

Since 2011, Shared Hope has laid the foundation for transformational policy, practice, and cultural change by supporting state legislators and stakeholders to identify gaps in the fabric of laws needed to address child sex trafficking. The Report Cards on Child & Youth Sex Trafficking build upon the progress already made, challenging states to take the next step in the fight against sex trafficking by focusing on the area where the largest gaps remain—victim protections. This report provides a thorough review of Ohio’s laws related to both criminalization and victim protections while providing recommendations for addressing gaps in the law.¹



ISSUE 1: Criminal Provisions

Policy Goal 1.1 The child sex trafficking law is expressly applicable to buyers of commercial sex with any minor under 18.

Ohio’s trafficking law does not apply to buyers of commercial sex with minors. Ohio Rev. Code Ann. § 2905.32(C) (Trafficking in persons) states, “In a prosecution under this section, proof that the defendant engaged in sexual activity with any person, or solicited sexual activity with any person, whether or not for hire, without more, does not constitute a violation of this section.”

1.1.1 Recommendation: Amend Ohio Rev. Code Ann. § 2905.32 (Trafficking in persons) to make the statute applicable to the actions of buyers of commercial sex with minors.

Policy Goal 1.2 Commercial sexual exploitation of children (CSEC) laws specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

Ohio law criminalizes both purchasing and soliciting commercial sex with a minor. Pursuant to Ohio Rev. Code Ann. § 2907.21(A)(2)–(4) (Compelling prostitution),

No person shall knowingly do any of the following:

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- (2) Induce, procure, encourage, solicit, request, or otherwise facilitate either of the following:
 - (a) A minor to engage in sexual activity for hire, whether or not the offender knows the age of the minor;
 - (b) A person the offender believes to be a minor to engage in sexual activity for hire, whether or not the person is a minor.
- (3)

¹ Evaluations of state laws are based on legislation enacted as of August 1, 2022.

- (a) Pay or agree to pay a minor, either directly or through the minor’s agent, so that the minor will engage in sexual activity, whether or not the offender knows the age of the minor;
 - (b) Pay or agree to pay a person the offender believes to be a minor, either directly or through the person’s agent, so that the person will engage in sexual activity, whether or not the person is a minor.
- (4)
- (a) Pay a minor, either directly or through the minor’s agent, for the minor having engaged in sexual activity pursuant to a prior agreement, whether or not the offender knows the age of the minor;
 - (b) Pay a person the offender believes to be a minor, either directly or through the person’s agent, for the person having engaged in sexual activity pursuant to a prior agreement, whether or not the person is a minor.

Policy Goal 1.3 Commercial sexual exploitation of children (CSEC) laws apply to traffickers and protect all minors under 18.

Ohio’s CSEC laws address an array of trafficker conduct. Pursuant to Ohio Rev. Code Ann. § 2907.21(A) (Compelling prostitution),

No person shall knowingly do any of the following:

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- (2) Induce, procure, encourage, solicit, request, or otherwise facilitate either of the following:
 - (a) A minor to engage in sexual activity for hire, whether or not the offender knows the age of the minor;
 - (b) A person the offender believes to be a minor to engage in sexual activity for hire, whether or not the person is a minor.
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- (5)
 - (a) Allow a minor to engage in sexual activity for hire if the person allowing the child to engage in sexual activity for hire is the parent, guardian, custodian, person having custody or control, or person in loco parentis of the minor;
 - (b) Allow a person the offender believes to be a minor to engage in sexual activity for hire if the person allowing the person to engage in sexual activity for hire is the parent, guardian, custodian, person having custody or control, or person in loco parentis of the person the offender believes to be a minor, whether or not the person is a minor.

Further, Ohio Rev. Code Ann. § 2907.22(A) (Promoting prostitution) states,

No person shall knowingly:

- (1) Establish, maintain, operate, manage, supervise, control, or have an interest in a brothel or any other enterprise a purpose of which is to facilitate engagement in sexual activity for hire;
- (2) Supervise, manage, or control the activities of a prostitute in engaging in sexual activity for hire;
- (3) Transport another, or cause another to be transported, in order to facilitate the other person’s engaging in sexual activity for hire;
- (4) For the purpose of violating or facilitating a violation of this section, induce or procure another to engage in sexual activity for hire.

Under Ohio Rev. Code Ann. § 2907.23(A), (B) (Procuring),

- (A) No person, knowingly and for gain, shall do either of the following:
 - (1) Entice or solicit another to patronize a prostitute or brothel;

- (2) Procure a prostitute for another to patronize, or take or direct another at the other's request to any place for the purpose of patronizing a prostitute.
- (B) No person, having authority or responsibility over the use of premises, shall knowingly permit such premises to be used for the purpose of engaging in sexual activity for hire.

Lastly, Ohio Rev. Code Ann. § 2907.19(B), (C) (Prohibition against commercial sexual exploitation of minor) provides,

- (B) No person shall knowingly purchase or otherwise obtain advertising space for an advertisement for sexual activity for hire² that includes a depiction³ of a minor.
- (C) Whoever violates this section is guilty of commercial sexual exploitation of a minor, a felony of the third degree.

Policy Goal 1.4 Mistake of age is not an available defense under sex trafficking and commercial sexual exploitation of children (CSEC) laws.

Ohio law expressly prohibits a mistake of age defense in prosecutions for CSEC but not child sex trafficking. Pursuant to Ohio Rev. Code Ann. § 2907.21(A)(2)(a) (Compelling prostitution), an offender will be held accountable for “induc[ing], procur[ing], encourag[e] [ing], solicit[ing], request[ing], or otherwise facilitat[ing] either of the following: (a) A minor to engage in sexual activity for hire, whether or not the offender knows the age of the minor” Similarly, Ohio Rev. Code Ann. § 2907.21(A)(3)(a) criminalizes “[p]ay[ing] or agree[ing] to pay a minor, either directly or through the minor’s agent, so that the minor will engage in sexual activity, whether or not the offender knows the age of the minor.”

Further, Ohio Rev. Code Ann. § 2907.22(B)(2)(a) (Promoting prostitution) provides that a person shall be guilty of promoting prostitution if a “prostitute in the brothel involved in the offense, or the prostitute whose activities are supervised, managed, or controlled by the offender, or the person transported, induced, or procured by the offender to engage in sexual activity for hire, is a minor, whether or not the offender knows the age of the minor.”

Ohio Rev. Code Ann. § 2907.19(B), (D) (Prohibition against commercial sexual exploitation of minor) provides partial protection, stating,

- (B) No person shall knowingly purchase or otherwise obtain advertising space for an advertisement for sexual activity for hire⁴ that includes a depiction⁵ of a minor.
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- (D)
 - (1) In any prosecution under this section, it is not a defense that the offender did not know the age of the person depicted in the advertisement, relied on an oral or written representation of the age of the person depicted in the advertisement, or relied on the apparent age of the person depicted in the advertisement.
 - (2) In any prosecution under this section, it is an affirmative defense that the offender, prior to purchasing advertising space for the advertisement, made a reasonable bona fide attempt to ascertain

² Ohio Rev. Code Ann. § 2907.19(A)(1) defines “advertisement for sexual activity for hire” as “any advertisement or offer in electronic or print media that includes an explicit or implicit offer for sexual activity for hire to occur in this state.”

³ Ohio Rev. Code Ann. § 2907.19(A)(2) defines “depiction” as “any photograph, film, videotape, visual material, or printed material.”

⁴ Ohio Rev. Code Ann. § 2907.19(A)(1) defines “advertisement for sexual activity for hire” as “any advertisement or offer in electronic or print media that includes an explicit or implicit offer for sexual activity for hire to occur in this state.”

⁵ Ohio Rev. Code Ann. § 2907.19(A)(2) defines “depiction” as “any photograph, film, videotape, visual material, or printed material.”

the true age of the person depicted in the advertisement by requiring the person depicted in the advertisement to produce a driver's license, marriage license, birth certificate, or other government issued or school issued document that identifies the age of the person, provided the offender retains and produces a copy or other record of the driver's license, marriage license, birth certificate, or other document used to ascertain the age of the person depicted in the advertisement.

Lastly, Ohio Rev. Code Ann. § 2907.23(C) (Procuring) prohibits a mistake of age offense in cases involving minors under 16 years of age; it states,

If the prostitute who is procured, patronized, or otherwise involved in a violation of division (A)(2) of this section is under sixteen years of age at the time of the violation, regardless of whether the offender who violates division (A)(2) of this section knows the prostitute's age, or if a prostitute who engages in sexual activity for hire in premises used in violation of division (B) of this section is under sixteen years of age at the time of the violation, regardless of whether the offender who violates division (B) of this section knows the prostitute's age, procuring is a felony of the fourth degree

- 1.4.1 Recommendation: Amend state law to prohibit a mistake of age defense in all cases involving child sex trafficking and CSEC.

Policy Goal 1.5 Use of a law enforcement decoy is not an available defense in child sex trafficking cases.

