

## **Substitute HB 130 Summary**

Updated May 28, 2014

- **Increases protections for minors in trafficking cases by broadening Ohio's definition of trafficking (bringing Ohio closer in line with federal definition of trafficking in persons):**
  - Removes the need to prove compulsion (called Force, Fraud or Coercion in federal law) for minors aged 15 and under.
  - For 16-17 year olds, law enforcement officials do not need to prove compulsion if the trafficker is in a "position of authority" over the victim (position of authority as defined in 2907.03 sexual battery statute -i.e. cleric, peace officer, anyone acting in loco parentis, etc.)
  - Broadens state definition of trafficking to include **fraud** in 2905.32 (applies to BOTH minors and adults).
  
- **Increases the penalty for purchasing sex from a minor from a misdemeanor (M3) to a felony offense (Section 2907.24).**
  - Increases the penalty for purchasing sex from a minor 15 and under to an F3, with the offender required to register as a tier two sex offender.
  - Increases the penalty for purchasing sex from a developmentally disabled person to an F3.
  - Increases the penalty for purchasing sex from a minor aged 16-17 to an F5.
  
- **Increases protections for minors by prohibiting advertisement of sexual activity for hire if the materials depict a minor.**
  - Sec. 2907.19 (B)(1)) Prohibits a person from knowingly purchasing advertising space or otherwise obtaining advertisement for sexual activity for hire that includes a depiction of a minor.
  
- **Protects the names of minor victims of trafficking from being published, even if the minors have criminal charges.**
  - Sec 149.435 (B) Currently, police reports are public record viewable by anyone. Although minors' names are usually redacted from police reports to protect their privacy, trafficking victims often have additional charges related to their victimization, and their privacy can easily be compromised through these police records. This provision protects the names of all minor victims of trafficking.
  - Includes an exemption to allow prosecutors and parents/guardians of minors to view records.
  
- **Allows the possibility of closed circuit/video teleconferencing testimony during preliminary examination hearings for minors under the age of 16.**
  - Sec. 2937.11 (D)(1)(a) This provision ensures that a minor victim who has not had sufficient recovery time, if called upon to testify at the preliminary examination hearing, would not have to face his or her trafficker directly.
  
- **Gives child welfare and court officials the authority to terminate parental rights of a parent convicted of trafficking his/her own child.**
  - Sec. 2151.414 imposes a "reasonable efforts bypass" which could terminate parental rights after a person is convicted of trafficking his/her child, a sibling, or other minor living in the home.
  
- **Prohibits the advertisement of massage, relaxation massage, or any other massage technique or method with the suggestion or promise of sexual activity (Section 2917.17).**
  
- **Includes an emergency clause to ensure that safety provisions in HB 130 are implemented during the summer months when children are most vulnerable.**