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H.B. 507
136th General Assembly

Bill Analysis

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Version: As Passed by the House

Primary Sponsors: Reps. Newman and John

Nicholas A. Keller, Attorney

SUMMARY

- Creates the offense of receiving proceeds of prostitution.
- Includes receiving proceeds of prostitution as a corrupt activity, subject to the Corrupt Activities Law.

DETAILED ANALYSIS

Receiving proceeds of prostitution

Offense

The bill creates the offense of "receiving proceeds of prostitution," which prohibits a person from receiving or acquiring money or any other thing of value knowing that the money or other thing of value was earned from "sexual activity for hire" or as a result of "trafficking in persons" if the person does any of the following with the money or other thing of value:[1]

1. Profits from the money or other thing of value;
2. Conceals the money or other thing of value;
3. Uses the money or other thing of value to encourage or entice another to commit a criminal offense;
4. Collects the money or other thing of value on behalf of a third party.

[1] R.C. 2907.251(B) and 2905.32, not in the bill.

If receiving proceeds of prostitution is committed in the circumstances described in (1), (2), or (4) above, the offense does not apply to a "prostitute" who receives or acquires money or any other thing of value from the prostitute's own engagement in sexual activity for hire.[2]

Penalty

The bill provides that the penalty for receiving proceeds of prostitution is generally a third degree felony.[3] However, if a person commits receiving proceeds of prostitution by knowingly receiving or acquiring money or any other thing of value from a prostitute who is under age 18, receiving proceeds of prostitution is a second degree felony.[4]

Allied offenses

The bill provides that a prosecution for receiving proceeds from prostitution does not preclude a prosecution for a violation of any other R.C. section. One or more acts, a series of acts, or a course of behavior that can be prosecuted for receiving proceeds from prostitution or any other R.C. section may be prosecuted under the new offense, the other R.C. section, or both sections. However, if an offender is convicted of or pleads guilty to receiving proceeds from prostitution and also is convicted of or pleads guilty to the offense of "compelling prostitution," "promoting prostitution," "prostitution," "pandering obscenity," or "procuring" based on the same conduct involving the same victim that was the basis of the violation of the prohibition against receiving proceeds from prostitution, the two offenses are allied offenses of similar import, and thus are subject to merger under existing law, unchanged by the bill, so that the person may be sentenced for only one of the offenses. [5]

Corrupt activity

The bill adds the offense of "receiving proceeds of prostitution" to the list of offenses that constitute "corrupt activity" under the Corrupt Activities Law.[6] Under current law, unchanged by the bill, a person who engages in a "pattern of corrupt activity" may be subject to criminal penalties and fines, property forfeiture, a civil proceeding from a person seeking relief, and a corrupt activity lien.[7]

"Corrupt activity" currently means engaging in, attempting to engage in, conspiring to engage in, or soliciting, coercing, or intimidating another person to engage in: (1) any of a list of offenses specified in continuing law, with some of the offenses being included only when they occur in limited, specified circumstances, (2) any conduct constituting an offense in another state that is substantially similar to any offense included under clause (1), if the defendant was convicted of the conduct in the other state, or (3) "racketeering activity" under federal law,

[2] R.C. 2907.251(C).

[3] R.C. 2907.251(D)(1).

[4] R.C. 2907.251(D)(2).

[5] R.C. 2907.251(E) and R.C. 2941.25, not in the bill.

[6] R.C. 2923.31 to 2923.36, not in the bill except R.C. 2923.31.

[7] R.C. 2923.32, 2923.34, and 2923.36, not in the bill.

animal or ecological terrorism, or certain organized retail theft conduct. The bill expands the list included in clause (1) to also include the offense of "receiving proceeds of prostitution" that it creates.[8]

Under continuing law, a "pattern of corrupt activity" is two or more incidents of corrupt activity, whether or not there has been a prior conviction, that are related to the affairs of the same enterprise, are not isolated, and are not so closely related to each other and connected in time and place that they constitute a single event; at least one of the incidents must have occurred on or after January 1, 1986, and generally, the last of the incidents must have occurred within six years of any of the prior incidents.[9]

Definitions

The bill uses the existing definition of "**sexual activity for hire**" in the offense of "receiving proceeds of prostitution" that it creates. Existing law defines "sexual activity for hire" as an implicit or explicit agreement to provide sexual activity in exchange for anything of value paid to the person engaging in such sexual activity, to any person trafficking that person, or to any person associated with either such person.[10]

The bill modifies the definition of "**prostitute**" that applies to the Sex Offenses Law by removing "promiscuously" from the existing law definition. The bill defines "prostitute" as a male or female who engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another. Existing law defines "prostitute" as a male or female who *promiscuously* engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.[11] The term is used in three current R.C. sections, unchanged by the bill but affected by its modification of the term.[12]

HISTORY

Action	Date
Introduced	10-08-25
Reported, H. Public Safety	03-04-26
Passed House (93-0)	03-04-26

ANHB0507PH-136/sb

[8] R.C. 2923.31(I).

[9] R.C. 2923.31(E).

[10] R.C. 2907.251(A), and 2907.24(E), not in the bill.

[11] R.C. 2907.01 to 2907.38 and 2917.211, not in the bill except 2907.01 and 2907.251.

[12] R.C. 2907.22, 2907.23, and 2907.26, not in the bill.