



Ohio Prosecuting Attorneys Association

Louis Tobin
Executive Director
Senate Bill 13
Proponent Testimony
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Chairman Eklund, Vice-Chair Manning, Ranking Member Thomas and members of the Senate Judiciary Committee, thank you for the opportunity to provide written proponent testimony on Senate Bill 13.

Ohio prosecutors support eliminating the distinction in Ohio law between trafficking a minor under the age of sixteen and trafficking a minor who is sixteen or seventeen. Eliminating this distinction will bring Ohio law in line with federal law and 49 other states that recognize that the commercial sexual exploitation of any minor can constitute human trafficking regardless of whether the minor victim proves that they were compelled by their trafficker to participate in the sex trade. Ohio is the only state that requires proof of compulsion or a special relationship between the trafficker and the victim. This distinction arose out of concern that we would punish people for engaging in consensual sexual activity, the age of consent in Ohio being 16. But we should not mistake this for sex trafficking for consensual activity just because a person is old enough to consent. 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 and to target Ohio as a place where they can escape serious criminal consequences.

We also support the expansion and clarification of Ohio's safe harbor statute and appreciate Sen. Fedor's willingness to make several changes to this portion of the bill last year. 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.

Thank you again for the opportunity to provide testimony in support of Senate Bill 13. We encourage the committee's favorable consideration. I would be happy to answer any questions that you have.