



Ohio Legislative Service Commission

Synopsis of Senate Committee Amendments*

Lisa Sandberg

Sub. H.B. 262

129th General Assembly
(Senate Judiciary)

The Senate Judiciary committee adopted amendments that do the following to the House-passed version of the bill:

1. With regards to the court holding a delinquent child complaint in abeyance, require the guardian ad litem to make recommendations that are in the best interest of the child to the court and, if the court decides to hold the complaint in abeyance, allow the court to make any orders regarding placement, services, supervision, diversion actions, and conditions of abeyance, including, but not limited to, engagement in trauma-based behavioral health services or education activities, that the court considers appropriate and in the best interest of the child.

2. Modify the civil cause of action created by the bill by providing that a victim of trafficking in persons has and may commence a civil cause of action for compensatory and punitive damages against the offender for harm that resulted from the trafficking in persons.

3. Remove "solicit" as an element of the offense of trafficking in persons, and from references to that offense in the definition of "sexually oriented offense" and the definition of "Tier II sex offender/child-victim offender."

4. Reinsert a provision in existing law that states that in a prosecution for trafficking in persons, proof that the defendant engaged in sexual activity with any person, or solicited sexual activity with any person, whether or not for hire, without more, does not constitute trafficking in persons.

5. Provide that if an offender is convicted of or pleads guilty to trafficking in persons and is also convicted of or pleads guilty to compelling prostitution based on the same conduct involving the same victim that was the basis of the trafficking in persons or is convicted of or pleads guilty to any other violation of R.C. Chapter 2907. (sex

* This synopsis does not address amendments that may have been adopted on the Senate Floor.

offenses) based on the same conduct involving the same victim that was the basis of the trafficking in persons, the two offenses are allied offenses of similar import.

6. Remove the prohibition of engaging in sexual conduct for hire with a person less than 18 years of age from the offense of unlawful sexual conduct with a minor.

7. Include within the offense of importuning a prohibition against soliciting another, not the spouse of the offender, to engage in sexual conduct with the offender, when the offender is 18 years of age or older and four or more years older than the other person, the other person is 16 or 17 years of age and a victim of trafficking in persons, and the offender knows or has reckless disregard of the age of the other person.

8. Increase the penalty for the offense of procuring to a felony of the fourth degree if the prostitute who is procured, patronized, or otherwise involved in a certain violation of the offense is under 16 years of age at the time of the violation, regardless of whether the offender knows the prostitute's age, or if a prostitute who engages in sexual activity for hire in premises used in violation of the offense is under 16 years of age at the time of the violation, regardless of whether the offender knows the prostitute's age.

9. Increase the penalty for the offense of procuring to a felony of the fifth degree if the prostitute who is procured, patronized, or otherwise involved in a violation of the offense is 16 or 17 years of age at the time of the violation or if a prostitute who engages in sexual activity for hire in premises used in violation of the offense is 16 or 17 years of age at the time of the violation.

10. Restore the penalty for obstructing justice to a felony of the third degree if the crime committed is aggravated murder, murder, or a felony of the first or second degree and provide that if the crime committed by the person is trafficking in persons obstructing justice is a felony of the second degree.

11. Restore the existing law provision within the corrupt activity law that states that corrupt activity includes any violation of trafficking in persons to the extent the violation is not based solely on the same conduct that constitutes corrupt activity due to the conduct being compelling prostitution and specify this provision in another division in the corrupt activity law.

12. Provide that investigatory work product includes any records excluded from the definition of official records that pertain to a case the records of which are expunged under R.C. 2151.358(E) and R.C. 2953.38(G), provide how records that are expunged under those sections are to be handled by law enforcement, and provide that a person

who divulges records that are expunged under those sections is guilty of divulging confidential information, a misdemeanor of the fourth degree.

13. Remove the rebuttable presumption the participation of an applicant for expungement of records in the offense that is the subject of the application was the result of being a victim of human trafficking if the applicant presents certain documentation.

14. Require the court to send notice of an order of expungement based on a person being a victim of human trafficking to each public office or agency that the court has reason to believe may have an official record pertaining to the case if the court determines that the applicant has been convicted of soliciting, loitering to engage in solicitation, or prostitution and that the interests of the applicant in having the records expunged are not outweighed by any legitimate needs of the government to maintain those records.

15. Provide that money seized in connection with trafficking in persons, compelling prostitution, or promoting prostitution and the proceeds from the sale of personal effects, tools, or other property seized because the personal effects, tools, or other property were used in the commission of trafficking in persons, compelling prostitution, or promoting prostitution or derived from the proceeds of the commission of trafficking in persons, compelling prostitution, or promoting prostitution be deposited into the Victims of Human Trafficking Fund.

16. Provide that in addition to the National Human Trafficking Resource Center hotline, the statement on the human trafficking poster created by the Division of Criminal Justice Services may contain any additional hotlines regarding human trafficking for access to help and services.

17. Include a severability clause.