



State Representative Andrea White
District 41

State Representative Susan Manchester
District 84

HB 427 – Sponsor Testimony
Criminal Justice Committee
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Representative White

Chair LaRe, Vice Chair Swearingen, Ranking Member Leland, and members of the Criminal Justice Committee, thank you for the opportunity to provide sponsor testimony on House Bill 427 with my joint sponsor, Representative Susan Manchester. This legislation will enable our prosecutors to directly pursue legal action against offenders who use drugs and addiction to compel their victims into prostitution¹ or trafficking². The bill expands the definition of “compel” under both statutes to include “controlled substance” and “manipulation of a controlled substance addiction.”

At the federal level, drugs are included in the definition of compel. However our current state law is missing this key language – even though more than 70% of victims of trafficking report having a substance abuse disorder.

While the Ohio Revised Code provides for alternatives for the definition of “compel” to include force, fear, duress, intimidation and fraud, drugs and addiction do not neatly fit into these categories. Expanding Ohio’s definition of “compel” to include “controlled substance” and “manipulation of a controlled substance addiction” as forms of control and force will shine the spotlight on this abusive exploitation of victims and allow for increased prosecution of traffickers.

Across the globe, there are more than **40 million victims** of human trafficking, with hundreds of thousands in the United States according to the International Labor Organization. The crimes of human trafficking and prostitution are rampant in Ohio, with substance use and addiction frequently being used as weapons to prey on vulnerable victims. The problem is unfortunately prevalent here due to our strategic geographic location and profitable market for human traffickers. Last year, the National Human Trafficking Hotline received 450 reports of human trafficking in Ohio – the 5th highest in the nation. In 2020, an Ohio Attorney General report cited 216 human trafficking investigations by law enforcement leading to 76 arrests and 18 successful criminal convictions.

¹ Section 2907.21 | Compelling prostitution.

² Section 2905.32 | Trafficking in persons.

And just less than a week ago, Attorney General Dave Yost announced the arrest of 161 people seeking to buy sex and the assistance of 51 potential human trafficking victims through the largest anti-human trafficking sting operation in Ohio's history. More than 100 federal, state and local law enforcement agencies partnered with non-governmental and nonprofit organizations from September 24 through October 1 to accomplish this feat. I would like to thank AG Yost for his diligence in maintaining a laser focus on removing this scourge that devastates so many of our citizens, and for partnering with us to advance this legislation.

Exactly how many victims are entrapped in human trafficking and prostitution through the use of drugs is unclear. One study suggests as high as 84 percent of sex trafficking survivors reported substance abuse during their victimizations and 25 percent reporting heroin use specifically. Regardless of the exact numbers, what is clear is that drugs and addiction are frequently used by traffickers to coerce and manipulate their victims. Ohio needs House Bill 427 right now – without delay – to give our prosecutors and law enforcement the tools they need to protect the boys and girls, the women and men who are being needlessly exploited in our state.

Representative Susan Manchester:

When drugs are used to coerce or control victims, physical or verbal violence is not always necessary. Addiction and withdrawal are incredibly powerful weapons that traffickers regularly use to “compel” their victims to comply with their demands and engage in sexual activity for hire or involuntary servitude. Even more, they often use drugs to entice or lure unsuspecting individuals to begin substance use, which in turn makes them become dependent on both the drug and the trafficker for continued access.

Whether used to create or perpetuate a dependency, drugs become weaponized by traffickers to induce compliance, punish, criminalize or incapacitate a victim. This type of entrapment leads to prolonged exploitation as victims become even further drug dependent, wracked by mental health issues and unable to overcome unsurmountable amounts of “debt” from being supplied with drugs.

Traffickers understand that victims may lose credibility and presumed innocence if they are ever arrested for prostitution when under the influence of drugs. These drugs can also interfere with a victim's ability to accurately remember events and details when testifying against their trafficker.

House Bill 427 will help remove obstacles prosecutors face when trying to hold traffickers accountable under current Ohio law. Right now, they must jump through the legal hoops of proving that drugs and addiction do constitute “force, fear, duress, intimidation or fraud” when establishing the element of compel for both human trafficking and prostitution.

Often, the trafficker's attorneys will not even argue that the defendant was not doing the crime they are accused of during their trial. Instead, they will make the case that the drugs their client provided don't fall into the definition of compelling prostitution or human trafficking – rendering them not guilty as charged.

Today, as we speak, Ohio's resurging opioid epidemic is compounding this issue by providing increased opportunities for traffickers to exploit victims under the powerful influence of drugs and addiction. We must act now to close this loophole, officially recognize this commonly used tactic and allow for the increased prosecution of traffickers.

Chair LaRe, Vice Chair Swearingen, Ranking Member Leland, and members of the Criminal Justice Committee, Representative White and I thank you for this opportunity to speak on House Bill 427 and we are happy to answer any questions you may have.