Although the trafficking law does not expressly prohibit an offender from raising a defense based on the use of a law enforcement decoy posing as a minor, Ohio's criminal attempt statute, Ohio Rev. Code Ann. § 2923.02 (Attempt), could provide prosecutors with an alternative avenue to prosecute those cases. Ohio Rev. Code Ann. § 2923.02(A), (B) states,

- (A) No person, purposely or knowingly, and when purpose or knowledge is sufficient culpability for the commission of an offense, shall engage in conduct that, if successful, would constitute or result in the offense.
- (B) It is no defense to a charge under this section that, in retrospect, commission of the offense that was the object of the attempt was either factually or legally impossible under the attendant circumstances, if that offense could have been committed had the attendant circumstances been as the actor believed them to be.

Accordingly, an offender could be found guilty of attempting to commit a child sex trafficking offense despite the use of a law enforcement decoy.

Policy Goal 1.6 The trafficking law expressly allows for business entity liability and establishes a business-specific penalty scheme.

Ohio's trafficking law allows for business entity liability but does not provide for a business-specific penalty scheme. Pursuant to Ohio Rev. Code Ann. § 2905.32(A)(2) (Trafficking in persons),

No person shall knowingly recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, or knowingly attempt to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person if either of the following applies:

. . . .

- (2) The other person is less than eighteen years of age . . . and either the offender knows that the other person will be subjected to involuntary servitude or the offender's knowing recruitment, luring, enticement, isolation, harboring, transportation, provision, obtaining, or maintenance of the other person or knowing attempt to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain the other person is for any of the following purposes:

- (a) For the other person to engage in sexual activity for hire with one or more third parties;
- (b) To engage in a performance for hire that is obscene, sexually oriented, or nudity oriented;
- (c) To be a model or participant for hire in the production of material that is obscene, sexually oriented, or nudity oriented.

For purposes of criminalization under Ohio Rev. Code Ann. § 2905.32(A)(2), Ohio Rev. Code Ann. § 2901.01(B)(1)(a)(i) (Definitions) defines “person” to include “An individual, corporation, business trust, estate, trust, partnership, and association.”

Despite allowing for business entity liability, a violation of Ohio Rev. Code Ann. § 2905.32(A)(2) is punishable as felony of the first degree, carrying penalties most pertinent to individuals. Ohio Rev. Code Ann. § 2905.32(E).

- 1.6.1 Recommendation: Amend Ohio Rev. Code Ann. § 2905.32 (Trafficking in persons) to provide for a business-specific penalty scheme.

Policy Goal 1.7 State law mandates that financial penalties are levied on sex trafficking and CSEC offenders and are directed to a victim services fund.

Ohio law levies financial penalties, including fines and asset forfeiture, on sex trafficking and CSEC offenders and directs those financial penalties to victim-centered funds; however, the additional fine imposed on sex trafficking and CSEC offenders is only discretionary.

Regarding fines, Ohio Rev. Code Ann. § 2929.18(B)(11) (Financial sanctions; restitution; reimbursements) permits the sentencing court to impose an additional fine on trafficking and CSEC offenders, which is to be deposited into the Address Confidentiality Program Fund. Specifically, Ohio Rev. Code Ann. § 2929.18(B)(11) states,

In addition to any other fine that is or may be imposed under this section, the court imposing sentence upon an offender for any of the following offenses that is a felony may impose a fine of not less than seventy nor more than five hundred dollars, which shall be transmitted to the treasurer of state to be credited to the address confidentiality program fund created by section 111.48 of the Revised Code:

....

- (e) Trafficking in persons;
- (f) A violation of section . . . 2907.21 [Compelling prostitution], 2907.22 [Promoting prostitution] . . . of the Revised Code, if the offender also is convicted of a specification of the type described in section 2941.1422 of [Mandatory prison term-furtherance of human trafficking] the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking.

Regarding asset forfeiture, Ohio Rev. Code Ann. § 2981.02(A)(1) (Property subject to forfeiture; determination of use or intended use of instrumentality; motor vehicle law exclusion) provides for forfeiture of the following property:

The following property is subject to forfeiture to the state or a political subdivision under either the criminal or delinquency process in section 2981.04 [Criminal forfeiture proceedings] of the Revised Code or the civil process in section 2981.05 [Civil forfeiture proceedings] of the Revised Code:

- (a) Contraband involved in an offense;
- (b) Proceeds derived from or acquired through the commission of an offense;
- (c) An instrumentality that is used in or intended to be used in the commission or facilitation of any of the following offenses when the use or intended use, consistent with division (B) of this section, is sufficient to warrant forfeiture under this chapter:
 - (i) A felony;
 - (ii) A misdemeanor, when forfeiture is specifically authorized by a section of the Revised Code or by a municipal ordinance that creates the offense or sets forth its penalties;

....

Disposition of forfeited property is governed by Ohio Rev. Code Ann. § 2981.12 (Disposal of unclaimed or forfeited property other than contraband, proceeds, and instrumentalities; citizen's reward program), which directs funds from assets forfeited in connection with a trafficking or CSEC crime to the Victims of Human Trafficking Fund, stating,

(A) Unclaimed or forfeited property in the custody of a law enforcement agency, other than property described in division (A)(2) of section 2981.11 [Custody and disposition of property; internal control policy; reports to attorney general; locating persons entitled to possession; definitions] of the Revised Code, shall be disposed of by order of any court of record that has territorial jurisdiction over the political subdivision that employs the law enforcement agency, as follows:

....

(8) Money seized in connection with a violation of section 2905.32 [Human trafficking], 2907.21 [Compelling prostitution], or 2907.22 [Promoting prostitution] of the Revised Code shall be deposited in the victims of human trafficking fund created by section 5101.87 of the Revised Code.

....

(H) Any moneys acquired from the sale of personal effects, tools, or other property seized because the personal effects, tools, or other property were used in the commission of a violation of section 2905.32, 2907.21, or 2907.22 of the Revised Code or derived from the proceeds of the commission of a violation of section 2905.32, 2907.21, or 2907.22 of the Revised Code and disposed of pursuant to this section shall be placed in the victims of human trafficking fund created by section 5101.87 of the Revised Code.

Pursuant to Ohio Rev. Code Ann. § 5101.87 (Victims of human trafficking fund), money deposited into the Victims of Human Trafficking Fund must be used for victim services. Ohio Rev. Code Ann. § 5101.87 states,

There is hereby created in the treasury of state the victims of human trafficking fund consisting of money seized in connection with a violation of section 2905.32 [Trafficking in persons], 2907.21 [Compelling prostitution], or 2907.22 [Promoting prostitution] of the Revised Code or acquired from the sale of personal effects, tools, or other property seized because the personal effects, tools, or other property were used in the commission of a violation of section 2905.32, 2907.21, or 2907.22 of the Revised Code or derived from the proceeds of the commission of a violation of section 2905.32, 2907.21, or 2907.22 of the Revised Code and deposited pursuant to section 2981.12 [Disposal of unclaimed or forfeited property other than contraband, proceeds, and instrumentalities; citizen's reward program] of the Revised Code and such other money as may be appropriated or contributed to the fund. Money in the fund shall be used for the sole purpose of treating, caring for, rehabilitating, educating, housing, and providing assistance for victims of trafficking in persons. The director of job and family services shall administer the fund.



ISSUE 2: Identification of & Response to Victims

Policy Goal 2.1 The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control.

The definition of child sex trafficking victim does not include all commercially sexually exploited children. Ohio Rev. Code Ann. § 2905.32(C) (Trafficking in persons) specifically excludes buyers from criminal liability.⁶ Accordingly, third party control is required to establish the crime of child sex trafficking, thereby excluding commercially sexually exploited children who are not under the control of a trafficker from the definition of child sex trafficking victim.

2.1.1 Recommendation: Amend state law to remove third party control requirements that narrow the definition of child sex trafficking victim.⁷

Policy Goal 2.2 State law provides policy guidance to facilitate access to services and assistance for trafficked foreign national children.

Ohio law does not provide policy guidance that facilitates appropriate responses to foreign national child sex trafficking victims.

2.2.1 Recommendation: Statutorily provide policy guidance that facilitates access to services and assistance for trafficked foreign national children.

Policy Goal 2.3 State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking.

Ohio law does not require child welfare to conduct trauma-informed CSEC screening of system-involved children and youth who are at risk of sex trafficking.

2.3.1 Recommendation: Statutorily require child welfare to screen system-involved children and youth at risk of sex trafficking for experiences of commercial sexual exploitation.

Policy Goal 2.4 State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking.

Ohio law does not require juvenile justice agencies to conduct trauma-informed CSEC screening of children and youth who are at risk of sex trafficking.

⁶ See *supra* Policy Goal 1.1 for a full discussion of buyer-applicability under Ohio Rev. Code Ann. § 2905.32.

⁷ See generally Shared Hope Int'l, *Eliminating the Third Party Control Barrier to Identifying Juvenile Sex Trafficking Victims*, JuST Response Policy Paper (August 2015), http://sharedhope.org/wp-content/uploads/2015/08/Policy-Paper_Eliminating-Third-Party-Control_Final1.pdf (discussing need to include all commercially sexually exploited children within sex trafficking definitions and the corresponding need to include buyer conduct in core sex trafficking offenses regardless of whether the victim is under control of a third party).

