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Senate Judiciary Committee
Senate Bill 183—Sponsor Testimony
Tuesday, June 22, 2020

Thank you Chair Manning, Vice Chair McColley, Ranking member Thomas and members of the Senate Judiciary committee. Thank you for the opportunity to provide sponsor testimony on senate bill 183, The Expanding Human Trafficking Justice Act. We believe this legislation is aligned with the committee's priority to reform Ohio's criminal justice system so that it works for all Ohioans, especially victims of crime.

The current language in O.R.C. 2953.38 is arbitrary and needlessly restrictive by specifically enumerating soliciting, loitering, and prostitution as predicate offenses a victim must be convicted of in order to apply for record expungement. This language excludes survivors who were charged with a qualifying offense but were ultimately not convicted, survivors of sex trafficking with other convictions outside of the required three, and all survivors of labor trafficking from accessing relief. Advocating Opportunity estimates that at least 20% of sex trafficking survivors who have called to request assistance with an expungement do not have the qualifying convictions on their record. The Expanding Human Trafficking Justice Act will remove the predicate offenses required for a survivor of human trafficking to qualify for expungement of their criminal records in the state of Ohio.

Traffickers will often make their victims commit crimes not related to sexual activity such as theft, shop lifting, drug distribution, trespassing and even in some cases drug trafficking. The victim has no choice or they can face extreme violence. Without the passage of this ACT, survivors will continue to be denied expungement simply because they were not arrested for the right crime. Failure to receive an expungement prevents these survivors from getting stable housing, accessing certain social services, and finding gainful employment; all the things an individual needs to rebuild their lives.

We want to make clear that the individuals who would benefit from this change in statute are victims that committed crimes as a direct result of victimization. There are safe guards in the revised code to make sure that only human trafficking victims benefit from this statute. The language would still require the courts to "determine whether the applicant has demonstrated by a preponderance of the evidence that the applicant's participation in the offense... was a result of the applicant having been a victim of human trafficking". Per the statute, a great deal of the required legal analysis rests on whether the individual is, in fact, a victim of human trafficking and whether the applicant has been able to explain how their record

resulted from that victimization. Including predicate offenses on top of this requirement is arbitrary, completely unnecessary and not in line with our current understanding of human trafficking.

These expungement barriers create many collateral consequences for the individual but also our economy. We have a large untapped workforce at a time when employers are trying to reopen and rebuild. The Prison Policy Initiative, estimates the cost of employment losses among workers with records at \$87 billion annually in lost gross domestic product and the Brennan Center, found that “people who have been incarcerated see their subsequent earnings reduced by an average of 52 percent, with an average lifetime earnings loss of nearly half a million dollars; in the aggregate, people with criminal convictions face lost wages in excess of \$372 billion every year.”

To put all of that simply, this bill will open doors to employment, safe stable housing, family reunification and successful, healthy community integration. This bill is a smart, simple solution to an outdated law that is holding back progress for survivors.

At this time, we would be happy to answer any questions you may have.