Ohio victims of human trafficking might soon find legal relief from crimes they committed while being trafficked.

Senate Bill 4, which passed the Senate unanimously last month, would allow trafficking victims to apply to have records removed of some guilty convictions, dismissed charges or findings of not guilty.

The law now heads to the House, where it’ll go through committee testimony and likely a vote.

“If you’re a victim of this and you’re lucky enough to escape, you shouldn’t be penalized twice,” Senate President Larry Obhof said. “It makes more sense to give victims a fresh start.”

Human trafficking has been a growing focus of lawmakers and advocates alike. A 2012 report published by Celia Williamson, a trafficking expert from the University of Toledo, found that nearly 1,100 children under 18 were entrapped in sex trafficking in Ohio. An additional 3,000 were at risk of being trafficked that year. The attorney general’s office found 151 potential victims in 2016.

Obhof, a Republican from Medina, cosponsored the measure and is optimistic it will become law.

“We want to make sure we’re tearing down all barriers that would keep them from having a successful life,” said prime sponsor Stephanie Kunze, R-Hilliard. “We want to make sure they have hope in everything they’re doing.”
Current law allows for trafficking victims to apply for expungement of six specific crimes. Obhof said the bill expands that provision to include nearly any offense that can be connected to trafficking. It would also allow for past victims to retroactively apply for expungement.

Additionally, the bill would establish “intervention in lieu of conviction.” This wouldn’t establish any new intervention procedures, said Obhof spokesman John Fortney, but rather plug the person into the existing rehabilitation infrastructure.

“Assuming we can get a couple amendments in, we’re pretty much neutral on the bill,” said John Murphy, executive director of the Ohio Prosecuting Attorneys Association.

His group successfully pushed for changes that require the person seeking expungement of first and second degree felonies to prove the degree of duress they were under. Obhof said another amendment pursued by the prosecutors’ group made the process dependent on judicial discretion.

Judge Paul Herbert has long been an advocate of human trafficking victims’ rights. He said the measure would improve the lives of victims and help with the “remedy phase” after they break from the cycle of trafficking.

That cycle can often be difficult to break, the Franklin County Municipal Court judge said. One woman who was regularly in and out of his courtroom testified that she was molested as a child and subsequently turned to drugs. Her boyfriend, also the father of her child, coerced her into trafficking. Herbert said she faced several criminal charges before her record abruptly stopped eight years ago. When asked why, she told Herbert that the cycle was only broken because the man coercing her died.

Fortney said the main objective of giving victims a clean record is making it easier find employment. Beyond that, he expects the law to save taxpayers money by allowing people to become self-sufficient after “hitting the reset button on their lives.”

A criminal record can keep victims from acquiring employment, housing, and school loans, Herbert said.
Williamson testified in support of a companion bill in the House. She supposed the legislation for three main reasons: victims are often coerced or manipulated into committing crimes for their trafficker, a criminal record hinders their opportunities of employment, and the government has a civic duty to rescue and restore victims of crimes.

Rep. John Dever, a Republican from the Cincinnati area, introduced the companion bill in the House. The impetus for the legislation is to “provide people with an opportunity to have a life and pursue a dream.” The challenges, he said, are ironing out the details, much like the Senate bill did.

“If it’s the Senate version, wonderful,” Dever said. “If it’s the House version, that’s fine too.”

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