

As Introduced

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H. B. No. 427

Representatives White, Manchester

**Cosponsors: Representatives Plummer, LaRe, Carfagna, Loychik, Young, T.,
Click, Koehler, Schmidt, John, Lanese, Riedel, Bird, Manning, Holmes, Johnson,
Fowler Arthur, Richardson, Cutrona, Gross, Troy**

A BILL

To amend sections 2905.32 and 2907.21 of the 1
Revised Code to prohibit the use of a controlled 2
substance or manipulation of controlled 3
substance addiction as a method of human 4
trafficking or to compel prostitution. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2905.32 and 2907.21 of the 6
Revised Code be amended to read as follows: 7

Sec. 2905.32. (A) No person shall knowingly recruit, lure, 8
entice, isolate, harbor, transport, provide, obtain, or 9
maintain, or knowingly attempt to recruit, lure, entice, 10
isolate, harbor, transport, provide, obtain, or maintain, 11
another person if either of the following applies: 12

(1) The offender knows that the other person will be 13
subjected to involuntary servitude or be compelled to engage in 14
sexual activity for hire, engage in a performance that is 15
obscene, sexually oriented, or nudity oriented, or be a model or 16

participant in the production of material that is obscene, 17
sexually oriented, or nudity oriented. 18

(2) The other person is less than eighteen years of age or 19
is a person with a developmental disability whom the offender 20
knows or has reasonable cause to believe is a person with a 21
developmental disability, and either the offender knows that the 22
other person will be subjected to involuntary servitude or the 23
offender's knowing recruitment, luring, enticement, isolation, 24
harboring, transportation, provision, obtaining, or maintenance 25
of the other person or knowing attempt to recruit, lure, entice, 26
isolate, harbor, transport, provide, obtain, or maintain the 27
other person is for any of the following purposes: 28

(a) For the other person to engage in sexual activity for 29
hire with one or more third parties; 30

(b) To engage in a performance for hire that is obscene, 31
sexually oriented, or nudity oriented; 32

(c) To be a model or participant for hire in the 33
production of material that is obscene, sexually oriented, or 34
nudity oriented. 35

(B) For a prosecution under division (A) (1) of this 36
section, the element "compelled" does not require that the 37
compulsion be openly displayed or physically exerted. The 38
element "compelled" has been established if the state proves 39
that the victim's will was overcome by force, fear, duress, 40
intimidation, a controlled substance, manipulation of a 41
controlled substance addiction, or fraud. 42

(C) In a prosecution under this section, proof that the 43
defendant engaged in sexual activity with any person, or 44
solicited sexual activity with any person, whether or not for 45

hire, without more, does not constitute a violation of this 46
section. 47

(D) A prosecution for a violation of this section does not 48
preclude a prosecution of a violation of any other section of 49
the Revised Code. One or more acts, a series of acts, or a 50
course of behavior that can be prosecuted under this section or 51
any other section of the Revised Code may be prosecuted under 52
this section, the other section of the Revised Code, or both 53
sections. However, if an offender is convicted of or pleads 54
guilty to a violation of this section and also is convicted of 55
or pleads guilty to a violation of section 2907.21 of the 56
Revised Code based on the same conduct involving the same victim 57
that was the basis of the violation of this section, or is 58
convicted of or pleads guilty to any other violation of Chapter 59
2907. of the Revised Code based on the same conduct involving 60
the same victim that was the basis of the violation of this 61
section, the two offenses are allied offenses of similar import 62
under section 2941.25 of the Revised Code. 63

(E) Whoever violates this section is guilty of trafficking 64
in persons, a felony of the first degree. For a violation 65
committed prior to March 22, 2019, notwithstanding the range of 66
definite terms set forth in division (A)(1)(b) of section 67
2929.14 of the Revised Code, the court shall sentence the 68
offender to a definite prison term of ten, eleven, twelve, 69
thirteen, fourteen, or fifteen years. For a violation committed 70
on or after March 22, 2019, notwithstanding the range of minimum 71
terms set forth in division (A)(1)(a) of section 2929.14 of the 72
Revised Code, the court shall sentence the offender to an 73
indefinite prison term pursuant to that division, with a minimum 74
term under that sentence of ten, eleven, twelve, thirteen, 75
fourteen, or fifteen years. 76