- 2.4.1 Recommendation: Statutorily require juvenile justice agencies to screen children and youth who are at risk of sex trafficking for experiences of commercial sexual exploitation.

Policy Goal 2.5 State law prohibits the criminalization of minors under 18 for prostitution offenses and establishes a services-referral protocol as an alternative to arrest.

Ohio law does not prohibit the criminalization of minors for prostitution offenses, nor does it establish a protocol requiring law enforcement to refer impacted children to a direct services organization or child-serving agency in lieu of arrest. While state statute provides alternative juvenile justice responses to identified child sex trafficking victims,⁸ minors are not protected from arrest, charges, and prosecution for engaging in conduct in violation of the prostitution law.

Ohio’s core prostitution law, Ohio Rev. Code Ann. § 2907.25 (Prostitution; after positive HIV test), and the solicitation law, Ohio Rev. Code Ann. § 2907.24 (Soliciting; after positive HIV test; driver’s license suspension), apply equally to minors and adults. Ohio Rev. Code Ann. § 2907.25(A), (C) states,

(A) No person shall engage in sexual activity for hire.

.....

(C) Whoever violates division (A) of this section is guilty of prostitution, a misdemeanor of the third degree.

Further, under Ohio Rev. Code Ann. § 2907.24(A), (C)(1),

(A) No person shall knowingly solicit another to engage in sexual activity for hire⁹ in exchange for the person receiving anything of value from the other person.

.....

(C)
(1) Whoever violates division (A) of this section is guilty of soliciting. Soliciting is a misdemeanor of the third degree.

- 2.5.1 Recommendation: Enact legislation to prohibit the criminalization of all minors for prostitution offenses and establish a services-referral protocol in response to minors engaged in commercial sex.

Policy Goal 2.6 State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization.

Ohio law does not prohibit the criminalization of child sex trafficking victims for status offenses nor does it prohibit charging victims with misdemeanors or non-violent felonies committed as a result of their trafficking victimization.

- 2.6.1 Recommendation: Amend state law to prohibit the criminalization of child sex trafficking victims for status offenses, and misdemeanors and non-violent felonies committed as a result of their trafficking victimization.

⁸ See *infra* Policy Goal 3.4 for a full discussion on alternative juvenile justice responses for child sex trafficking victims.

⁹ Ohio Rev. Code Ann. § 2907.24(D) defines “sexual activity for hire” as “an implicit or explicit agreement to provide sexual activity in exchange for anything of value paid to the person engaging in such sexual activity, to any person trafficking that person, or to any person associated with either such person.”

Policy Goal 2.7 State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

Ohio law does not prohibit the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

2.7.1 Recommendation: Amend state law to prohibit the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

Policy Goal 2.8 State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

Ohio law does not provide child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

2.8.1 Recommendation: Amend state law to provide child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

Policy Goal 2.9 Juvenile court jurisdiction aligns with international human rights standards.

Ohio law does not provide age-appropriate juvenile court responses for all minors accused of engaging in juvenile or criminal conduct. While Ohio law extends juvenile court jurisdiction to all minors under 18 years of age, governing state statute fails to establish a minimum age for juvenile court jurisdiction, permits automatic transfers for minors charged with certain offenses or previously convicted in criminal court, and fails to require courts to consider the impact of trauma or past victimization in make discretionary transfer determinations.

	Minimum Age of Juvenile Court Jurisdiction	Maximum Age for Charging Youth in Juvenile Court	Automatic Transfers or Direct File	Discretionary Transfers	Requirement for Court to Consider Trauma or Past Victimization
Summary	None “Child’ is defined as “a person who is under eighteen years of age”	17	Yes. Minors: (1) 16+ years of age charged with a category I felony offense ¹⁰ , who is charged with a category II felony offense ¹¹ and is	Yes. Minors 14+ years of age charged with a felony offense.	No.

¹⁰ Ohio Rev. Code Ann. § 2152.02(AA) defines a “category one offense” as, “(1) A violation of section 2903.01 or 2903.02 of the Revised Code; (2) A violation of section 2923.02 of the Revised Code involving an attempt to commit aggravated murder or murder.”

¹¹ Ohio Rev. Code Ann. § 2152.02(BB) defines a “category two offense” as, “(1) A violation of section 2903.03, 2905.01, 2907.02, 2909.02, 2911.01, or 2911.11 of the Revised Code; (2) A violation of section 2903.04 of the Revised Code that is a felon of the first degree; (3) A violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996.”

			eligible for mandatory transfer, or who is charged with a category II felony offense and is alleged to have used a firearm in the commission of the offense; (2) 14 or 15 years of age charged with a category I or II felony offense and is eligible for mandatory transfer; or (3) who were previously convicted or pled guilty to felony offense in criminal court.		
Relevant Statute(s)	Ohio Rev. Code Ann. § 2152.02(C)(1), (E)(1) (Definitions)	Ohio Rev. Code Ann. § 2152.02(C)(1), (E)(1) (Definitions)	Ohio Rev. Code Ann. § 2152.12(A)(1)(a) (Transfer of case; prosecution of child nullity in absence of transfer; juvenile court loses jurisdiction if child is not taken into custody or apprehended prior to attaining age twenty-one); Ohio Rev. Code Ann. § 2152.10 (Children eligible for mandatory or discretionary transfer; order of disposition when child not transferred); Ohio Rev. Code Ann. § 2152.02(C)(5) (Definitions)	Ohio Rev. Code Ann. § 2152.10(B) (Children eligible for mandatory or discretionary transfer; order of disposition when child not transferred)	Ohio Rev. Code Ann. § 2152.12(B), (D) (Transfer of case; prosecution of child nullity in absence of transfer; juvenile court loses jurisdiction if child is not taken into custody or apprehended prior to attaining age twenty-one)

Consequently, some minors may still be subject to age-inappropriate juvenile court responses due to state laws that: (1) fail to establish a minimum age for juvenile court jurisdiction that aligns with international human rights standards; (2) allow some juvenile cases to be automatically transferred to criminal court; and (3) do not require the juvenile court to consider past trafficking victimization or trauma when making a transfer determination.

- 2.9.1 Recommendation: Statutorily require age-appropriate juvenile court responses for all children accused of engaging in juvenile or criminal conduct.

Policy Goal 2.10 State law defines child abuse to include child sex trafficking for purposes of accessing child welfare services.

Ohio law defines “abused child” to include commercial sexual exploitation of children but not child sex trafficking. Pursuant to Ohio Rev. Code Ann. § 2151.031(A) (Abused child defined),

As used in this chapter, an “abused child” includes any child who:

(A) Is the victim of “sexual activity” as defined under Chapter 2907 [Sex Offenses; includes commercial sexual exploitation of children offenses]¹² of the Revised Code, where such activity would constitute an offense under that chapter, except that the court need not find that any person has been convicted of the offense in order to find that the child is an abused child

- 2.10.1 Recommendation: Amend state law to expressly include child sex trafficking within the definition of “abused child.”

Policy Goal 2.11 State law allows for child welfare involvement in non-familial child sex trafficking cases without hinging involvement on caregiver fault and provides for an alternative, specialized investigation in those cases.

Ohio law does not clearly allow for a child welfare response in non-familial child sex trafficking cases regardless of caregiver fault. Specifically, the definition of “abused child” under Ohio Rev. Code Ann. § 2151.031(A) (Abused child defined) is silent regarding the child’s relationship to the perpetrator when a child is deemed abused as the result of being a victim of commercial sexual exploitation and does not expressly clarify that a child welfare response to child sex trafficking victims need not hinge on caregiver liability. Further, a specialized investigation is not statutorily required for children reported to child welfare due to trafficking victimization perpetrated by a non-familial trafficker.

- 2.11.1 Recommendation: Statutorily allow for child welfare involvement in child sex trafficking cases regardless of parent or caregiver fault and provide for a specialized investigation in those cases.

¹² See appendix for Keystone Statutes, listing Ohio’s commercial sexual exploitation of children laws.



ISSUE 3: Continuum of Care

Policy Goal 3.1 State law mandates a process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems.

Ohio law does not mandate a process for coordinating access to specialized, community-based services for child sex trafficking victims that does not require involvement in a child-serving system.

3.1.1 Recommendation: Statutorily mandate a process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems.

Policy Goal 3.2 State law provides for a survivor-centered multi-disciplinary team response to child sex trafficking cases.

Although child sex trafficking victims could receive a multi-disciplinary team (MDT) response through an existing child abuse MDT, Ohio law does not require an MDT response specific to child sex trafficking cases. Pursuant to Ohio Rev. Code Ann. § 2151.427 (Assembling of multidisciplinary team),

(A) The entities that participate in a memorandum of understanding executed under section 2151.426 [Establishment of children's advocacy center]¹³ of the Revised Code establishing a children's advocacy center shall assemble the center's multidisciplinary team.

