



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 493

128th General Assembly  
(As Introduced)

**Reps.** Chandler, B. Williams, Pillich, Newcomb, Lehner, Driehaus, Harris, Letson, Hagan, Lundy, Skindell, Foley, Yuko, Fende, Winburn, Stewart, DeGeeter, Garland, Derickson, Harwood, Brown, Pryor, Mallory

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## BILL SUMMARY

- Creates the offenses of trafficking in persons and unlawful conduct with respect to documents.
- Modifies the offense of kidnapping by providing that a person is guilty of kidnapping if the person, by force, threat, or deception, or, in the case of a victim under the age of 13 or mentally incompetent, by any means, removes another from the place where the other person is found or restrains the liberty of the other person for the purpose of holding another in involuntary servitude and by eliminating the prohibition against holding such a person in involuntary servitude under circumstances that create a substantial risk of serious physical harm to the victim or in the case of a minor victim that either create a substantial risk of serious physical harm or cause physical harm to the victim.
- Removes the reduced penalty for kidnapping when the offender releases the victim unharmed and is not a sexual predator.
- Increases the penalty for the offense of abduction when committed by an offender who, without privilege to do so, knowingly holds another in a condition of involuntary servitude to a felony of the second degree.
- Increases the penalty for compelling prostitution to a felony of the first degree if the offender knowingly compels another to engage in sexual activity for hire and the person compelled to engage in sexual activity for hire is less than 16 years of age and increases the penalty for compelling prostitution to a felony of the second degree if the offender knowingly compels another to engage in sexual activity for hire and the person compelled to engage in sexual activity for hire is less than 18 years of age.

- Includes abduction and trafficking in persons within the offense of conspiracy.
- Includes trafficking in persons within the definition of corrupt activity.
- Includes trafficking in persons in the human trafficking specification for the purposes of sentencing the offender to a mandatory prison term for kidnapping, abduction, compelling prostitution, promoting prostitution, engaging in a pattern of corrupt activity, or illegal use of a minor in a nudity-oriented material or performance or endangering children in certain circumstances.
- Provides that a prosecution of trafficking in persons is barred unless it is commenced within 20 years after the offense is committed.
- Allows a person who suffers injury or loss to person or property as a result of the offense of trafficking in persons to bring a civil action against the offender.
- Provides that a victim of trafficking in persons who is a minor must be provided with appropriate services, including an explanation of the victim's rights, privacy, housing, care, and age-appropriate support and rights.
- Requires the Department of Job and Family Services to develop procedures for reuniting the minor with family members in the minor's country of origin or destination country whenever it is possible and safe to do so and requires the Department of Health and the Department of Mental Health to develop procedures for providing special physical and mental health care tailored to the minor's needs.
- Requires the Attorney General to annually publish statistical data on trafficking in persons violations and requires each state agency and each agency of each political subdivision that investigates trafficking in persons or acts of human trafficking to collect and submit to the Bureau of Criminal Identification and Investigation certain specified types of information.
- Requires the Ohio Peace Officer Training Commission to recommend rules to the Attorney General with respect to a specified amount of training in handling trafficking in persons violations in specified required training programs for peace officers.
- Requires the Attorney General to provide training for peace officers in investigating and handling trafficking in persons violations and specifies required types of training.

- Permits the Attorney General to prepare public awareness programs designed to educate potential victims of trafficking in persons and their families of the risks of becoming a victim of trafficking in persons.
- Requires the Director of Commerce to create a poster that provides information regarding the National Human Trafficking Resources Center Hotline and proscribes the information that must be included on the poster.
- Lists the establishments that must display the National Human Trafficking Resources Center Hotline poster.
- Requires the Director of Transportation to conspicuously display the national Human Trafficking Resource Center Hotline poster at all rest stops within the right-of-way of interstate highways and state highways.