(F) As used in this section:	77
(1) "Person with a developmental disability" means a person whose ability to resist or consent to an act is substantially impaired because of a mental or physical condition or because of advanced age.	78 79 80 81
(2) "Sexual activity for hire," "performance for hire," and "model or participant for hire" mean an implicit or explicit agreement to provide sexual activity, engage in an obscene, sexually oriented, or nudity oriented performance, or be a model or participant in the production of obscene, sexually oriented, or nudity oriented material, whichever is applicable, in exchange for anything of value paid to any of the following:	82 83 84 85 86 87 88
(a) The person engaging in such sexual activity, performance, or modeling or participation;	89 90
(b) Any person who recruits, lures, entices, isolates, harbors, transports, provides, obtains, or maintains, or attempts to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain the person described in division (F) (2) (a) of this section;	91 92 93 94 95
(c) Any person associated with a person described in division (F) (2) (a) or (b) of this section.	96 97
(3) "Material that is obscene, sexually oriented, or nudity oriented" and "performance that is obscene, sexually oriented, or nudity oriented" have the same meanings as in section 2929.01 of the Revised Code.	98 99 100 101
(4) "Third party" means, with respect to conduct described in division (A) (2) (a) of this section, any person other than the offender.	102 103 104

Sec. 2907.21. (A) No person shall knowingly do any of the	105
following:	106
(1) Compel another to engage in sexual activity for hire;	107
(2) Induce, procure, encourage, solicit, request, or	108
otherwise facilitate either of the following:	109
(a) A minor to engage in sexual activity for hire, whether	110
or not the offender knows the age of the minor;	111
(b) A person the offender believes to be a minor to engage	112
in sexual activity for hire, whether or not the person is a	113
minor.	114
(3) (a) Pay or agree to pay a minor, either directly or	115
through the minor's agent, so that the minor will engage in	116
sexual activity, whether or not the offender knows the age of	117
the minor;	118
(b) Pay or agree to pay a person the offender believes to	119
be a minor, either directly or through the person's agent, so	120
that the person will engage in sexual activity, whether or not	121
the person is a minor.	122
(4) (a) Pay a minor, either directly or through the minor's	123
agent, for the minor having engaged in sexual activity pursuant	124
to a prior agreement, whether or not the offender knows the age	125
of the minor;	126
(b) Pay a person the offender believes to be a minor,	127
either directly or through the person's agent, for the person	128
having engaged in sexual activity pursuant to a prior agreement,	129
whether or not the person is a minor.	130
(5) (a) Allow a minor to engage in sexual activity for hire	131
if the person allowing the child to engage in sexual activity	132

for hire is the parent, guardian, custodian, person having 133
custody or control, or person in loco parentis of the minor; 134

(b) Allow a person the offender believes to be a minor to 135
engage in sexual activity for hire if the person allowing the 136
person to engage in sexual activity for hire is the parent, 137
guardian, custodian, person having custody or control, or person 138
in loco parentis of the person the offender believes to be a 139
minor, whether or not the person is a minor. 140

(B) For a prosecution under division (A)(1) of this 141
section, the element "compel" does not require that the 142
compulsion be openly displayed or physically exerted. The 143
element "compel" has been established if the state proves that 144
the victim's will was overcome by force, fear, duress, a 145
controlled substance, manipulation of a controlled substance 146
addiction, or intimidation. 147

(C) Whoever violates this section is guilty of compelling 148
prostitution. Except as otherwise provided in this division, 149
compelling prostitution is a felony of the third degree. If the 150
offender commits a violation of division (A)(1) of this section 151
and the person compelled to engage in sexual activity for hire 152
in violation of that division is sixteen years of age or older 153
but less than eighteen years of age, compelling prostitution is 154
a felony of the second degree. If the offender commits a 155
violation of division (A)(1) of this section and the person 156
compelled to engage in sexual activity for hire in violation of 157
that division is less than sixteen years of age, compelling 158
prostitution is a felony of the first degree. If the offender in 159
any case also is convicted of or pleads guilty to a 160
specification as described in section 2941.1422 of the Revised 161
Code that was included in the indictment, count in the 162

indictment, or information charging the offense, the court shall 163
sentence the offender to a mandatory prison term as provided in 164
division (B) (7) of section 2929.14 of the Revised Code and shall 165
order the offender to make restitution as provided in division 166
(B) (8) of section 2929.18 of the Revised Code. 167

Section 2. That existing sections 2905.32 and 2907.21 of 168
the Revised Code are hereby repealed. 169