¹³ Pursuant to Ohio Rev. Code Ann. § 2151.426 (Establishment of children's advocacy center) the child advocacy center is established to serve child abuse victims and work across agencies to develop multi-disciplinary teams.

- (A)
- (1) A children's advocacy center may be established to serve a single county by execution of a memorandum of understanding regarding the participation in the operation of the center by any of the following entities in the county to be served by the center:
 - (a) The public children services agency;
 - (b) Representatives of any county or municipal law enforcement agencies serving the county that investigate any of the types of abuse specified in the memorandum of understanding creating the center as being within the center's jurisdiction;
 - (c) The prosecuting attorney of the county or a village solicitor, city director of law, or similar chief legal officer of a municipal corporation in the county who prosecutes any of the types of abuse specified in the memorandum of understanding creating the center as being within the center's jurisdiction in the area to be served by the center;
 - (d) Any other entity considered appropriate by all of the other entities executing the memorandum.
 - (2) A children's advocacy center may be established to serve two or more contiguous counties if a memorandum of understanding regarding the participation in the operation of the center is executed by any of the entities described in division (A)(1) of this section in each county to be served by the center.
 - (3) Any memorandum of understanding executed under this section may include a provision that specifies types of abuse of a child, in addition to sexual abuse of a child, that are to be within the jurisdiction of the children's advocacy center created as a result of the execution of the memorandum. If a memorandum of understanding executed under this section does not include any provision of that nature, the children's advocacy center created

- (B)
- (1) The multidisciplinary team for a single county center shall consist of the following members who serve the county:
 - (a) Any county or municipal law enforcement officer;
 - (b) The executive director of the public children services agency or a designee of the executive director;
 - (c) The prosecuting attorney of the county or the prosecuting attorney's designee;
 - (d) A mental health professional;
 - (e) A medical health professional;
 - (f) A victim advocate;
 - (g) A center staff member;
 - (h) Any other person considered appropriate by all of the entities that executed the memorandum.
 - (2) If the center serves two or more contiguous counties, the multidisciplinary team shall consist of the members described in division (B)(1) of this section from the counties to be served by the center, with each county to be served by the center being represented on the multidisciplinary team by at least one member described in that division.
- (C) The multidisciplinary team shall perform the functions and activities and provide the services specified in the interagency agreement entered into under section 2151.428 [Children's advocacy center – interagency agreement] of the Revised Code, regarding reports received under section 2151.421 [Reporting child abuse or neglect] of the Revised Code of alleged sexual abuse of a child and reports of allegations of another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction and regarding the children who are the subjects of the reports.

3.2.1 Recommendation: Statutorily require a multi-disciplinary team response specific to child sex trafficking victims.

Policy Goal 3.3 State law requires child welfare to provide access to specialized services for identified sex trafficked children and youth.

Ohio law does not require child welfare to provide access to services that are specialized to the unique needs of child sex trafficking victims.

3.3.1 Recommendation: Statutorily require child welfare to provide access to specialized services for child sex trafficking victims.

- as a result of the execution of the memorandum has jurisdiction only in relation to reports of alleged sexual abuse of a child.
- (B) Each entity that participates in the execution of a memorandum of understanding under this section shall cooperate in all of the following:
- (1) Developing a multidisciplinary team pursuant to section 2151.427 [Assembling multidisciplinary team] of the Revised Code to perform the functions and activities and provide the services specified in the interagency agreement entered into under section 2151.428 [Children's advocacy center – interagency agreement] of the Revised Code, regarding reports received under section 2151.421 [Reporting child abuse or neglect] of the Revised Code of alleged sexual abuse of a child and reports of allegations of another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, and regarding the children who are the subjects of the reports;
 -

Policy Goal 3.4 State law requires the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

While services may be available in conjunction with diversion, Ohio law does not provide access to specialized services for all identified sex trafficked children and youth in the juvenile justice system. Pursuant to Ohio Rev. Code Ann. § 2152.021(F) (Complaint alleging that child is delinquent child or juvenile traffic offender; initiation of serious youthful offender proceedings),

- (1) At any time after the filing of a complaint alleging that a child is a delinquent child and before adjudication, the court shall promptly appoint for the child a guardian ad litem who is not the child's attorney if the court has reason to believe that either of the following might apply:
 - (a) The act charged would be a violation of section 2907.24 [Soliciting; after positive HIV test; driver's license suspension], 2907.241 [Loitering to engage in solicitation], or 2907.25 [Prostitution] of the Revised Code if the child were an adult.
 - (b) The child is a victim of a violation of section 2905.32 [Trafficking in persons] of the Revised Code, regardless of whether any person has been convicted of a violation of that section or of any other section for victimizing the child.
- (2) The child, the child's attorney, the child's guardian ad litem, or the prosecuting attorney may petition the court to hold the complaint in abeyance if either of the following applies:
 - (a) Division (F)(1)(a) of this section applies.
 - (b) Division (F)(1)(b) of this section applies and the act charged in the complaint is related to the child's victimization.
- (3)
 - (a) Upon the filing of a petition made under division (F)(2)(a) of this section, the court may grant the petition without a hearing. If the court decides to hold a hearing on the petition, the court shall notify the prosecuting attorney of the date, time, and location of the hearing, and the prosecuting attorney has the right to participate in the hearing and may object to holding the complaint in abeyance. No statement made by a child at a hearing held under this division is admissible in any subsequent proceeding against the child.
 - (b) Upon the filing of a petition made under division (F)(2)(b) of this section, both of the following apply:
 - (i) The court may grant the petition without a hearing, provided the prosecuting attorney, after receiving notice of the petition, consents.
 - (ii) If the prosecuting attorney does not consent to holding the complaint in abeyance, the court shall hold a hearing to determine whether to hold the complaint in abeyance. The prosecuting attorney shall be notified of the date, time, and location of the hearing, and has the right to participate in the hearing. No statement made by a child at a hearing held under this division is admissible in any subsequent proceeding against the child.
- (4) If the court decides to hold a hearing under division (F)(3)(a) of this section and the court after the hearing finds by a preponderance of the evidence that division (F)(1)(a) of this section applies, if after a hearing held under division (F)(3)(b)(ii) of this section the court finds by a preponderance of the evidence that division (F)(1)(b) of this section applies and the act charged in the complaint is related to the child's victimization, or if the court grants the petition without a hearing under division (F)(3)(a) or (b)(i) of this section, the court shall hold the complaint in abeyance, provided the child consents. The guardian ad litem shall make recommendations that are in the best interest of the child. A psychiatrist, psychologist, licensed professional clinical counselor, or other clinician selected by the court, who has assessed the child, may make recommendations that are in the best interest of the child. The prosecuting attorney or the child's attorney may make recommendations related to diversion actions. The court may make any orders regarding placement, services, supervision, diversion actions, and conditions of abeyance, including, but not limited to, engagement in trauma-based behavioral health services or education activities, that the court considers appropriate and in the best interest of the child. The court may hold the complaint in abeyance for up to ninety days while the child engages in diversion actions. If the child violates the conditions of

abeyance or is not actively engaging in the diversion actions to the court's satisfaction within ninety days, the court may extend the period of abeyance for not more than three additional ninety-day periods.

(5) If the court holds the complaint in abeyance and the child complies with the conditions of abeyance and actively engages in the diversion actions to the court's satisfaction, the court shall dismiss the complaint and order that the records pertaining to the case be expunged immediately. If the child fails to actively engage in the diversion actions to the court's satisfaction, the court shall proceed upon the complaint.

- 3.4.1 Recommendation: Strengthen existing law to mandate access to specialized services for all identified sex trafficked children and youth in the juvenile justice system.

Policy Goal 3.5 State law extends foster care services to older foster youth.

Ohio law extends foster care services to youth under 21 years of age. However, these services are not extended to youth under 23 years of age as permitted under federal law.¹⁴ Under Ohio Rev. Code Ann. § 2151.81(A) (Definitions), “[i]ndependent living services” include “services and other forms of support designed to aid children¹⁵ and young adults to successfully make the transition to independent adult living and to achieve emotional and economic self-sufficiency.”

Ohio Rev. Code Ann. § 2151.81(B) (Definitions) defines “young adult” as follows:

[A] person eighteen years of age or older but under twenty-one years of age who was in the temporary or permanent custody of, or was provided care in a planned permanent living arrangement by, a public children services agency or private child placing agency on the date the person attained age eighteen.

Additionally, Ohio Rev. Code Ann. § 2151.83 (A) (Agreement with young adult to provide independent living services; addendum) provides young adults with access to the independent living services defined above, stating,

A public children services agency or private child placing agency, on the request of a young adult, shall enter into a jointly prepared written agreement with the young adult that obligates the agency to ensure that independent living services are provided to the young adult and sets forth the responsibilities of the young adult regarding the services. The agreement shall be developed based on the young adult's strengths, needs, and circumstances. The agreement shall be designed to promote the young adult's successful transition to independent adult living and emotional and economic self-sufficiency.

