



Ohio Prosecuting Attorneys Association

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House Bill 461
Written Proponent Testimony
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Chairman Manning, Ranking Member Celebrezze and members of the House Criminal Justice Committee, thank you for the opportunity to provide written proponent testimony on House Bill 461.

Our association supports the elimination of the distinction in current law between trafficking a minor under the age of sixteen and trafficking a minor who is sixteen or seventeen. The elimination of this distinction will bring Ohio law in line with federal law and 47 other states that recognize that commercial sexual exploitation of any minor can constitute human trafficking even in circumstances where there is no force, fraud, or coercion, and regardless of whether the pimp or trafficker has a special relationship with victim. The commercial sexual exploitation of a 16 or 17 year old is no more a consensual activity than the commercial sexual exploitation of a minor under 16. This is simply not consensual activity. House Bill 461 closes this significant gap in Ohio law, the unintended consequence of which has been to encourage pimps and traffickers to target 16 and 17 year olds making them more vulnerable to victimization in Ohio than they are in other states.

With the amendments added to the bill today, we also support the expansion and clarification of Ohio's safe harbor statute. Among other clarifications, the bill makes three changes to the safe harbor statute that we believe are beneficial to both prosecutors and victims. First, the bill requires the prompt appointment of a guardian ad litem for the child if there is reason to believe that the child may be a victim of human trafficking. This will help victims access resources in the community and may aid in investigating the circumstances of the victim's case. Second, the bill will now authorize the prosecuting attorney to move to hold a complaint in abeyance. This provides additional discretion to the prosecutor to ensure that victims get into the safe harbor when appropriate. Finally, the bill provides an evidentiary standard – a preponderance of the evidence – for the court to use in deciding whether to hold certain complaints in abeyance. This will provide courts with more guidance on and ensure greater uniformity across the state regarding application of the safe harbor statute.

House Bill 461 will strengthen Ohio prosecuting attorneys' ability to secure justice for the victims of human trafficking and protect the public from future victimization. Thank you again for the opportunity to provide testimony in support of House Bill 461. We encourage the committee's favorable consideration.