



Testimony for House Bill 385

State Representative Tracy Richardson, District 86

House Criminal Justice Committee

April 23, 2024

Good afternoon, Chairwoman Abrams, Ranking Member Brown, and members of the House Criminal Justice Committee. Thank you for the opportunity to provide sponsor testimony for House Bill 385. Also present is my joint sponsor, Vice Chair Williams. Today we want to talk with you about creating hope. Our bill, the Expanding Human Trafficking Justice Act, enables victims of human trafficking the opportunity to expunge certain criminal records and thus escape the bondage of trafficking to fully reintegrate into society.

The State of Ohio has a significant problem with Human Trafficking. According to 2022 data from the Polaris Project, Ohio ranks among the 10 worst in the nation for human trafficking cases. This ranking does not include the hundreds of cases going unreported.

On average, a victim of human trafficking will interact with law enforcement 7 times before deciding they are ready to get out of this life. Frequently, victims of human trafficking are compelled to commit crimes by their traffickers through threats of violence, harm to loved ones including children, and forced substance abuse. Common offenses include shoplifting, drug possession, credit card theft, cashing bad checks, and other financial crimes. Despite the coercion to commit these types of crimes, current law does not permit eligibility for expungement of them. This means that when human trafficking victims finally take steps to escape the scourge of human trafficking, they often have a criminal record.

Carrying a criminal record can be a major roadblock to accessing gainful employment, stable housing, educational opportunities, and child custody. These factors are all crucial when a survivor is trying to exit their situation. In 2023 the Polaris Project reported that a criminal record reduces job callbacks by approximately 50 percent and significantly limits earning potential. Additionally, more than 27,000 licensing/occupational laws restrict the employment of persons with criminal convictions. Without our help, victims have limited options for new life outside of a lifestyle that robs them of their human dignity.

This legislation, House Bill 385, opens doors for survivors of human trafficking by expanding the pathway to expungement of their criminal records for crimes they committed because of being trafficked.

Specifically, the current language in Section 2953.36 of the ORC is restrictive by specifying **only** soliciting, loitering, and prostitution as predicate offenses a victim must be convicted of in order to apply for record expungement.

The Expanding Human Trafficking Justice Act seeks to expand the offenses eligible for record expungement to include felonies of the fourth- and fifth- degrees and misdemeanors. Meaning, more survivors will be eligible for expungement if they can prove they were victimized.

However, this bill will also keep important safeguards in place that were agreed upon by all interested parties. A victim must still apply for expungement and a court must determine whether expungement is appropriate. Prosecutors from a human trafficking case may also object to the expungement being granted.

According to the bill, victims of human trafficking who have been convicted of an F4, F5 or misdemeanor offense are eligible to apply for expungement. The law specifies that applicants will be required to demonstrate with clear and convincing evidence (not preponderance of the evidence which is a lesser standard) that their participation in the offense was the result of being trafficked. If the interests of the applicant (victim) are not outweighed by the needs of the government to maintain a record of conviction, then the court shall grant the expungement. House Bill 385 does not change the process of expungement, rather it simply expands who can apply for expungement and it raises the standard of proof for crimes that are not the current predicate offenses.

Human trafficking victims are just that: victims. We are here because we care about providing them with hope! We want to find a path forward to end this crime against humanity and believe in the promise of new life and new beginnings for those trapped in the despair of trafficking. This bill establishes a pathway out of enslavement for certain victims and we are asking you to join us in this fight by supporting the Expanding Human Trafficking Justice Act.

Thank you again for the opportunity to present sponsor testimony. I will be followed by my joint sponsor, Representative Williams.