- 3.5.1 Recommendation: Strengthen existing statutory law to better support transition age youth by extending transitional foster care services to youth under 23 years of age.

¹⁴ For more information, see Shared Hope Int'l, *Issue Brief 3.5: Continuum of Care*, <https://reportcards.sharedhope.org/wp-content/uploads/2022/10/2022-Issue-Briefs-3.5.pdf> (discussing federal laws that allow for funded foster care services to be extended to youth under 23 years of age).

¹⁵ Under Ohio Rev. Code Ann. § 2151.011(6), “child” is defined as

a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a “child” until the person attains twenty-one years of age.

Policy Goal 3.6

State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement.

The Ohio state legislature made appropriations during the 2021 session to support the development and provision of community-based specialized services for child and youth survivors of sex trafficking.

2021 Legislative Session				
Bill	Recipient	Amount	Intended Purpose	Term
HB 110	Department of Job and Family Services, Gracehaven Pilot Program	\$259,685	To support the creation and operation of Gracehaven locations to provide community-based services to women under 18 years of age that have been victims of human trafficking.	FY 2022
2021 Legislative Session				July 1 st -June 30 th
HB 110	Department of Youth Services, Cleveland Rape Crisis Center	\$300,000	To provide services for at-risk youth through the Cleveland Rape Center Human Trafficking Drop-in Center.	FY 2022 & 2023
2021 Legislative Session				July 1 st -June 30 th
HB 110	Department of Job and Family Services, Victims of Human Trafficking	\$100,000	To provide treatment, care, rehabilitation, education, housing, and assistance for victims of trafficking.	FY 2022 & 2023
2021 Legislative Session				July 1 st -June 30 th

EXTRA CREDIT



The Ohio Legislature appropriated funds for FY 2022 and 2023 to support the development and provision of specialized, community-based services and care to youth survivors of sex trafficking.



The Ohio Legislature appropriated funds for FY 2022 and 2023 to support the development and provision of specialized, community-based services and care to survivors of labor trafficking.



ISSUE 4: Access to Justice for Trafficking Survivors

Policy Goal 4.1 State law allows trafficking victims to seek emergency civil orders of protection.

Ohio law allows trafficking victims to seek ex parte civil orders of protection against their exploiters. Pursuant to Ohio Rev. Code Ann. § 2903.214(C) (Petition for protection order to protect victim of menacing by stalking or sexually oriented offense),

A person may seek relief under this section for the person, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state all of the following:

- (1) An allegation that the respondent is eighteen years of age or older and . . . committed a sexually oriented offense against the person to be protected by the protection order, including a description of the nature and extent of the violation;
- (2) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be protected was at risk, a description of the nature and extent of that conduct, and an allegation that the respondent presents a continuing danger to the person to be protected;
- (3) A request for relief under this section.

Ohio Rev. Code Ann. § 2903.214(A)(5) states that “[s]exually oriented offense” has the same meaning as in section 2950.01 of the Revised Code.” Ohio Rev. Code Ann. § 2950.01(A) (Definitions) defines “sexually oriented offense” as follows:

[A]ny of the following violations or offenses [A] committed by a person, regardless of the person’s age:

- (1) A violation of section . . . 2907.21 [Compelling prostitution], 2907.22 [Promoting prostitution] . . . of the Revised Code;
-
- (11) A violation of section 2905.32 [Trafficking in persons] of the Revised Code when either of the following applies:
 - (a) The violation is a violation of division (A)(1) of that section and the offender knowingly recruited, lured, enticed, isolated, harbored, transported, provided, obtained, or maintained, or knowingly attempted to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person knowing that the person would be compelled to engage in sexual activity for hire, engage in a performance that was obscene, sexually oriented, or nudity oriented, or be a model or participant in the production of material that was obscene, sexually oriented, or nudity oriented.
 - (b) The violation is a violation of division (A)(2) of that section and the offender knowingly recruited, lured, enticed, isolated, harbored, transported, provided, obtained, or maintained, or knowingly attempted to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain a person who is less than eighteen years of age or is a person with a developmental disability whom the offender knows or has reasonable cause to believe is a person with a developmental disability for any purpose listed in divisions (A)(2)(a) to (c) of that section.
-
- (14) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (A)(1), . . . (11) . . . of this section.

Ohio Rev. Code Ann. § 2903.214(D)(1) clarifies that those orders may be sought on an ex parte basis, stating,

If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day that the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the protection order with bodily harm or in which the respondent previously has been convicted of or pleaded guilty to a violation of section 2903.211 of the Revised Code or a sexually oriented offense against the person to be protected by the protection order.

Policy Goal 4.2 Ineligibility factors for crime victims' compensation do not prevent victims of child sex trafficking and commercial sexual exploitation of children (CSEC) from accessing compensation.

Ohio's crime victims' compensation laws exempt victims of child sex trafficking, but not CSEC, from ineligibility factors. Because CSEC victims are not likewise exempt from ineligibility factors, however, some commercially sexually exploited children may not have access to an award.

For purposes of accessing crime victims' compensation, Ohio Rev. Code Ann. § 2743.51(L)(1)(a)¹⁶ (Definitions) defines "victim" to include "[a] person who suffers personal injury or death as a result of . . . [c]riminally injurious conduct." "Criminally injurious conduct" is defined under Ohio Rev. Code Ann. § 2743.51(C)(1), (2) to include the following:

- (1) For the purpose of any person described in (A)(1) of this section, any conduct that occurs or is attempted in this state; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state
- (2) For purposes of any person described in division (A)(2) of this section, any conduct that occurs or is attempted in another state, district, territory, or foreign country; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted

Regarding ineligibility factors, Ohio law carves out exceptions for trafficking victims. Because those exceptions are offense-specific, however, only victims of trafficking, not CSEC, will be protected. Ohio Rev. Code Ann. § 2743.60(J)¹⁷ (Grounds for denial of claim or reduction of award; limit on aggregate awarded) states,

Nothing in this section shall be construed to prohibit an award to a claimant whose claim is based on the claimant's being a victim of a violation of section 2905.32 [Trafficking in persons] of the Revised Code if the claimant was less than eighteen years of age when the criminally injurious conduct occurred.

Accordingly, child sex trafficking victims are exempt from the following ineligibility factors codified under Ohio. Rev. Code Ann. § 2743.60(A)–(I):

(A)

¹⁶ The text of Ohio Rev. Code Ann. § 2743.51 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 36 during the 2021-2022 Regular Session of the Ohio state legislature (effective March 2, 2022).

¹⁷ The text of Ohio Rev. Code Ann. § 2743.60 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 36 during the 2021-2022 Regular Session of the Ohio state legislature (effective March 2, 2022).

(1) The attorney general or the court of claims shall not make or order an award of reparations to a claimant if the criminally injurious conduct upon which the claimant bases a claim never was reported to a law enforcement officer or agency.

(2)

(a) Except as provided in division (A)(2)(b), (c), or (d) of this section, the attorney general or court of claims shall not make or order an award of reparations to a claimant if the claim is based on criminally injurious conduct that occurred more than three years before the claim was filed or if the claim was denied under the law as it existed prior to the effective date of this amendment.

(b) If the claimant was under twenty-one years of age at the time of the criminally injurious conduct, the claim is not barred under division (A)(2)(a) of this section until after the claimant's twenty-fourth birthday.

(c) If the claim is based on criminally injurious conduct that occurred prior to the effective date of this section and was denied under the law as it existed prior to the effective date of this amendment, the claim is not barred under division (A)(2)(a) of this section and the claimant is eligible to reapply for relief under this section until more than three years have passed since the criminally injurious conduct that gave rise to the claim.

(d) Notwithstanding divisions (A)(2)(a), (b), and (c) of this section, the attorney general is permitted to make an award of reparations at any time for good cause shown.

(B)

(1) The attorney general or the court of claims shall not make or order an award of reparations to a claimant if any of the following apply:

(a) The claimant is the offender or an accomplice of the offender who committed the criminally injurious conduct, or the award would unjustly benefit the offender or accomplice.

....
....

(C) The attorney general or the court of claims, upon a finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny a claim or reconsider and reduce an award of reparations.

....

(E)

(1) Except as otherwise provided in division (E)(2), in determining whether to make an award of reparations pursuant to this section, the attorney general or the court of claims shall consider whether there was contributory misconduct by the victim or the claimant. The attorney general or the court of claims shall reduce an award of reparations or deny a claim for an award of reparations to the extent it is determined to be reasonable because of the contributory misconduct¹⁸ of the claimant or the victim.

....
....

(G) If a claimant unreasonably fails to present a claim timely to a source of benefits or advantages that would have been a collateral source and that would have reimbursed the claimant for all or a portion of a particular expense, the attorney general or the court of claims may reduce an award of reparations or deny a claim for an award of reparations to the extent that it is reasonable to do so.

....

