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OHIO ATTORNEY GENERAL

Senate Judiciary Committee

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Chairman Manning, Vice Chair Reynolds, and Ranking Member Hicks-Hudson, thank you for allowing me to provide proponent testimony for Senate Bill 214, which expands expungement of eligible offenses for human trafficking survivors.

Once the nightmare of human trafficking is over, many individuals begin another battle – putting their lives back together and starting over. They fight inner battles involving drug addiction and attempt to process their own victimization with accrued mental trauma. The journey of recovery is made even more difficult when they are barred from employment, housing, or education because of their past involvement with trafficking.

When victims are finally able to exit their life of being trafficked, they often have a criminal record. Traffickers oftentimes force their victims to commit a host of violent and non-violent crimes while under their control – burglary, breaking and entering, possessing and dealing drugs. A victim may also be arrested because of physically defending themselves against a “john.”

Current law allows for the expungement of most criminal offenses committed by victims of trafficking, but only if there is a predicate charge of Solicitation, Loitering to Solicit, or Soliciting with HIV. These predicate charges exclude both sex trafficking victims who have never been convicted of those specific crimes, as well as labor trafficking victims who would not have solicitation charges. The statute also ignores the modernization of traffickers, who increasingly use the internet and cell phones to commit their crimes. Charges such as loitering to solicit are becoming less relevant. There are many deserving survivors who otherwise qualify to have their records expunged but are unable to because of this requirement.

SB 214 eliminates the predicate offense requirement for all misdemeanors, along with non-violent fourth- and fifth-degree felonies. The bill language also increases the needed level of evidence for those expungements to clear and convincing evidence. This allows courts to ensure that the offenses were due to the applicant's victimization. The current process and the predicate offense requirement would remain for high-level felonies.

I encourage you to listen to the powerful testimony of the survivors here today. Several serve as Survivor Ambassadors to the Attorney General's Human Trafficking Commission. They represent the highway of hope that we want to build - helping victims become survivors with a new future.

The Attorney General's office and the interested parties have worked extensively to come to an agreement on this language. SB 214 removes barriers to recovery for many sex and labor trafficking victims who are currently ineligible to apply for expungement of their criminal record. I applaud Senator Kunze for her continued leadership on this issue. Thank you again for allowing me to testify today on this important issue. I would be happy to answer any questions at this time.