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## CONTENT AND OPERATION

### Trafficking in persons

#### Prohibition and penalty

The bill creates the offense of "trafficking in persons." It prohibits any person from knowingly recruiting, luring, enticing, soliciting, isolating, harboring, transporting, providing, obtaining, or maintaining, or knowingly attempting to recruit, lure, entice, solicit, isolate, harbor, transport, provide, obtain, or maintain, another person knowing or having reasonable cause to believe that the person will be subjected

to "involuntary servitude" or be compelled to engage in "sexual activity" for hire, engage in a "performance that is obscene, sexually oriented, or nudity oriented," or be a model or participant in the production of "material that is obscene, sexually oriented, or nudity oriented" (see "**Applicable definitions**," below). A violation of this prohibition is the offense of "trafficking in persons," a felony of the second degree. (R.C. 2905.32.)

### **Applicable definitions**

The following definitions apply to terms and phrases used in the prohibition described above (R.C. 2905.31):

"Commercial sex act" means any sex act on account of which anything of value is directly or indirectly given, promised to, or received by any person.

"Involuntary servitude" means being compelled to perform labor or services for another against one's will.

"Labor" means work of economic or financial value.

"Material that is obscene, sexually oriented, or nudity oriented" means any "material" that is "obscene," that shows a person participating or engaging in "sexual activity" (see below), masturbation, or bestiality, or that shows a person in a state of "nudity" (R.C. 2929.01(DDD), not in the bill, by reference.

"Performance that is obscene, sexually oriented, or nudity oriented" means any "performance" that is "obscene," that shows a person participating or engaging in "sexual activity" (see below), masturbation, or bestiality, or that shows a person in a state of "nudity" (R.C. 2929.01(EEE), not in the bill, by reference.

"Services" means an ongoing relationship between persons in which a person performs activities at the behest of, under the supervision of, or for the benefit of another person.

"Sexually explicit performance" means a live, public, private, photographed, recorded, or videotaped act intended to sexually arouse, satisfy the sexual desires of, or appeal to the prurient interests of any person.

### **Unlawful conduct with respect to documents**

The bill creates the offense of "unlawful conduct with respect to documents." It prohibits any person, without privilege to do so, from knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported government identification document or passport of another person in the course of a violation of, with intent to violate, or to facilitate a violation of R.C. 2905.01 (kidnapping), 2905.02

(abduction), 2905.32 (trafficking in persons), 2907.21 (compelling prostitution), 2907.22 (promoting prostitution), 2907.32 (pandering obscenity), 2907.321 (pandering obscenity involving a minor), 2907.322 (pandering sexually oriented matter involving a minor), or 2907.323 (illegal use of a minor in nudity-oriented material or performance). A violation of this prohibition is the offense of "unlawful conduct with respect to documents," a felony of the third degree. (R.C. 2905.33.)

## **Kidnapping**

Under existing law, a person is guilty of kidnapping if the person, by force, threat, or deception, or, in the case of a victim under the age of 13 or mentally incompetent, by any means, knowingly holds another in a condition of involuntary servitude under circumstances that create a substantial risk of serious physical harm to the victim or, in the case of a minor victim, under circumstances that either create a substantial risk of serious physical harm to the victim or cause physical harm to the victim (R.C. 2905.01(B)(3)). The bill modifies the prohibition by providing that a person is guilty of kidnapping if the person, by force, threat, or deception, or, in the case of a victim under the age of 13 or mentally incompetent, by any means, removes another from the place where the other person is found or restrains the liberty of the other person for the purpose of holding another in a condition of involuntary servitude (R.C. 2905.01(A)(6)). Existing law does not define "involuntary servitude" as used for the offense of kidnapping. The bill defines "involuntary servitude" for the offense of kidnapping to have the same meaning as used for the offense of trafficking in persons (see above). (R.C. 2905.01(D)(1).)

Existing law provides that generally kidnapping is a felony of the first degree and that, generally, if the offender releases the victim in a safe place unharmed kidnapping is a felony of the second degree. The bill removes the provision that kidnapping is a felony of the second degree if the offender releases the victim in a safe place unharmed. (R.C. 2905.01(C)(1).)

Kidnapping can be committed in several other manners that are not relevant to the bill and are not discussed in this analysis.