¹⁸ Ohio Rev. Code Ann. § 2743.51(M) defines “contributory misconduct” as follows:

[A]ny conduct of the claimant or of the victim through whom the claimant claims an award of reparations that is unlawful or intentionally tortious and to which all of the following apply:

(1) The conduct occurred at the time of the criminally injurious conduct that is the basis of the claim.

(2) The conduct itself cause or posed a substantial and imminent threat of causing serious physical harm or death to another.

(3) The conduct instigated or proximately caused the criminally injurious conduct that is the basis of the claim.

(I) Reparations otherwise payable to a victim under this section shall not be payable to the victim during any period that the victim is incarcerated.

Notably, Ohio Rev. Code Ann. § 2743.52 (Attorney general to determine reparations awards; appeals; OVI findings not lawful evidence) allows for awards stemming from “economic loss arising from the criminally injurious conduct” Ohio Rev. Code Ann. § 2743.51(E) defines “economic loss” to include “economic detriment consisting only of allowable expense¹⁹ . . . ; however, economic loss may be caused by pain and suffering or physical impairment.”²⁰

4.2.1 Recommendation: Statutorily exempt victims of child sex trafficking and CSEC from ineligibility factors for crime victims’ compensation.

Policy Goal 4.3 Sex trafficked children and youth may vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

Although Ohio law allows child sex trafficking victims to vacate delinquency adjudications, vacatur is unavailable for criminal convictions arising from trafficking victimization, leaving sex trafficked youth without access to this important form of relief. Specifically, Ohio Rev. Code Ann. § 2151.358(E) (Expungement of records) allows trafficking victims to expunge juvenile records for prostitution-related offenses, and an adjudication will be vacated automatically upon record expungement. Ohio Rev. Code Ann. § 2151.358(E) states,

[A] person who has been adjudicated a delinquent child for having committed an act that would be a violation of section 2907.24 [Soliciting; after positive HIV test; driver’s license suspension], 2907.241 [Loitering to engage in solicitation], or 2907.25 [Prostitution] of the Revised Code if the child were an adult may apply to the adjudicating court for the expungement of the record of adjudication if the person’s participation in the act was a result of the person having been a victim of human trafficking. The application shall be made in the same manner as an application for expungement under section 2953.38 of the Revised Code, and all of the provisions of that section shall apply to the expungement procedure.

Accordingly, Ohio Rev. Code Ann. § 2953.38 (Expungement of certain crimes for victims of human trafficking) governs the procedure for expunging juvenile records related to trafficking victimization. Under Ohio Rev. Code Ann. § 2953.38(B), an application for expungement may be filed immediately. Ohio Rev. Code Ann. § 2953.38(F) further provides that if the court finds

the applicant has demonstrated by a preponderance of the evidence that the applicant’s participation in the offense that is the subject of the application was the result of the applicant having been a victim of human trafficking, and, if the offense that is the subject of the application is a felony of the first or second degree, after consideration of the factors required under division (E)(2) of this section, it finds that the interests of the applicant in having the record of the conviction of that offense expunged are not outweighed by any legitimate needs of the government to maintain that record of conviction, the court shall grant the application and order that the record of conviction be expunged.

Upon record expungement, Ohio Rev. Code Ann. § 2953.38(G)(2) states that “[t]he proceedings in the case that is the subject of an order of expungement issued under division (F) of this section shall be considered not to have occurred and the conviction of the person who is the subject of the proceedings shall be expunged.” Accordingly, a delinquency adjudication would likewise be vacated automatically upon granting an application for expungement

¹⁹ Ohio Rev. Code Ann. § 2743.51(F)(1) defines “allowable expense” to include “reasonable charges incurred for reasonably needed products, services, and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training, and other remedial treatment and care”

²⁰ Ohio Rev. Code Ann. § 2743.51(K) defines “noneconomic detriment” as “pain, suffering, inconvenience, physical impairment, or other nonpecuniary damage.”

under Ohio Rev. Code Ann. § 2151.358(E). However, vacatur is limited to prostitution-related offenses, which fails to recognize the array of crimes trafficking victims are charged with and leaves many survivors without any avenue for relief.

- 4.3.1 Recommendation: Strengthen existing law to allow sex trafficked children and youth to vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

Policy Goal 4.4 State law mandates restitution for child sex trafficking and commercial sexual exploitation of children (CSEC) offenses.

Restitution is mandatory in CSEC cases if the offender is convicted of or pleads guilty to a human trafficking specification “that charges that the offender knowingly committed the offense in furtherance of human trafficking;” however, restitution is not expressly mandated if the offender is convicted of a violation of Ohio Rev. Code Ann. § 2905.32 (Trafficking in persons). Specifically, Ohio Rev. Code Ann. § 2929.18(B)(8)(a) (Financial sanctions; restitution; reimbursements) provides,

If an offender who is convicted of or pleads guilty to a violation of section 2905.01 [Kidnapping], 2905.02 [Abduction], 2907.21 [Compelling prostitution], 2907.22 [Promoting prostitution], or 2923.32 [Engaging in pattern of corrupt activity; forfeiture], division (A)(1) or (2) of section 2907.323 [Illegal use of a minor in nudity-oriented material or performance] involving a minor, or division (B)(1), (2), (3), (4), or (5) of section 2919.22 [Endangering children] of the Revised Code also is convicted of or pleads guilty to a specification of the type described in section 2941.1422 [Human trafficking specification] of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking, the sentencing court shall 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:

- (i) The gross income or value to the offender of the victim’s labor or services;
- (ii) 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.

Restitution is available more generally to victims of other crimes under Ohio Rev. Code Ann. § 2929.18(A)(1); however, restitution under Ohio Rev. Code Ann. § 2929.18(A)(1) is discretionary. It states,

Except as otherwise provided in this division and in addition to imposing court costs pursuant to section 2947.23 [Judgment for costs and jury fees] of the Revised Code, the court imposing a sentence upon an offender for a felony may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section or, in the circumstances specified in section 2929.32 [Additional fine for certain offenders; collection of fines; crime victims recovery fund] of the Revised Code, may impose upon the offender a fine in accordance with that section. Financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

- (1) Restitution by the offender to the victim of the offender’s crime or any survivor of the victim, in an amount based on the victim’s economic loss If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the commission of the offense

- 4.4.1 Recommendation: Statutorily mandate restitution in all cases involving child sex trafficking.

Policy Goal 4.5 State law provides child sex trafficking victims with a trafficking-specific civil remedy.

Ohio law allows victims of child sex trafficking to pursue civil remedies against their exploiters. Ohio Rev. Code Ann. § 2307.51(A) (Right of victim of human trafficking to bring civil suit) states, “A victim of a violation of section 2905.32 [Trafficking in persons] of the Revised Code has and may commence a civil cause of action for compensatory and punitive damages against the trafficker for harm that resulted from the violation of section 2905.32 of the Revised Code.”

EXTRA CREDIT



Ohio law provides sex trafficked youth with a trafficking-specific civil remedy Ohio Rev. Code Ann. § 2307.51, which applies to victims of Ohio Rev. Code Ann. § 2905.32 (Trafficking of persons), including both minor and adult victims.



Ohio law provides child labor trafficking victims with a trafficking-specific civil remedy under Ohio Rev. Code Ann. § 2307.51, which applies to victims of Ohio Rev. Code Ann. § 2905.32 (Trafficking of persons), including both sex and labor trafficking victims.

Policy Goal 4.6 Statutes of limitation for criminal and civil actions for child sex trafficking or commercial sexual exploitation of children (CSEC) offenses are eliminated to allow prosecutors and victims a realistic opportunity to pursue criminal action and legal remedies.

Ohio law lengthens, but does not eliminate, statutes of limitation for criminal actions related to child sex trafficking and CSEC; however, the statute of limitation for filing trafficking-specific civil actions is not lengthened or eliminated. Pursuant to Ohio Rev. Code Ann. § 2901.13(A)(3) (Limitations of criminal prosecutions),

Except as otherwise provided in divisions (B) to (J) of this section, a prosecution of any of the following offenses shall be barred unless it is commenced within twenty years after the offense is committed:

- (a) A violation of section . . . 2905.32 [Trafficking in persons], . . . 2907.21 [Compelling prostitution] . . . of the Revised Code
- (b) A conspiracy to commit, attempt to commit, or complicity in committing a violation set forth in division (A) (3)(a) of this section.

In contrast, Ohio Rev. Code Ann. § 2901.13(A)(1)(a)–(c) establishes the following general statutes of limitation:

Except as provided in division (A) (2), (3), or (4) of this section or as otherwise provided in this section, a prosecution shall be barred unless it is commenced within the following periods after an offense is committed:

- (a) For a felony, six years;
- (b) For a misdemeanor other than a minor misdemeanor, two years;
- (c) For a minor misdemeanor, six months.

Regarding civil actions, Ohio Rev. Code Ann. § 2307.51 (Right of victim of human trafficking to bring civil suit) does not establish a statute of limitation for filing claims under that section. The general statute of limitation for bodily injury actions is 2 years. Ohio Rev. Code Ann. § 2305.10(A) (Product liability claims and actions for bodily injury or injuring personal property; childhood sexual abuse).

