



Office of the Ohio Public Defender

Timothy Young, State Public Defender

Testimony in Support of SB183 Expungements for Victims of Human Trafficking Sponsor Senators Fedor and Kunze

Chairman Manning, Vice Chair McColley, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for the opportunity to testify in support of Senate Bill 183. I am Niki Clum, Legislative Policy Manager for the Office of Ohio Public Defender (OPD).

OPD supports allowing individuals who have been victims of human-trafficking to have the records of their criminal offenses related to their trafficking expunged. A criminal record can severely hinder an individual's ability to obtain employment, housing, financial aid, professional licenses, and social services. Ohio has made considerable strides in crafting laws that protect individuals from being trafficked and acknowledge that individuals who escape this life - are victims. OPD supports SB183 because it corrects a loophole in current law regarding the eligibility of victims of human trafficking to have their criminal records expunged. Access to expungement is necessary to allow these victims the opportunity to move past the abuse and criminal activity, of which they were forced to engage, and become productive members of society.

Currently, Ohio's victims of human trafficking may apply to have their records expunged for any convictions, except aggravated murder, murder, and rape. However, current law requires victims to have convictions for prostitution and/or solicitation¹ before applying to have their other convictions expunged. This requirement creates a loophole that many victims fall through and thus lose out on the benefits of expungement. There may be victims who do not have prostitution and/or solicitation convictions because they were never caught or convicted of these offenses. Perhaps they entered into

¹ The predicate offenses for expungement of criminal records for victims of human trafficking are: soliciting, solicitation after a positive HIV test, loitering to engage in solicitation, loitering to engage in solicitation after a positive HIV test, prostitution, or engaging in prostitution after a positive HIV test.

a plea agreement where those charges were dropped in exchange for a plea to a different offense. Perhaps they were charged with the possession of paraphernalia or the drugs their trafficker used to control them, but never prostitution. Current law is clear, however, these victims of human trafficking who do not have convictions for prostitution or solicitation are not eligible for expungement. SB183 fixes this loophole removing this requirement. Under the bill, the court must find by a preponderance of the evidence that the individual requesting expungement has been the victim of human trafficking and the criminal convictions to be expunged are related to that victimization.

Instead of allowing victimized people to move past this horrible time in their lives and become productive members of society, the overly broad restrictions in current law greatly reduce the chances that victims will be eligible for expungement. Victims of human-trafficking have survived unthinkable suffering. An expungement could be the fresh start they need to obtain adequate housing and good jobs to support themselves and their families. Thank you for the opportunity to speak today to your committee. I am happy to answer questions at this time.

