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Phone: (614) 466-1418
Rep44@ohiohouse.gov

State Representative Joshua E. Williams
Ohio House of Representatives

Chairman Manning, Vice-Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee, thank you for the opportunity to testify in support of HB 168 today. I also want to thank my joint sponsor, Representative Brennan, for joining me this General Assembly on this important piece of legislation, and former Representative Dell'aquila for his work last General Assembly.

In 2014, the Ohio Supreme Court ruled that our state's child enticement laws were overly broad and unconstitutional[1]. ORC 2905.05(A), as it is currently written, prohibits a person "by any means and without privilege to do so, [to] knowingly solicit, coax, entice, or lure any child under fourteen years of age to accompany the person in any manner" without the express or implied permission of the parent or guardian[2]. While this statute was drafted to provide the maximum amount of protection, the Supreme Court of Ohio ruled that the statute prohibited too much constitutionally protected activity. As a result, we effectively do not have an enforceable child enticement statute, leaving law enforcement struggling to proactively prevent abductions. Last May, an Amherst man who was charged with child

[1] https://www.courtnewsohio.gov/cases/2014/SCO/0306/121958_122042.asp
[2] https://codes.ohio.gov/ohio-revised-code/section-2905.05

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enticement received $90,000 in a lawsuit from the city because he was charged with the now-defunct child enticement statute and put on house arrest.[3]

Child enticement statutes are the first line of defense against kidnapping and human trafficking. Enticement is the most common way in which traffickers find new victims, because they see it as relatively low risk compared to attempting a forced abduction. I knew a young woman personally who faced the threat of enticement from a strange man, who was fortunately able to get away and call the police. Enticement of children is alarmingly frequent in my city of Toledo. A key strategic gateway for traffickers in the state of Ohio, Toledo was ranked as the fourth largest trafficking gateway in the nation in 2023, exploited for its proximity to the Canadian border, Lake Erie, and its status as a transportation and shipping hub.[4] For the sake of the people of Toledo and for the state of Ohio, it is crucial to draw a line in the sand for traffickers and let them know there will be serious consequences for merely attempting to engage in human trafficking by enticing a child.

In order to re-establish the offense of child enticement while staying within the lines of the Constitution, this bill requires the offender act with either an "unlawful purpose" or

[3] https://www.cleveland.com/court-justice/2024/05/amherst-pays-90k-to-settle-lawsuit-over-mans-arrest-on-charge-that-no-longer-exists.html
[4] https://discover.hubpages.com/politics/Toledo-Ohio-Third-Largest-City-for-Child-Sex-Trafficking-and-Slavery

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"sexual motivation" in enticing a child without the express or implied permission of the parent or guardian. We opted for this standard because it is incredibly difficult to prove a sexual motivation, whereas "unlawful purpose" allows the prosecution a greater opportunity to make the charge stick.

This bill will re-establish the deterrent value of Ohio's child enticement statute, allowing law enforcement to proactively prevent abduction, and more effectively fight the human traffickers in our state. Chairman Manning, Vice-Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee, thank you again for the opportunity to testify in support of HB 168 today.