



# Ohio Prosecuting Attorneys Association

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House Bill 385  
Proponent Testimony  
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Chair Abrams, Vice-Chair Williams, Ranking Member Brown and members of the House Criminal Justice Committee, I appreciate the opportunity to offer our support for House Bill 385 to make more victims of human trafficking eligible for record expungement following a conviction for a misdemeanor, felony of the fifth degree, or felony of the fourth degree.

The victims of human trafficking get caught up not only in sex trafficking or labor trafficking but also in other criminal acts and schemes that are perpetrated by their traffickers. Most commonly, these are offenses like drug possession, theft, trespassing, and fraud offenses. They commit these offenses because of the control that their trafficker has over them. Current law allows victims to seek to expunge these offenses, as well as the records of more serious violent felonies with the exception of aggravated murder, murder, and rape, but only if the applicant has also been convicted of solicitation, loitering to engage in solicitation, or prostitution.

The requirement to have a conviction for one of these three offenses does a couple of things. One, it does provide prosecutors with some objective evidence that an applicant for record expungement is in fact a victim of human trafficking. This is based on what we know about the close connection between these offenses and human trafficking victimization. Second, however, it also presents an arbitrary obstacle to relief for many victims who are engaged in the sex trade or in other types of human trafficking but who might not have a record of conviction for any of the predicate offenses.

House Bill 385 resolves this by creating a new avenue by which individuals convicted of misdemeanors, fifth degree felonies, and fourth degree felonies can apply for expungement even without a conviction for one of the predicate offenses. At the same time, it raises the evidentiary bar for such an applicant to prove that they were in fact a victim, replacing the objective evidence of a conviction for solicitation, loitering to engage in solicitation, or prostitution with requirement that they clearly and convincingly demonstrate that they were a victim.

The legislation that is before you today is the result of lengthy discussions between our Association, human trafficking victim advocates, the Attorney General's office, and the bill sponsors in both the House and the Senate throughout this General Assembly and the 134<sup>th</sup> General Assembly. It is a compromise that we think strikes a fair balance between several competing interests: (1) creating the opportunity for relief for more victims of human trafficking, (2) ensuring that the right people get relief, (3) recognizing and respecting the fact that there are often other victims of these crimes and (4) protecting the public from future victimization.

Thank you again for the opportunity to testify in support of this legislation. I'm happy to answer any questions.