



*Synopsis of Senate Committee Amendments**

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Legislative Service Commission

Sub. H.B. 280

127th General Assembly
(S. Judiciary – Criminal Justice)

The Senate Committee added to the House-passed version of the bill provisions that:

(1) Require a mandatory prison term for the offense of domestic violence in all cases if the offender knew that the victim of the offense was pregnant at the time of the offense.

(2) Require a mandatory jail term or mandatory prison term for felonious assault, aggravated assault, or assault if the offender is convicted of or pleads guilty to a specification that the victim was a woman that the offender knew was pregnant at the time of the offense.

(3) Require that a person who is convicted of or pleads guilty to the 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" be sentenced to a mandatory prison term and payment of restitution to the victim.

(4) Increase the penalty for the offense of engaging in a pattern or corrupt activity if the offender also is convicted of or pleads guilty to a specification of that nature.

(5) Define "human trafficking" as a scheme or plan to which all of the following apply: (a) its object is 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, and (b) it involves at least two felony offenses, whether or not there has been a prior conviction for any of the felony offenses, to which

* This synopsis does not address amendments that may have been adopted on the Senate floor.

all of the following apply: (i) each of the felony offenses is the offense of kidnapping, abduction, 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 division (A)(1) or (2) of R.C. 2907.323, endangering children committed in violation of division (B)(1), (2), (3), (4), or (5) of R.C. 2919.22, or a violation of a law of any state other than Ohio that is substantially similar to any of the offenses identified in this clause, (ii) at least one of the felony offenses was committed in Ohio, and (iii) the felony offenses are related to the same scheme or plan, are not isolated instances, and are not so closely related to each other and connected in time and place that they constitute a single event or transaction.

(6) Provide that the General Assembly strongly encourages the Attorney General to establish a Trafficking in Persons Study Commission to: (a) study and review the problem of trafficking in persons, particularly as it affects or occurs in Ohio, (b) study and review Ohio's criminal law to determine the manner and extent to which it currently applies to conduct that involves or is related to trafficking in persons, including the Ohio criminal offenses that currently apply to such conduct and the penalties for those offenses, and (c) develop recommendations to address the problem of trafficking in persons and to improve and expand as necessary Ohio's criminal law to better address conduct that involves or is related to trafficking in persons.

(7) Specify that nothing in the law that generally provides for confidentiality of reports of known or suspected child abuse or neglect precludes the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to the bill (as described in the next paragraph) against a person who is alleged to have violated the existing mandatory child abuse or neglect reporting requirement, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(8) Provide that a person who violates the existing mandatory child abuse or neglect reporting requirement is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made, and that a person who brings an action or proceeding pursuant to this provision against a person who is alleged to have violated that existing mandatory reporting requirement may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.