## **Abduction**

Existing law prohibits a person, without privilege to do so, from knowingly holding another in a condition of involuntary servitude (R.C. 2905.02(A)(3)). Whoever violates this prohibition is guilty of abduction, a felony of the third degree. The bill increases the penalty for this prohibition to a felony of the second degree. (R.C. 2905.02(C).) Existing law does not define "involuntary servitude" as used for the offense of abduction. The bill defines "involuntary servitude" as used for the offense of

abduction to have the same meaning as used for the offense of trafficking in persons (see above). (R.C. 2905.02(D)(1).)

Abduction can be committed in several other manners that are not relevant to the bill and are not discussed in this analysis.

### **Compelling prostitution**

Existing law prohibits a person from knowingly compelling another to engage in sexual activity for hire (R.C. 2907.21(A)(1)). Whoever violates this prohibition is guilty of compelling prostitution, generally a felony of the third degree. If the offender commits a violation of this prohibition and the person compelled to engage in sexual activity for hire in violation of that prohibition is less than 16 years of age, compelling prostitution is a felony of the second degree. The bill increases this penalty to a felony of the first degree. The bill also provides that if the offender commits a violation of this prohibition and the person compelled to engage in sexual activity for hire in violation of that prohibition is less than 18 years of age, compelling prostitution is a felony of the second degree.<sup>1</sup> (R.C. 2907.21(B).)

Compelling prostitution can be committed in several other manners that are not relevant to the bill and are not discussed in this analysis.

### **Conspiracy**

Under existing law, no person, with purpose to commit or to promote or facilitate the commission of aggravated murder, murder, kidnapping, compelling prostitution, promoting prostitution, aggravated arson, arson, aggravated robbery, robbery, aggravated burglary, burglary, engaging in a pattern of corrupt activity, corrupting another with drugs, a felony drug trafficking, manufacturing, processing, or possession offense, theft of drugs, or illegal processing of drug documents, the commission of a felony offense of unauthorized use of a vehicle, illegal transmitting multiple commercial electronic mail messages or unauthorized access of a computer in violation of R.C. 2923.421, or the commission of a violation of any provision of R.C. Ch. 3734., other than R.C. 3734.18, that relates to hazardous wastes, can, with another person or persons, plan or aid in the planning of any of the specified offenses, or agree with another person or persons that one or more of them will engage in conduct that facilitates the commission of any of the specified offenses. (R.C. 2923.01(A)(1) and (2).) Whoever violates this prohibition is guilty of conspiracy. Conspiracy is a felony of the

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<sup>1</sup> It is not clear whether the bill is intended to give the court the option of sentencing the offender to a felony of the second degree or first degree when the victim is less than 16 years of age or if the penalty of a second degree felony applies only when the victim is less than 18 but more than 15 years of age.

next lesser degree than the most serious offense that is the object of the conspiracy, when the most serious offense that is the object of the conspiracy is a felony of the first, second, third, or fourth degree (R.C. 2923.01(J)(2)). The bill includes abduction (felony of the second or third degree) and trafficking in persons (felony of the second degree) within the offense of conspiracy (R.C. 2923.01(A)). A person who commits conspiracy when the object of the conspiracy is "abduction" would be guilty of a felony of the third degree when the abduction would be a felony of the second degree or of a felony of the fourth degree when the abduction would be a felony of the third degree. A person who commits conspiracy when the object of the conspiracy is trafficking in persons would be guilty of a felony of the third degree.

### **Engaging in a pattern of corrupt activity**

Existing law prohibits a person employed by, or associated with, any enterprise from conducting or participating in, directly or indirectly, the affairs of the enterprise through a pattern of corrupt activity or the collection of an unlawful debt. Existing law also prohibits a person, through a pattern of corrupt activity or the collection of an unlawful debt, from acquiring or maintaining, directly or indirectly, any interest in, or control of, any enterprise or real property. (R.C. 2923.32(A)(1) and (2) (not in the bill).) Whoever violates this prohibition is guilty of engaging in a pattern of corrupt activity. Generally speaking, engaging in corrupt activity is a felony of the second degree. If, among other things, at least one of the incidents of corrupt activity is a felony of the first, second, or third degree, aggravated murder, or murder, engaging in a pattern of corrupt activity is a felony of the first degree. (R.C. 2923.32(B)(1).) Notwithstanding the financial sanctions authorized by R.C. 2929.18, the court may do all of the following with respect to any person who derives pecuniary value or causes property damage, personal injury other than pain and suffering, or other loss through or by the violation of this prohibition (R.C. 2923.32(B)(2)):

