

# WITNESS INFORMATION FORM

Please complete the Witness Information Form before testifying:

Date: 05/21/2018

Name: Emily Dunlap

Are you representing: Yourself \_\_\_\_\_ Organization Advocating Opportunity

Organization (If Applicable): Advocating Opportunity

Position/Title: Staff Attorney

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Best Contact Telephone: 740-704-7239 Email: ed@advocatingopportunity.com

Do you wish to be added to the committee notice email distribution list? Yes  No \_\_\_\_\_

Business before the committee

Legislation (Bill/Resolution Number): HB 461

Specific Issue: \_\_\_\_\_

Are you testifying as a: Proponent  Opponent \_\_\_\_\_ Interested Party \_\_\_\_\_

Will you have a written statement, visual aids, or other material to distribute? Yes  No \_\_\_\_\_

(If yes, please send an electronic version of the documents, if possible, to the Chair's office prior to committee. You may also submit hard copies to the Chair's staff prior to committee.)

How much time will your testimony require? 5 mins

Please provide a brief statement on your position: See, attached.

*Please be advised that this form and any materials (written or otherwise) submitted or presented to this committee are records that may be requested by the public and may be published online.*



**Ohio House Criminal Justice Committee  
Written Statement of Proponent Testimony from Advocating Opportunity  
House Bill 461, May 21, 2018**

Good afternoon Chairman Manning, Vice Chair Rezabek, Ranking Member Celebrezze, and members of the Ohio House Criminal Justice Committee. My name is Emily Dunlap. I am here today on behalf of Advocating Opportunity. Thank you for allowing us to provide proponent support for House Bill 461, sponsored by Representatives Fedor and Galonski.

Advocating Opportunity, "AO", provides free legal services to survivors of human trafficking. We integrate social services into our model to ensure that our clients receive extensive support under one roof. Headquartered in Toledo, AO opened a Columbus office in 2015 to better serve survivors across the state of Ohio. Kicking off 2018, Advocating Opportunity assisted over 140 clients, including numerous juvenile survivors of human trafficking.

House Bill 461 seeks to extend legal protections to all minor survivors of sex trafficking. It streamlines our human trafficking statutes with the standards established in federal law. Under federal law, a child under the age of 18 engaged in commercial sexual activity does not need to prove they were forced, defrauded or coerced into that situation. Presently, in Ohio children who have been trafficked are placed into a tiered legal definition. If a trafficked child is under the age of 16, they are presumed to have been victimized. However, a child who is 16 or 17 years old must prove that they were compelled by their trafficker to participate in the sex trade. This distinction manifests most obviously when our Ohio prosecutors are pursuing trafficking charges.

When Ohio prosecutors are seeking justice for trafficked children, they are burdened with an age distinction that has no grounding in the realities of our clients' experiences. Prosecutors must prove that the 16 or 17 year old child victim was compelled into the sex trade. The surest way to meet this standard of proof is to put the child on the stand to recount the atrocities they suffered. This is re-traumatizing and harmful to child victims. It unduly burdens our prosecutors. It makes it easier for traffickers to escape criminal liability.

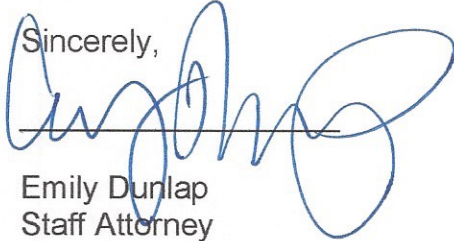
Instead of continuing this troubling practice, it is time to bring Ohio law in line with the federal standard. We must recognize that children engaged in the sex trade are being preyed upon, manipulated, and victimized. One or two birthdays does not change that reality.

House Bill 461 also clarifies existing law designed to assist child survivors of human trafficking in the juvenile justice system. Among procedural changes to improve uniform implementation, the proposed legislation ensures that any child identified as a victim in Ohio juvenile courts receive a prompt appointment of a guardian ad litem to protect their best interests. This is a necessary clarification to the Safe Harbor procedures for juvenile courts. Every proposed change in House Bill 461 provides stronger protections for child survivors of human trafficking.

In alignment with our mission, and in continuing service to Ohio's survivors of human trafficking, Advocating Opportunity respectfully requests that the Criminal Justice Committee support the passage of HB 461.

If you have any questions or desire further information, please do not hesitate to contact us.

Sincerely,



Emily Durlap  
Staff Attorney  
Advocating Opportunity