Federal & State HUMAN TRAFFICKING LAWS

Ohio Human Trafficking Task Force

Federal Law

Trafficking Victims Protection Act of 2000

The Trafficking Victims Protection Act (TVPA) of 2000 created the first comprehensive federal law to address human trafficking, with a significant focus on the international dimension of the problem.

As defined in the Trafficking Victims Protection Act of 2000, the legal definition of "severe forms of trafficking in persons" is:

a) **sex trafficking** in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; **22 USC § 7102 (9)(A)** or

b) the recruitment, harboring, transportation, provision, or obtaining of a person for **labor or services,** through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. **22 USC § 7102 (9)(B)**

Preventing Sex Trafficking and Strengthening Families Act of 2015

The Preventing Sex Trafficking and Strengthening Families Act is a comprehensive law addressing accountability and reporting of children who go missing from care. The law required review of Ohio Administrative Code (O.A.C.) to ensure Ohio is in compliance with **Public Law 113-183.**

Federal law and O.A.C. changes (O.A.C. 5101:2-42-88) require state and local agencies to:

- Report each missing or abducted foster child to law enforcement and to the National Center for Missing & Exploited Children (1-800-THE-LOST, https://cmfc.missingkids.org/reportit).
- Determine the primary factors that contributed to the child's running away or being absent from care and to use these factors when determining future placements.
- Address the events and experiences that took place while the child was missing from placement including determining whether the child was a sex trafficking victim.

Ohio's Human Trafficking Law

As defined by the Ohio Revised Code Section (R.C.) 2905.32 (Trafficking in Persons), Ohio's legal definition of human trafficking is:

"(A) No person shall knowingly recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain… another person knowing that the person will be subjected to **involuntary servitude** or be compelled to engage in **sexual activity**…"

"…For a prosecution under division (A)(1) of this section, the element "compelled" does not require that the compulsion be openly displayed or physically exerted. The element "compelled" has been established if the state proves that the victim's will was overcome by **force, fear, duress, or intimidation, fraud, by furnishing or offering a controlled substance to the victim, or by manipulating the victim's controlled substance addiction."**

For minors under the age of 18, and for people with developmental disabilities, law enforcement officials do not need to prove that the individual was compelled to engage in commercial sexual activity.
(R.C. 2905.32 (A)(2))

Who Enacts Laws in Ohio?

Legislation is enacted by the Ohio General Assembly, published in the Laws of Ohio, and codified in the R.C.

Ohio law consists of the **Ohio Constitution**, the **Ohio Revised Code** (the codified law of the state) and the **Ohio Administrative Code** (a compilation of the administrative rules adopted by state agencies.)

Prevention

"Erin's Law" passed in 2023 which amended **R.C. 3313.60** to include child sexual abuse prevention training and education in schools.

- Ohio Department of Education must provide on its Web site links to free training curriucula, located here.
- Requires in-service training for staff in school safety and violence prevention, including human trafficking content. **(R.C. 3319.073)**
- The Governor's Human Trafficking Task Force has training on their Web site here with videos available on human trafficking, sexual abuse, and child abuse for school teachers and staff.

Criminal Sanctions for Traffickers and Purchasers

- Trafficking in Persons is a first-degree felony, with a mandatory minimum sentence of 10 years in prison. **(R.C. 2905.32 (E))**
- Sex traffickers are required to register as sex offenders (Tier II) and cannot live within 1,000 feet of a school. **(R.C. 2950.01 (F)(1)(g)**
- Obstruction of Justice is a felony of the second degree in human trafficking cases. **(R.C. 2921.32 (C)(6))**
- Advertising illicit massage business activity with the suggestion or promise of sexual activity is a prohibited activity punishable with a misdemeanor offense. **(R.C. 2927.17)**
- Purchasing sex from a minor is a felony of the third degree. **(R.C. 2907.231)**
- Purchasing sex from someone with a developmental disability is a felony of the third degree. **(R.C. 2907.231)**
- Compelling a minor to engage in sexual activity for hire is a felony offense, tiered as follows: **(R.C. 2907.21 (A)(1))**
  - For minors under the age of 16, the penalty is a felony of the first degree.
  - For minors age 16-17, the penalty is a felony of the second degree.
- Engaging in Prostitution (purchasing sex from an adult) is a first-degree misdemeanor. **(R.C. 2907.231)**
- Promoting Prostitution is a felony offense:
  - Promoting Prostitution is a fourth-degree felony on the first offense, a third-degree felony on the second offense, and a second-degree felony on the third and subsequent offenses. **(R.C. 2907.22)**
  - Promoting Prostitution of a minor is a third-degree felony. **(R.C. 2907.22 (B)(2)(a))**

Protections for Victims

Safe Harbor for Minors

- Youth survivors of trafficking who are charged with offenses related to their victimization are eligible for diversion programs, which connect the youth to treatment and support in lieu of adjudication to receive needed protection and services through the juvenile justice system. **(R.C. 2152.021 (F))**
- Ohio's law prohibits public disclosure of the names of minor victims of trafficking by law enforcement agencies, even if they have criminal records (the law contains exceptions for criminal justice professionals, parents, attorneys, child welfare agencies, and others). **(R.C. 2930.07)**
- Courts can allow minors under the age of 16 to give testimony in preliminary hearings via closed circuit television to protect minors from facing traffickers directly. **(R.C. 2937.11)**
- Courts have the authority to terminate the parental rights of a parent convicted of trafficking their own child. **(R.C. 2945.481)**

Intervention for Adult Victims

- **R.C. 2951.041** permits courts to accept an offender's request for intervention in lieu of conviction if the offender was a human trafficking victim at the time of the offense and that victimization was a factor leading to the offender's criminalized behavior.

Mandated Training

- Law enforcement officers are required to receive human trafficking training through the Ohio Peace Officers Training Academy. **(R.C. 109.73)**
- School districts are required to incorporate human trafficking training content into safety and violence prevention training plans. **(R.C. 3319.073 (B))**

Data Collection

- Local law enforcement must report the number of human trafficking cases to the Ohio Attorney General's Office to be released annually. **(R.C. 109.66)**

Expungement

- SB214 amended **R.C. 2953.36** to allow victims of human trafficking to expunge certain criminal records if they can prove that their participation in the offense was a result of being a victim of human trafficking.
- **R.C. 2953** allows any person who is or was convicted of a violation of section **2907.24, 2907.241, or 2907.25** of the R.C. to apply to the sentencing court for the expungement of the record of conviction of any offense, other than a record of conviction of a violation of section **2903.01, 2903.02, or 2907.02** of the R.C., the person's participation in which was a result of the person having been a victim of human trafficking.

Other Protections

- Victims can pursue civil damages against traffickers. **(R.C. 2307.51)**
- The office of the Ohio Attorney General may administer funds for the purpose of treating, caring for, rehabilitating, educating, housing, and providing assistance for victims of human trafficking through the Victims of Human Trafficking Asset Seizure Fund. **(R.C. 5101.87)**