(1) In lieu of the fine authorized by R.C. 2929.18, impose a fine not exceeding the greater of three times the gross value gained or three times the gross loss caused and order the clerk of the court to pay the fine into the state treasury to the credit of the Corrupt Activity Investigation and Prosecution Fund;

(2) In addition to the fine described in (1) above and the financial sanctions authorized by R.C. 2929.18, order the person to pay court costs;

(3) In addition to the fine described in (1) above and the financial sanctions authorized by R.C. 2929.18, order the person to pay the state, municipal, or county law enforcement agencies that handled the investigation and prosecution the costs of investigation and prosecution that are reasonably incurred.

In addition to any other penalty or disposition authorized or required by law, the court must order any person who is convicted of or pleads guilty to engaging in a pattern of corrupt activity or who is adjudicated a delinquent child by reason of a violation of this prohibition to criminally forfeit to the state under R.C. Ch. 2981. any personal or real property in which the person has an interest and that was used in the course of or intended for use in the course of a violation of this prohibition, or that was derived from or realized through conduct in violation of this prohibition, including any property constituting an interest in, means of control over, or influence over the enterprise involved in the violation and any property constituting proceeds derived from the violation (R.C. 2923.32(B)(3)).

Under existing law, "pattern of corrupt activity" means two or more incidents of corrupt activity, whether or not there has been a prior conviction, that are related to the affairs of the same enterprise, are not isolated, and are not so closely related to each other and connected in time and place that they constitute a single event. At least one of the incidents forming the pattern must occur on or after January 1, 1986. Unless any incident was an aggravated murder or murder, the last of the incidents forming the pattern must occur within six years after the commission of any prior incident forming the pattern, excluding any period of imprisonment served by any person engaging in the corrupt activity. For the purposes of the criminal penalties that may be imposed, at least one of the incidents forming the pattern must constitute a felony under the laws of this state in existence at the time it was committed or, if committed in violation of the laws of the United States or of any other state, must constitute a felony under the law of the United States or the other state and would be a criminal offense under the law of this state if committed in this state. (R.C. 2923.01(E).)

"Corrupt activity" means engaging in, attempting to engage in, conspiring to engage in, or soliciting, coercing, or intimidating another person to engage in, among other things, conduct constituting certain prohibited activities regarding check cashing businesses, certain prohibitions regarding mortgage broker certification of registration, aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, aggravated assault, kidnapping, abduction, extortion, extortionate extension of credit, criminal usury, pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, illegal use of minor in nudity-oriented material or performance, aggravated arson, arson, soliciting or providing support for act of terrorism, making terroristic threat, terrorism, criminal possession of chemical, biological, radiological, or nuclear weapon or explosive device, criminal use of chemical, biological, radiological, or nuclear weapon or explosive device, illegal assembly or possession of chemicals or substances for manufacture of prohibited weapons, money laundering in support of terrorism, aggravated robbery, robbery, aggravated burglary, burglary, breaking and entering, safecracking,



telecommunications fraud, unlawful use of telecommunications device, bribery, intimidation, intimidation of attorney, victim, or witness in a criminal case, perjury, tampering with evidence, obstructing justice, theft in office, having an unlawful interest in a public contract, soliciting or accepting improper compensation, carry concealed weapons, unlawful possession or dangerous ordnance, or illegally manufacturing or processing explosives. The bill includes the offense of trafficking in persons within the definition of "corrupt activity." (R.C. 2923.01(I)(2)(a).)

Therefore, a person who commits the offense of trafficking in persons could also potentially commit a violation of engaging in a pattern of corrupt activity.