- 4.6.1 Recommendation: Strengthen existing law to allow prosecutions for child sex trafficking and CSEC offenses to commence at any time and eliminate the statute of limitation for filing trafficking-specific civil actions.



ISSUE 5: Tools for a Victim-Centered Criminal Justice Response

Policy Goal 5.1 State law provides a child sex trafficking-specific hearsay exception that applies to non-testimonial evidence to reduce reliance on victim testimony.

Ohio law does not allow non-testimonial, out-of-court statements made by a commercially sexually exploited child to be admitted into evidence in lieu of, or for the purpose of corroborating, the child's testimony.

5.1.1 Recommendation: Statutorily provide hearsay exception that applies to non-testimonial evidence in cases involving commercial sexual exploitation of children under 18 years of age.

Policy Goal 5.2 State law provides child sex trafficking victims with alternatives to live, in-court testimony regardless of the prosecuted offense.

Ohio law allows child sex trafficking victims who are under 13 years of age to testify by an alternative method during the prosecution of a specified offense, including trafficking of persons and CSEC. Specifically, Ohio Rev. Code Ann. § 2945.481(C), (D) (Deposition of child victim; videotaping; testimony taken outside courtroom and televised into it or replayed in courtroom) states,

(C) In any proceeding in the prosecution of any charge of a violation listed in division (A)(2) of this section²¹ or an offense of violence²² and in which an alleged victim of the violation or offense was a child who was less than thirteen years of age when the complaint, indictment, or information was filed, whichever occurred earlier, the prosecution may file a motion with the judge requesting the judge to order the testimony of the child victim to be taken in a room other than the room in which the proceeding is being conducted and be televised, by closed circuit equipment, into the room in which the proceeding is being conducted The judge may issue the order upon the motion of the prosecution filed under this section, if the judge determines that the child victim is unavailable to testify in the room in which the proceeding is being conducted in the physical presence of the defendant, for one or more of the reasons set forth in division (E)²³ of this section

²¹ Ohio Rev. Code Ann. § 2945.481(A)(2) includes the following offenses:

a violation of . . . 2907.21 [Compelling prostitution], 2907.23 [Procuring] . . . of the Revised Code or an offense of violence [including Ohio Rev. Code Ann. § 2905.32 (Trafficking in persons)] and in which an alleged victim of the violation or offense was a child who was less than thirteen years of age when the complaint, indictment, or information was filed, whichever occurred earlier

²² Ohio Rev. Code Ann. § 2901.01(A)(9) (Definitions) defines “offense of violence” to include “[a] violation of . . . 2905.32 [Trafficking of persons]”

²³ Pursuant to Ohio Rev. Code Ann. § 2945.481(E),

For purposes of divisions (C) and (D) of this section, a judge may order the testimony of a child victim to be taken outside the room in which the proceeding is being conducted if the judge determines that the child victim is unavailable to testify in the room in the physical presence of the defendant due to one or more of the following:

(D) In any proceeding in the prosecution of any charge of a violation listed in division (A)(2) of this section or an offense of violence and in which an alleged victim of the violation or offense was a child who was less than thirteen years of age when the complaint, indictment, or information was filed, whichever occurred earlier, the prosecution may file a motion with the judge requesting the judge to order the testimony of the child victim to be taken outside of the room in which the proceeding is being conducted and be recorded for showing in the room in which the proceeding is being conducted The judge may issue the order upon the motion of the prosecution filed under this division, if the judge determines that the child victim is unavailable to testify in the room in which the proceeding is being conducted in the physical presence of the defendant, for one or more of the reasons set forth in division (E) of this section

Further, Ohio Rev. Code Ann. § 2937.11(D) (Conduct of preliminary hearing) allows child sex trafficking victims who are under 16 years of age to testify by closed circuit television (CCTV) during a preliminary hearing related to child sex trafficking. Under Ohio Rev. Code Ann. § 2937.11(D),

- (1)
 - (a) In a case involving an alleged violation of section 2905.32 of the Revised Code, upon motion of the prosecution, the testimony of the victim²⁴ at the preliminary hearing may be taken in a place or room other than the room in which the preliminary hearing is being conducted and be televised, by closed circuit equipment, into the room in which the preliminary hearing is being conducted
- (2) For purposes of division (D)(1) of this section, a judge or magistrate may order the testimony of a victim to be taken at a place or room outside the room in which the preliminary hearing is being conducted if the judge or magistrate determines that the victim is unavailable to testify in the room in the physical presence of the accused due to one or more of the following:
 - (a) The inability of the victim to communicate about the alleged offense because of extreme fear, severe trauma, or another similar reason;
 - (b) The substantial likelihood that the victim will suffer serious emotional trauma from so testifying;
 - (c) The victim is at a hospital for care and treatment for any physical, mental, or emotional injury suffered by reason of the alleged offense.

Ohio Rev. Code Ann. § 2937.11(B) provides a similar protection for victims of CSEC who are under 13 years of age, stating,

In a case involving an alleged felony violation of 2907.21 [Compelling prostitution] . . . of the Revised Code or an alleged felony offense of violence and in which an alleged victim of the alleged violation or offense was less than thirteen years of age when the complaint or information was filed, whichever occurred earlier, upon motion of the prosecution, the testimony of the child victim at the preliminary hearing may be taken in a room other than the room in which the preliminary hearing is being conducted and be televised, by closed circuit equipment, into the room in which the preliminary hearing is being conducted

Alternatively, Ohio Rev. Code Ann. § 2945.481 allows for the admission of a videotaped deposition in lieu of the child's live testimony at trial. Ohio Rev. Code Ann. § 2945.481(A)(2), (3) provides,

-
- (1) The persistent refusal of the child victim to testify despite judicial requests to do so;
 - (2) The inability of the child victim to communicate about the alleged violation or offense because of extreme fear, failure of memory, or another similar reason;
 - (3) The substantial likelihood that the child victim will suffer serious emotional trauma from so testifying.

²⁴ For purposes of this subsection, Ohio Rev. Code Ann. § 2937.11(A)(2) defines "victim" as "any person who is less than sixteen years of age and who was a victim of a violation of section 2905.32 of the Revised Code or against whom was directed any conduct that constitutes, or is an element of, a violation of section 2905.32 of the Revised Code."

(2) In any proceeding in the prosecution of a charge of a violation of . . . 2907.21 [Compelling prostitution], 2907.23 [Procurer] . . . of the Revised Code or an offense of violence²⁵ [including Ohio Rev. Code Ann. § 2905.32 (Trafficking in persons)] and in which an alleged victim of the violation or offense was a child who was less than thirteen years of age when the complaint, indictment, or information was filed, whichever occurred earlier, the judge of the court in which the prosecution is being conducted, upon motion of an attorney for the prosecution, shall order that the testimony of the child victim be taken by deposition. The prosecution also may request that the deposition be videotaped in accordance with division (A)(3) of this section If a deposition of a child victim taken under this division is admitted as evidence at the proceeding under division (B) of this section, the child victim shall not be required to testify in person at the proceeding

(3) . . . If a judge issues an order that the deposition be videotaped, the judge shall exclude from the room in which the deposition is to be taken every person except the child victim giving the testimony, the judge, one or more interpreters if needed, the attorneys for the prosecution and the defense, any person needed to operate the equipment to be used, one person chosen by the child victim giving the deposition, and any person whose presence the judge determines would contribute to the welfare and well-being of the child victim giving the deposition The defendant shall be permitted to observe and hear the testimony of the child victim giving the deposition on a monitor, shall be provided with an electronic means of immediate communication with the defendant’s attorney during the testimony, and shall be restricted to a location from which the defendant cannot be seen or heard by the child victim giving the deposition, except on a monitor provided for that purpose

As noted, however, none of these provisions protect older minors, leaving them at increased risk of re-traumatization from testifying.

- 5.2.1 Recommendation: Strengthen existing statutory protections to allow all commercially sexually exploited children to testify by an alternative method regardless of the child’s age and the offense charged.

Policy Goal 5.3 Child sex trafficking victims have access to victim protections in the criminal justice system.

	Child sex trafficking victims have the right to a victim advocate	Child sex trafficking victims testifying against their exploiter are provided supports in the courtroom	Child sex trafficking victims’ identifying information is protected from disclosure in court records
Summary	Not statutorily required.	The court shall permit the victim to be accompanied by an individual to provide support to the victim during testimony.	The prosecutor may file a motion asking the court to prohibit a victim’s identifying information from being disclosed in testimony. If the motion is granted, the victim’s identifying information will be protected from disclosure in criminal court records as well.
Relevant Statute(s)	None.	Ohio Rev. Code Ann. § 2930.09 (Presence of victim at	Ohio Rev. Code Ann. § 2930.07(A) (Concealment of

²⁵ Ohio Rev. Code Ann. § 2901.01(A)(9) (Definitions) defines “offense of violence” to include “[a] violation of . . . 2905.32 [Trafficking of persons]”

		proceedings; individual providing support)	victim's or representative's address, telephone number and similar identifying facts)
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5.3.1 Recommendation: Statutorily require that child sex trafficking victims have the right to a victim advocate.

