



Fact Sheet Series for the 134th General Assembly

House Bill 319 & Senate Bill 183 Enact Expanding Human Trafficking Justice Act

Sponsors: Representatives Galonski & Richardson, Senators Fedor & Kunze
Introduced: 5/19/2021

Under Current Law:

Current law requires that a victim of human trafficking have a conviction under O.R.C. 2907.24, 2907.241, or 2907.25 (Soliciting, Loitering to Solicit, Soliciting with HIV) to be eligible for expungement, or erasure, of criminal convictions.

These Bills Would:

Expand the applicability of current law, providing victims of human trafficking, in specified circumstances, increased opportunities to obtain expungement of conviction records of offenses that the victim participated in as a result of their human trafficking victimization. Specifically, this legislation would:

- Allow victims of human trafficking an option to expunge certain conviction records (excluding offenses of aggravated murder, murder, or rape)
- Create a process for victims to apply for expungement of most offenses committed in relation to their human trafficking experience.
 - A hearing would then be held to consider the application for expungement, during which the victim must demonstrate that their participation in the offense was a result of their human trafficking victimization.

Additionally, if an expungement order is issued under this mechanism:

- The conviction(s) of the victim of human trafficking must be erased;
- The record of the conviction(s) may not be used for any purpose, which may include criminal records checks;
- If any inquiry is made into the conviction(s), the court must respond that no record exists.

Why This Legislation is Important:

Our criminal legal system frequently fails to identify survivors of trafficking at the time of their arrest, resulting in the detention and prosecution of survivors who should instead be offered safety and resources. Ideally, transformative systems change will make such arrests far less frequent, and eventually, nonexistent. In the meantime, this legislation helps put in place a fixed and accessible system to help survivors expunge their criminal conviction records so that they can move forward.

Criminal conviction records serve as barriers to restoration and healing for survivors of trafficking. These records may prevent survivors from seeking and obtaining employment, housing, education, benefits, credit, custody, and loans. Access to each of these resources is critical to a survivor's ability to rebuild their life and break the cycle of violence.

*Written by Emily Gemar, Public Policy Fellow with the Ohio Alliance to End Sexual Violence

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