature has supported numerous efforts aimed at eliminating human trafficking and we thank you for this work. We write in support of Senate Bill 214, which will provide victims and survivors an expanded pathway to expungement of their criminal records for crimes they committed as a result of being trafficked by expanding the eligible offenses that qualify for record expungement.

A criminal record is very common for trafficking victims, and it stands as a major roadblock to their recovery and ability to seek gainful employment, stable housing, and more. We know that escaping a trafficker is just the start of a victim's path to recovery. The Collaborative and members of the Coordinated Response work with survivors to provide mental health counseling and housing assistance. Nevertheless, prior convictions prevent survivors from rebuilding a better life and remain a constant reminder of their abuse. At every job interview, they must explain the circumstances of their victimization, which re-traumatizes them and makes potential employers uncomfortable. Expanded opportunities for expungement are needed so that survivors can move past their victimization toward a brighter future.

We support Senate Bill 214 and ask that the committee consider two additions that we believe would help to ensure victims have a greater opportunity to access expungements.

First, the language maintains current law for the predicate offenses established in Senate Bill 183 passed in the last General Assembly, requiring a preponderance of evidence. It is important to note that these offenses are not all encompassing to all human trafficking survivors. Currently, in Northeast Ohio, we see victims seeking to

expunge these charges being permitted to do so in a variety of courts with lower evidentiary requirements, such as by offering an affidavit and support letters, preventing them from the need to defend their victimization. Under this legislation, the expanded offenses eligible for expungement carry a higher standard of proof that requires clear and convincing evidence that a victim committed the crime as a result of being trafficked. This remedy, while an improvement over an inability to access expungement, will require victims to recount their history before an open court room. Victims would be required to talk about their experience in public, which could include sharing details of both human trafficking and labor trafficking. Often, retelling such details, in our experience, leads to revictimization of survivors and further re-traumatization. We suggest that the burden of proof be lowered to a preponderance of evidence for the expanded offenses.

Second, we ask the committee to include F-3 offenses in the legislation. Many of the cases that Coordinated Response advocates have worked on include a variety of F-3 offenses including trafficking in drugs, or robbery (ORC 2911.02A). Therefore, we suggest that these offenses should also be included in the legislation for reasons of survivors being given access to comparable remedies.

We know that survivors face extreme hardships, and that this legislation is seeking to help them rebuild their lives and regain control. We would like to thank Senator Stephanie Kunze for her sponsorship of this important legislation. We appreciate the opportunity to provide feedback on the legislation and urge this committee to move the legislation expeditiously. Finally, we are available to answer any questions or expand upon these ideas further. Thank you.