### **Human trafficking specification and definition of human trafficking**

Existing law requires that a person who is convicted of or pleads guilty to a felony offense of "kidnapping," "abduction," "compelling prostitution," "promoting prostitution," "illegal use of a minor in a nudity-oriented material or performance" committed in specified circumstances, "endangering children" committed in specified circumstances, or "engaging in a pattern of corrupt activity" and who also is convicted of or pleads guilty to a specification that the offender knowingly committed the offense in furtherance of "human trafficking" (see the second succeeding paragraph) be sentenced to a mandatory prison term. The duration of the mandatory prison term varies, depending upon the offense and the circumstances in which it was committed. The bill includes trafficking in persons among these felony offenses to which this mandatory prison term mechanism applies (R.C. 2929.14(D)(7), (E)(1)(d), and (E)(7) and 2941.1422(A)).

Existing law also increases the penalty for the offense of "engaging in a pattern of corrupt activity" if the offender also is convicted of or pleads guilty to a specification that the offender knowingly committed the offense in furtherance of "human trafficking" (R.C. 2923.32(B)(1)).

Existing law also requires that, if a person is convicted of or pleads guilty to any of the offenses listed in the preceding paragraph and also is convicted of or pleads guilty to a specification that charges that the offender knowingly committed the offense in furtherance of "human trafficking" (see the next paragraph), the sentencing court must sentence the offender to a financial sanction of restitution by the offender to the victim or any survivor of the victim, with the restitution including the costs of housing, counseling, and medical and legal assistance incurred by the victim as a direct result of the offense and the greater of the following: (a) the gross income or value to the offender of the victim's labor or services, or (b) the value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the Federal Fair

Labor Standards Act of 1938, 52 Stat. 1060, 20 U.S.C. 207, and state labor laws (R.C. 2929.18(B)(8) and 2941.1422).

The bill redefines "human trafficking," as used in the provisions described in the two preceding paragraphs, to mean a scheme or plan to which all of the following apply (R.C. 2929.01(AAA)):

(1) Its object is to *subject a victim or victims to involuntary servitude* (added by the bill), to compel a victim or victims to engage in "sexual activity" for hire, to engage in a "performance that is obscene, sexually oriented, or nudity oriented," or to be a model or participant in the production of "material that is obscene, sexually oriented, or nudity oriented" (see the next paragraph).

(2) It involves at least two felony offenses, whether or not there has been a prior conviction for any of the felony offenses, to which all of the following apply:

(a) Each of the felony offenses is the offense of kidnapping, abduction, *human trafficking* (added by the bill), compelling prostitution, promoting prostitution, engaging in a pattern of corrupt activity, illegal use of a minor in a nudity-oriented material or performance committed in violation of R.C. 2907.323(A)(1) or (2), or endangering children committed in violation of R.C. 2919.22(B)(1), (2), (3), (4), or (5), or is a violation of a law of any state other than Ohio that is substantially similar to any of the offenses identified in this clause.

(b) At least one of the felony offenses was committed in Ohio.

(c) The felony offenses are related to the same scheme or plan and are not isolated instances (the bill removes "are not so closely related to each other and connected in time and place that they constitute a single event or transaction").

## **Criminal statute of limitations**

Under existing law, a prosecution of the offenses of voluntary manslaughter, involuntary manslaughter, kidnapping, rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, compelling prostitution, aggravated arson, seven offenses related to terrorism, aggravated robbery, robbery, aggravated burglary, burglary, aggravated riot, felonious assault or aggravated assault when victim is a peace officer, felony assault, the former offense of felonious sexual penetration, and a conspiracy to commit, attempt to commit, or complicity in committing any of those offenses is barred unless it is commenced within 20 years after the offense is committed. The bill adds "trafficking in persons" to this list of offenses so that a prosecution for that offense is barred if not commenced within 20 years after being committed. (R.C. 2901.13(A)(3)(a).)

## **Civil action as a result of trafficking in persons violation**

The bill allows a person who suffers injury or loss to person or property as a result of an act committed in violation of the prohibition against trafficking in persons to bring a civil action against the offender and to recover in that action full compensatory damages, punitive or exemplary damages, court costs, other reasonable expenses incurred in maintaining that action, and the reasonable attorney's fees incurred in maintaining that action (R.C. 2307.54).

