



Ohio Legislative Service Commission

Bill Analysis

David M. Gold

H.B. 262

129th General Assembly
(As Introduced)

Reps. Fedor, Antonio, Boyd, Combs, Derickson, Garland, R. Hagan, Murray, O'Brien, Okey, Patmon, Pillich, Slesnick, Stebelton, Stinziano, Williams, Yuko, Fende, Celeste, Szollosi, Heard, Clyde, Reece, Phillips, Barnes, Gerberry, Foley, Ashford, Goyal, Milkovich, Ramos, Gentile, Sykes, Schuring, Letson

BILL SUMMARY

- Exempts from the offense of solicitation minor victims of trafficking in persons who solicit sexual activity for hire under duress or coercion resulting from the trafficking.
- Requires the Departments of Job and Family Services, Health, and Mental Health to develop procedures to provide specified services to minor victims of trafficking in persons.
- Requires the Director of Commerce to create a poster that provides information regarding the National Human Trafficking Resources Center Hotline and prescribes the information that must be included on the poster.
- Lists the establishments that must display the National Human Trafficking Resources Center Hotline poster.
- Requires the Director of Transportation to conspicuously display the National Human Trafficking Resource Center Hotline poster at all rest stops within the right-of-way of interstate highways and state highways.

CONTENT AND OPERATION

Exemption of minor victims of trafficking in persons from offense of solicitation

The Revised Code prohibits any person from knowingly recruiting, luring, enticing, isolating, harboring, transporting, providing, obtaining, or maintaining

another person, or knowingly attempting to do any of those things, with knowledge that the person will be subjected to involuntary servitude or be compelled to engage in sexual activity for hire, engage in a performance that is obscene, sexually oriented, or nudity oriented, or be a model or participant in the production of material that is obscene, sexually oriented, or nudity oriented. A violation of the prohibition is "trafficking in persons," a second degree felony.¹

The Revised Code also prohibits one person from soliciting another to engage with the first person in sexual activity for hire. Whoever violates this prohibition is guilty of "soliciting," a third degree misdemeanor. If the offender was in, was on, or used a motor vehicle in committing or attempting to commit the offense, or in committing or attempting to commit a violation of a substantially equivalent municipal ordinance, the court must impose, in addition to any other penalty, a class six suspension (a definite period of from three months to two years) of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege.

Under the bill, this prohibition does not apply to a victim of trafficking in persons who violated the prohibition while under duress or coercion resulting from the offense of trafficking in persons, who committed the violation because of that duress or coercion, and who was a minor at the time of the violation.²

Services for minor victims of trafficking in persons

The bill requires that a victim of trafficking in persons who is a minor be provided with appropriate services, which may include an explanation of the victim's rights, privacy, housing, care, and age-appropriate support and rights. The Department of Job and Family Services must develop procedures for reuniting the minor with family members in the minor's country of origin or destination country whenever it is possible and safe to do so. The Departments of Health and Mental Health must develop procedures for providing special physical and mental health care tailored to the minor's needs.³

¹ R.C. 2905.32(A) and (E).

² R.C. 2907.24(A), (C), and (E).

³ R.C. 2930.21.

Information regarding the National Human Trafficking Resource Center Hotline

The bill requires the Director of Commerce to create a poster that provides information regarding the National Human Trafficking Resource Center Hotline. The poster must be no smaller than eight and one half by eleven inches in size and must include a statement in substantially the following form:⁴

"If you or someone you know is being forced to engage in any activity and cannot leave – whether it is commercial sex, housework, farm work, or any other activity – call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services.

Victims of human trafficking are protected under U.S. and Ohio law.

The toll-free Hotline is:

- Available 24 hours a day, 7 days a week
- Operated by a non-profit, non-governmental organization
- Anonymous & confidential
- Accessible in 170 languages
- Able to provide help, referral to services, training, and general information."

The statement must appear on each poster in English, Spanish, and for each county, any other language required for voting materials under section 1973aa-1a of the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C. 1973, as amended.

The Director, or the appropriate regulatory authority, if any, must provide each owner or operator of an establishment listed below with notice of this requirement and a copy of the appropriate National Human Trafficking Resource Center Hotline poster for display in each establishment. The Director and each state agency having regulatory authority over any of those establishments must make a copy of each version of the poster available for print on their respective public web sites.⁵

A person who owns or operates any of the following establishments must display conspicuously in each establishment, in a place where employees and

⁴ R.C. 4113.72(A).

⁵ R.C. 4113.72(B).

customers, patients, or students have access, a National Human Trafficking Resource Center Hotline poster for the county in which the poster will be displayed:⁶

(1) A highway truck stop (a gas station with a sign that is visible from a highway that offers amenities to commercial vehicles);⁷

(2) A hotel;

(3) An adult entertainment establishment;

(4) Any establishment that has a liquor permit, except for those establishments that also have a retail food services license or a food services operations license;

(5) An agricultural labor camp;

(6) A hospital or urgent care center;

(7) Any public or chartered nonpublic school offering grades nine through twelve;

(8) Any establishment operating as a massage parlor, massage spa, alternative health clinic, or similar entity by persons who do not hold a valid certificate from the State Medical Board to practice massage therapy;

(9) A fair (the annual exposition conducted by any county or independent agricultural society or the Ohio Expositions Commission).⁸

Whoever violates the above-described provision is guilty of a fourth degree misdemeanor and, notwithstanding R.C. 2929.24 (Ohio law regarding definite jail terms for misdemeanors) and 2929.28 (Ohio law regarding misdemeanor financial sanctions), is punishable by imprisonment up to 10 days, a fine of up to \$1,000, or both.

The Director of Transportation must display conspicuously at each rest area within the limits of the right-of-way of interstate highways and other state highways a National Human Trafficking Resource Center Hotline poster for the county in which the poster will be displayed.⁹

⁶ R.C. 4113.72(C).

⁷ R.C. 4113.72(E)(2).

⁸ R.C. 4113.72(E)(1).

⁹ R.C. 5515.071.

HISTORY

ACTION

DATE

Introduced

06-14-11

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