



## Fact Sheet Series for the 134<sup>th</sup> General Assembly

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### House Bill 390

#### Require sex assault exam kits for trafficking in persons cases

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Sponsors: Representative Lanese, Representative John

Introduced: 8/18/2021

#### Under Current Law:

[O.R.C. 2933.82](#) requires the *testing* of sexual assault examination kits for the following crimes: Aggravated murder, murder, voluntary or involuntary manslaughter, vehicular homicide, and for the sex offenses of rape, attempted rape, sexual battery, and gross sexual imposition.

Sexual assault examination kits are not required to be tested in human trafficking cases (§ 2905.32).

#### This Bill Would:

- Add trafficking in persons cases to the list of crimes that are **required to be tested and submitted** to a governmental evidence-retention entity for DNA analysis of the contents of the kit, if a DNA analysis has not previously been performed on the kit.
  - Law enforcement agencies will be required to review all records and reports pertaining to investigations of any trafficking in persons cases as soon as possible after the effective date of this amendment.
- Require governmental evidence-retention entities to **retain and test** sexual assault examination kits in relation to an investigation or prosecution of trafficking in persons.

#### Impact of Legislation:

This legislation aims to address the sexual assault exam kit backlog for human trafficking cases and survivors. In recent years, Ohio has taken several steps to address the kit backlog for cases involving sex offenses, such as rape. For example, officials in Cuyahoga County tested over 7,000 backlogged kits, investigated leads, engaged survivors, and prosecuted cases.<sup>1</sup> The county has saved an estimated \$38 million by removing serial perpetrators from communities and preventing future crimes.<sup>2</sup>

It also seeks to address the current loophole in the Ohio Revised Code that requires the testing and retention of kits in some cases, but not others – in this case, for trafficking in persons cases. The intersections between human trafficking and sexual assault are complex and wide-ranging and all trafficking victims, not only those experiencing sex trafficking, are at risk of sexual assault.<sup>3</sup> Creating a testing and retention mandate for any kits are collected signals to all survivors of trafficking that their kits will not be shelved and forgotten.

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<sup>1</sup> End the Backlog. (n.d.). *Why test all kits*. <https://www.endthebacklog.org/backlog-why-rape-kit-testing-important/why-testing-every-kit-matters>

<sup>2</sup> *Ibid*

<sup>3</sup> Freedom Network USA. (2015). *Human trafficking and sexual assault*.

<https://freedomnetworkusa.org/app/uploads/2018/10/FNUSA-Human-Trafficking-and-Sexual-Assault-2015.pdf>