## **Victim's services when victim is a minor**

The bill provides that a victim of a violation of the prohibition against trafficking in persons who is a minor must be provided with appropriate services, which may include an explanation of the victim's rights, privacy, housing, care, and age-appropriate support and rights. The Department of Job and Family Services must develop procedures for reuniting the minor with family members in the minor's country of origin or destination country whenever it is possible and safe to do so. The Department of Health and the Department of Mental Health must develop procedures for providing special physical and mental health care tailored to the minor's needs. (R.C. 2930.21.)

## **Statistical data on trafficking in persons**

The bill requires the Attorney General, with assistance from the Bureau of Criminal Identification and Investigation (BCII), to annually publish statistical data on violations of the prohibition against trafficking in persons. The first annual publication must occur one year after the effective date of the bill. (R.C. 109.44(A).)

Each state agency and each agency of each political subdivision that investigates violations of the prohibition against trafficking in persons or acts of human trafficking must collect and submit to BCII on a date to be determined by the Attorney General the following information relevant to those violations (R.C. 109.44(B)):

- (1) The number of investigations, arrests, prosecutions, and successful convictions of persons for a violation of the prohibition against trafficking in persons;
- (2) The estimated number and demographic characteristics of persons violating the prohibition against trafficking in persons, as well as those persons who purchase or receive a commercial sex act, sexually explicit performance, labor, or services from victims of trafficking in persons;

(3) Statistics on the number of victims of trafficking in persons and statistics on the nationality, age, method of recruitment, and country, state, or city of origin of the victims of trafficking in persons;

(4) Trafficking routes and trafficking patterns used in violations of the prohibition against trafficking in persons;

(5) Methods of transportation used in violations of the prohibition against trafficking in persons;

(6) Social and economic factors that contribute to and foster the demand for all forms of exploitation of persons that leads to trafficking in persons.

### **Peace officer training**

Existing law requires the Ohio Peace Officer Training Commission to recommend rules to the Attorney General with respect to certain types of training of peace officers, including the following (R.C. 109.73(A)):

(1) The requirements of minimum basic training that peace officers appointed to probationary terms must complete before being eligible for permanent appointment, which requirements must include training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under R.C. 2919.26 or 3113.31; crisis intervention training; and training in the handling of missing children and child abuse and neglect cases; and the time within which such basic training must be completed following appointment to a probationary term;

(2) The requirements of minimum basic training that peace officers not appointed for probationary terms but appointed on other than a permanent basis must complete in order to be eligible for continued employment or permanent appointment, which requirements must include training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under R.C. 2919.26 or 3113.31; crisis intervention training; and training in the handling of missing children and child abuse and neglect cases; and the time within which such basic training must be completed following appointment on other than a permanent basis;

(3) Categories or classifications of advanced in-service training programs for peace officers, including programs in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under R.C. 2919.26 or 3113.31, in crisis intervention, and in the handling of missing children and child abuse and neglect cases,

and minimum courses of study and attendance requirements with respect to such categories or classifications.

The bill requires the above three types of rules to be recommended by the Commission to include a specified amount of training in handling trafficking in persons violations for the types of training programs covered by the rules (R.C. 109.73(A)(4), (5), and (6)).

The bill also requires the Attorney General provide training for peace officers in investigating and handling trafficking in persons violations. The training must include all of the following (R.C. 109.745(A)):

- (1) Identifying trafficking in persons violations;
- (2) Methods used in identifying victims of trafficking in persons who are citizens of the United States or a foreign country, including preliminary interviewing techniques and appropriate questioning methods;
- (3) Methods for prosecuting persons for trafficking in persons violations;
- (4) Methods of increasing effective collaboration with nongovernmental organizations and other social service organizations in the course of a criminal action regarding a trafficking in persons violation;
- (5) Methods for protecting the rights of victims of trafficking in persons, including the need to consider human rights and the special needs of women and children who are victims of trafficking in persons and to treat victims as victims rather than as criminals;
- (6) Methods for promoting the safety of victims of trafficking in persons, including the training of peace officers to quickly recognize victims of trafficking in persons who are citizens of the United States or citizens of a foreign country.

