

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Am. 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, Miller, A., Abrams, Boggs, Boyd, Brent, Brown, Carruthers, Cross, Crossman, Edwards, Fraizer, Galonski, Ghanbari, Ginter, Hicks-Hudson, Humphrey, Ingram, Jarrells, Jones, Kick, Leland, Lightbody, Liston, Miller, J., Miller, K., Miranda, O'Brien, Oelslager, Patton, Pavliga, Robinson, Roemer, Russo, Smith, M., Stein, Upchurch, Weinstein, West, Speaker Cupp**

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**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 offender overcame the victim's will ~~was overcome~~ by 40  
force, fear, duress, intimidation, or fraud, by furnishing or 41  
offering a controlled substance to the victim, or by 42

manipulating the victim's controlled substance addiction. 43

(C) In a prosecution under this section, proof that the 44  
defendant engaged in sexual activity with any person, or 45  
solicited sexual activity with any person, whether or not for 46  
hire, without more, does not constitute a violation of this 47  
section. 48

(D) A prosecution for a violation of this section does not 49  
preclude a prosecution of a violation of any other section of 50  
the Revised Code. One or more acts, a series of acts, or a 51  
course of behavior that can be prosecuted under this section or 52  
any other section of the Revised Code may be prosecuted under 53  
this section, the other section of the Revised Code, or both 54  
sections. However, if an offender is convicted of or pleads 55  
guilty to a violation of this section and also is convicted of 56  
or pleads guilty to a violation of section 2907.21 of the 57  
Revised Code based on the same conduct involving the same victim 58  
that was the basis of the violation of this section, or is 59  
convicted of or pleads guilty to any other violation of Chapter 60  
2907. of the Revised Code based on the same conduct involving 61  
the same victim that was the basis of the violation of this 62  
section, the two offenses are allied offenses of similar import 63  
under section 2941.25 of the Revised Code. 64

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

terms set forth in division (A) (1) (a) of section 2929.14 of the Revised Code, the court shall sentence the offender to an indefinite prison term pursuant to that division, with a minimum term under that sentence of ten, eleven, twelve, thirteen, fourteen, or fifteen years.

(F) As used in this section:

(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.

(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:

(a) The person engaging in such sexual activity, performance, or modeling or participation;

(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;

(c) Any person associated with a person described in division (F) (2) (a) or (b) of this section.

(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.	102
(4) "Third party" means, with respect to conduct described	103
in division (A) (2) (a) of this section, any person other than the	104
offender.	105
<b>Sec. 2907.21.</b> (A) No person shall knowingly do any of the	106
following:	107
(1) Compel another to engage in sexual activity for hire;	108
(2) Induce, procure, encourage, solicit, request, or	109
otherwise facilitate either of the following:	110
(a) A minor to engage in sexual activity for hire, whether	111
or not the offender knows the age of the minor;	112
(b) A person the offender believes to be a minor to engage	113
in sexual activity for hire, whether or not the person is a	114
minor.	115
(3) (a) Pay or agree to pay a minor, either directly or	116
through the minor's agent, so that the minor will engage in	117
sexual activity, whether or not the offender knows the age of	118
the minor;	119
(b) Pay or agree to pay a person the offender believes to	120
be a minor, either directly or through the person's agent, so	121
that the person will engage in sexual activity, whether or not	122
the person is a minor.	123
(4) (a) Pay a minor, either directly or through the minor's	124
agent, for the minor having engaged in sexual activity pursuant	125
to a prior agreement, whether or not the offender knows the age	126
of the minor;	127
(b) Pay a person the offender believes to be a minor,	128

either directly or through the person's agent, for the person 129  
having engaged in sexual activity pursuant to a prior agreement, 130  
whether or not the person is a minor. 131

(5) (a) Allow a minor to engage in sexual activity for hire 132  
if the person allowing the child to engage in sexual activity 133  
for hire is the parent, guardian, custodian, person having 134  
custody or control, or person in loco parentis of the minor; 135

(b) Allow a person the offender believes to be a minor to 136  
engage in sexual activity for hire if the person allowing the 137  
person to engage in sexual activity for hire is the parent, 138  
guardian, custodian, person having custody or control, or person 139  
in loco parentis of the person the offender believes to be a 140  
minor, whether or not the person is a minor. 141

(B) For a prosecution under division (A) (1) of this 142  
section, the element "compel" does not require that the 143  
compulsion be openly displayed or physically exerted. The 144  
element "compel" has been established if the state proves that 145  
the offender overcame the victim's will ~~was overcome~~ by force, 146  
fear, duress, or intimidation, by furnishing or offering a 147  
controlled substance to the victim, or by manipulating the 148  
victim's controlled substance addiction. 149

(C) Whoever violates this section is guilty of compelling 150  
prostitution. Except as otherwise provided in this division, 151  
compelling prostitution is a felony of the third degree. If the 152  
offender commits a violation of division (A) (1) of this section 153  
and the person compelled to engage in sexual activity for hire 154  
in violation of that division is sixteen years of age or older 155  
but less than eighteen years of age, compelling prostitution is 156  
a felony of the second degree. If the offender commits a 157  
violation of division (A) (1) of this section and the person 158

compelled to engage in sexual activity for hire in violation of 159  
that division is less than sixteen years of age, compelling 160  
prostitution is a felony of the first degree. If the offender in 161  
any case also is convicted of or pleads guilty to a 162  
specification as described in section 2941.1422 of the Revised 163  
Code that was included in the indictment, count in the 164  
indictment, or information charging the offense, the court shall 165  
sentence the offender to a mandatory prison term as provided in 166  
division (B) (7) of section 2929.14 of the Revised Code and shall 167  
order the offender to make restitution as provided in division 168  
(B) (8) of section 2929.18 of the Revised Code. 169

**Section 2.** That existing sections 2905.32 and 2907.21 of 170  
the Revised Code are hereby repealed. 171