

**INTERESTED PARTY TESTIMONY**  
**SB 183, The Ohio Senate Judiciary Committee**  
**Heidy Carr, Columbus City Attorney's Office**  
**October 18, 2021**

Chair Manning, Vice Chair McColley, Ranking Member Thomas, and members of the committee, thank you for the opportunity to provide interested party testimony for Senate Bill 183. My name is Heidy Carr and I am an Assistant City Attorney under the Columbus City Attorney, Zach Klein's Office. My position is relevant to this testimony as I am the attorney who reviews, hears, and grants or denies the applications for expungements of human-trafficking-related, misdemeanor offenses at the Franklin County Municipal Court.

I would like to shed some light on the procedures and immense time spent reviewing each expungement application. I am not involved in the initial application process, however, I receive the completed packet of each application from the Court's bailiff, along with their entire record and cases they would like to expunge. I only have jurisdiction over misdemeanor charges and felony cases that were arraigned at the Franklin County Municipal Court and dismissed. By the time I receive the application, there is already a Court date set for said applicant.

I begin the review process once I receive the application. In reviewing the application, I first look for whether the applicant is qualified to have their cases expunged under the Human Trafficking Expungement Statute. As you all know, this means that they were either charged under O.R.C. 2907.24, 2907.241, or 2907.25. If I find that they are qualified, I go over the offenses for which the expungement is sought and the date of the offenses. The dates are very important because we do not expunge any case that is still open, or while the applicant is still under supervision by the Court.

The next step, once the initial review is completed, is to determine whether the applicant has demonstrated by a preponderance of the evidence that the applicant's participation in the offense, that is the subject of the application, was a result of the applicant having been a victim of human trafficking. The applicant must include an affidavit explaining their involvement in the offenses and how they were a result of them being a victim of human trafficking. After reviewing the affidavit, I make notes of any specific charges not addressed in the affidavit, as well as questions to ensure that that each offense has been proven by a preponderance of the evidence.

Once the Court date arrives, a hearing is held with the applicant. During the hearing, I ask that the applicant tell their story of how they were a victim of human trafficking and what specific things occurred during that time. After we are able to prove that the applicant was, in fact, a victim, I move on to the specific charges for which the applicant is seeking expungement and request that the applicant explain why these offenses should be expunged. Again, the applicant must provide testimony as to how that specific offense was 1) during the time they were still a victim of human trafficking, and 2) directly related to them being a victim of human trafficking.

Some obvious charges we see with victims of human trafficking are charges of soliciting, theft, and drug-related offenses. Many times we see charges such as driving under suspension and other traffic violations like operating a vehicle while impaired. With those charges that are not so

obvious, we often hear testimony from the applicant that they were under the influence of either drugs or alcohol because they were forced into a life of drugs and prostitution and either had to drive to sell drugs, or for other reasons by their traffickers. There are also instances where victims of human trafficking are charged with assault or domestic violence. The testimony we often hear is that the applicant was trying to either get away from her trafficker and needed to use some type of force because he or she was forcing her to stay, or they were charged after using some force in self-defense. Those are just some of the examples of testimony we hear regarding cases that at first glance might not appear to be related to human trafficking, however, after further review and testimony, can be directly connected.

While I am not testifying on whether to approve or deny the expansion of the expungement statute, I would like to present a couple issues that I run into as the attorney who reviews those applications. Some issues I get called about from some attorneys who represent applicants are that an applicant would like to apply but they are charged under the Columbus City Code, or an applicant would like to apply or they are charged with soliciting from another state, while all their other charges are here in Ohio. Under the current Human Trafficking Expungement statute, they cannot do so.

Another concern that is often presented is whether expanding the language may open a flood gate of frivolous applications. My response to that concern is that even with the way the application is currently written, frivolous applications are possible, and are usually caught with the procedure put in place by our office.

I would like to conclude my testimony by saying that our office spends significant time reviewing each application, speaks to every applicant, and ensures that applications are qualified under the statute.

Thank you all for your time and work put into this, and thank you for hearing my testimony today.

Sincerely,

Heidy Carr