Any organization, person, or other governmental agency with an interest and expertise in trafficking in persons may submit information or materials to the Attorney General regarding the development and presentation of the required training. The Attorney General, in developing the required training, must consider any information submitted by those entities. (R.C. 109.745(B).)

## **Public awareness programs**

The bill permits the Attorney General to prepare public awareness programs that are designed to educate potential victims of trafficking in persons and their families of the risks of becoming a victim of trafficking in persons. The Attorney General may

prepare these programs with assistance from the Department of Health, the Department of Mental Health, the Department of Job and Family Services, the Department of Alcohol and Drug Addiction Services, and the Department of Education. The extent of the assistance provided by those Departments must be determined by the Attorney General. (R.C. 109.746(A).)

The Attorney General may periodically evaluate all public awareness programs and materials to ensure the programs' and materials' effectiveness (R.C. 109.746(B)). Any organization, person, or other governmental agency with an interest and expertise in trafficking in persons may submit information or materials to the Attorney General regarding the preparation of the permitted programs and materials. The Attorney General, in developing the permitted programs and materials, must consider any information submitted by those entities. (R.C. 109.746(C).)

### **Information regarding the National Human Trafficking Resource Center Hotline**

The bill requires the Director of Commerce to create a poster that provides information regarding the National Human Trafficking Resource Center Hotline. The poster must be no smaller than eight and one half by eleven inches in size and must include a statement in substantially the following form (R.C. 4113.72(A)):

"If you or someone you know is being forced to engage in any activity and cannot leave-whether it is commercial sex, housework, farm work, or any other activity-call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services.

Victims of human trafficking are protected under U.S. and Ohio law.

The toll-free Hotline is:

- Available 24 hours a day, 7 days a week
- Operated by a non-profit, non-governmental organization
- Anonymous & confidential
- Accessible in 170 languages
- Able to provide help, referral to services, training, and general information."

The statement must appear on each poster in English, Spanish, and for each county, any other language required for voting materials under section 1973aa-1a of the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C. 1973, as amended.

The Director, or the appropriate regulatory authority, if any, must provide each owner or operator of an establishment listed below with notice of this requirement and a copy of the appropriate National Human Trafficking Resource Center Hotline poster for display in each establishment. The Director and each state agency having regulatory authority over any of those establishments must make a copy of each version of the poster available for print on their respective public web sites. (R.C. 4113.72(B).)

A person who owns or operates any of the following establishments must display conspicuously in each establishment, in a place where employees and customers, patients, or students have access, a National Human Trafficking Resource Center Hotline poster for the county in which the poster will be displayed (R.C. 4113.72(C)):

- (1) A highway truck stop;
- (2) A hotel;
- (3) An adult entertainment establishment;
- (4) Any establishment that has a liquor permit, except for those establishments that also have a retail food services license or a food services operations license;
- (5) An agricultural labor camp;
- (6) A hospital or urgent care center;
- (7) Any public or chartered nonpublic school offering grades nine through twelve;
- (8) Any establishment operating as a massage parlor, massage spa, alternative health clinic, or similar entity by persons who do not hold a valid certificate from the State Medical Board to practice massage therapy;
- (9) A fair.

Whoever violates the above-described provision is guilty of a misdemeanor of the fourth degree and, notwithstanding R.C. 2929.24 (Ohio law regarding definite jail terms for misdemeanors) and 2929.28 (Ohio law regarding misdemeanor financial sanctions), is punishable by imprisonment up to 10 days, a fine of up to \$1,000, or both.

As used in the above-described provision, "fair" means the annual exposition conducted by any county or independent agricultural society or the Ohio Expositions Commission, and "highway truck stop" means a gas station with a sign that is visible from a highway that offers amenities to commercial vehicles (R.C. 4113.72(E)).

The Director of Transportation must display conspicuously at each rest area within the limits of the right-of-way of interstate highways and other state highways a National Human Trafficking Resource Center Hotline poster for the county in which the poster will be displayed (R.C. 5515.071).

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## HISTORY

ACTION	DATE
Introduced	04-15-10

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