



# Ohio Prosecuting Attorneys Association

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House Bill 431  
Written Proponent Testimony  
September 2, 2020

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 House Bill 431. While our organization supports the goals of the bill as a whole, our testimony today is specific to amendments that were added in the House to address a few long standing human trafficking issues that are also embodied in Senate Bill 13, a bill that we support and that this Committee favorably reported last year.

First, we 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 sex trafficking should not be mistaken for consensual activity just because a person is old enough to consent. House Bill 431 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. We spent a great deal of time last year negotiating changes to this with Sen. Fedor as part of Senate Bill 13 and her willingness to make several changes to this portion of the bill gained our support. 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 written testimony in support of Senate Bill 431. We encourage the committee's favorable consideration.