Policy Goal 5.4 State law provides for privileged communications between caseworkers and child sex trafficking victims.

Ohio law does not provide for privileged communications between caseworkers and child sex trafficking victims.

5.4.1 Recommendation: Statutorily provide child sex trafficking-specific caseworker privilege to protect a child sex trafficking victim's communications with a caseworker from being disclosed.



ISSUE 6: Prevention & Training

Policy Goal 6.1 State law mandates statewide training for child welfare agencies on identification and response to child sex trafficking.

Ohio law does not mandate statewide training for child welfare agencies on identification and response to child sex trafficking.

- 6.1.1 Recommendation: Statutorily mandate statewide training for child welfare agencies on identification and response to child sex trafficking.

Policy Goal 6.2 State law mandates statewide training for juvenile justice agencies on identification and response to child sex trafficking.

Ohio law does not mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking.

- 6.2.1 Recommendation: Statutorily mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking.

Policy Goal 6.3 State law mandates ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

Ohio law authorizes trafficking-specific training for law enforcement. Pursuant to Ohio Rev. Code Ann. § 109.745(A) (Training for investigating and handling crime of trafficking in persons),

The attorney general shall provide training for peace officers in investigating and handling violations of section 2905.32 [Trafficking in persons] of the Revised Code. The training shall include all of the following:

- (1) Identifying violations of section 2905.32 of the Revised Code;
- (2) Methods used in identifying victims of violations of section 2905.32 of the Revised Code who are citizens of the United States or a foreign country, including preliminary interviewing techniques and appropriate questioning methods;
- (3) Methods for prosecuting persons who violate section 2905.32 of the Revised Code;
- (4) Methods of increasing effective collaboration with nongovernmental organizations and other social service organizations in the course of a criminal action regarding a violation of section 2905.32 of the Revised Code;
- (5) Methods for protecting the rights of victims of violations of section 2905.32 of the Revised Code, including the need to consider human rights and the special needs of women and children who are victims of violations of that section and to treat victims as victims rather than as criminals;
- (6) Methods for promoting the safety of victims of violations of section 2905.32 of the Revised Code, including the training of peace officers to quickly recognize victims of a violation of any of those sections who are citizens of the United States or citizens of a foreign country.

Resultingly, training regarding child sex trafficking may be, or become, available to law enforcement. However, Ohio Rev. Code Ann. § 109.745(A) does not clarify that law enforcement officers are required to receive such training nor is the training required to be ongoing.

- 6.3.1 Recommendation: Statutorily mandate ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

Policy Goal 6.4 State law mandates trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

Ohio law does not mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.²⁶

- 6.4.1 Recommendation: Statutorily mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

Policy Goal 6.5 State law mandates child sex trafficking training for school personnel.

Ohio law mandates trafficking-specific training for school personnel. Pursuant to Ohio Rev. Code Ann. § 3319.073(A), (B) (In-service training in prevention of child abuse, violence, and substance abuse and promotion of positive youth development; training in school safety and violence prevention; dating violence),

(A) The board of education of each city and exempted village school district and the governing board of each educational service center shall adopt or adapt the curriculum developed by the department of education for, or shall develop in consultation with public or private agencies or persons involved in child abuse prevention or intervention programs, a program of in-service training in the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development. Each person employed by any school district or service center to work in a school as a nurse, teacher, counselor, school psychologist, or administrator shall complete at least four hours of the in-service training within two years of commencing employment with the district or center, and every five years thereafter. A person who is employed by any school district or service center to work in an elementary school as a nurse, teacher, counselor, school psychologist, or administrator on March 30, 2007, shall complete at least four hours of the in-service training not later than March 30, 2009, and every five years thereafter. A person who is employed by any school district or service center to work in a middle or high school as a nurse, teacher, counselor, school psychologist, or administrator on October 16, 2009, shall complete at least four hours of the in-service training not later than October 16, 2011, and every five years thereafter.

(B) Each board shall incorporate training in school safety and violence prevention, including human trafficking content, into the in-service training required by division (A) of this section. For this purpose, the board shall adopt or adapt the curriculum developed by the department or shall develop its own curriculum in consultation with public or private agencies or persons involved in school safety and violence prevention programs.

²⁶ While not statutorily mandated, Ohio Rev. Code Ann. § 4743.07 (Licensing condition – Training in the recognition and handling of human trafficking) does clarify the legislature’s intent that trafficking-specific training be provided. It states,

The general assembly strongly recommends that every board, commission, or agency that is created under or by virtue of Title XLVII [Occupations – Professions] of the Revised Code [which includes Chapter 4705 (Attorneys)] and that is authorized to grant licensure or certification to persons who may encounter human trafficking victims in the normal course of their work promulgate rules pursuant to Chapter 119 [Administrative procedure] of the Revised Code to require those persons, as a condition of receiving or maintaining licensure or certification, to receive training in the recognition and handling of human trafficking cases.

Policy Goal 6.6 State law mandates child sex trafficking prevention education in schools.

Ohio law does not mandate child sex trafficking prevention education in schools.

6.6.1 Recommendation: Statutorily mandate developmentally and age-appropriate child sex trafficking prevention education in schools.

State Laws Addressing Child Sex Trafficking

1. Ohio Rev. Code Ann. § 2905.32(A), (E) (Trafficking in persons) states,

(A) No person shall knowingly recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, or knowingly attempt to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person if either of the following applies:

.....

(2) The other person is less than eighteen years of age . . . and either the offender knows that the other person will be subjected to involuntary servitude or the offender's knowing recruitment, luring, enticement, isolation, harboring, transportation, provision, obtaining, or maintenance of the other person or knowing attempt to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain the other person is for any of the following purposes:

- (a) For the other person to engage in sexual activity for hire²⁷ with one or more third parties;
- (b) To engage in a performance for hire that is obscene, sexually oriented, or nudity oriented;
- (c) To be a model or participant for hire in the production of material that is obscene, sexually oriented, or nudity oriented.

.....

(E) Whoever violates this section is guilty of trafficking in persons, a felony of the first degree. For a violation committed prior to March 22, 2019, notwithstanding the range of definite terms set forth in division (A)(1)(b) of section 2929.14 of the Revised Code, the court shall sentence the offender to a definite prison term of ten, eleven, twelve, thirteen, fourteen, or fifteen years. For a violation committed on or after March 22, 2019, notwithstanding the range of minimum terms set forth in division (A)(1)(a) of section 2929.14 of the Revised Code, the court shall sentence the offender to an indefinite prison term pursuant to

²⁷ Ohio Rev. Code Ann. § 2905.32(F)(2) defines “sexual activity for hire,” “performance for hire,” and “model or participant for hire” as

an implicit or explicit agreement to provide sexual activity, engage in an obscene, sexually oriented, or nudity oriented performance, or be a model or participant in the production of obscene, sexually oriented, or nudity oriented material, whichever is applicable, in exchange for anything of value paid to any of the following:

- (a) The person engaging in such sexual activity, performance, or modeling or participation;
- (b) Any person who recruits, lures, entices, isolates, harbors, transports, provides, obtains, or maintains, or attempts to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain the person described in division (F)(2)(a) of this section;
- (c) Any person associated with a person described in division (F)(2)(a) or (b) of this section.

that division, with a minimum term²⁸ under that sentence of ten, eleven, twelve, thirteen, fourteen, or fifteen years.²⁹

²⁸ Ohio Rev. Code Ann. § 2967.271(B), (C) (Presumptions related to sentence to non-life felony indefinite prison term) creates a presumption in favor of release upon expiration of the minimum prison term, stating,

- (B) When an offender is sentenced to a non-life felony indefinite prison term, there shall be a presumption that the person shall be released from service of the sentence on the expiration of the offender's minimum prison term or on the offender's presumptive earned early release date, whichever is earlier.
- (C) The presumption established under division (B) of this section is a rebuttable presumption that the department of rehabilitation and correction may rebut as provided in this division. Unless the department rebuts the presumption, the offender shall be released from service of the sentence on the expiration of the offender's minimum prison term or on the offender's presumptive earned early release date, whichever is earlier

Under Ohio Rev. Code Ann. § 2967.271(C), the presumption can only be rebutted if, during incarceration: (1) the offender committed institutional rule infractions that threatened the security or safety of others, or violated the law, and his or her behavior demonstrates a continued threat to society, (2) the offender was placed in extended restrictive housing during the previous year, or (3) the offender is currently classified as a security level 3–5 or at a higher security level.

If the presumption is rebutted, “the additional period of incarceration shall be a reasonable period determined by the department, shall be specified by the department, and shall not exceed the offender’s maximum prison term. Ohio Rev. Code Ann. § 2967.271(D)(1). “The provisions of this division regarding the establishment of a rebuttable presumption, the department’s rebuttal of the presumption, and the department’s maintenance of an offender’s incarceration for an additional period of incarceration apply, and may be utilized more than one time, during the remainder of the offender’s incarceration.” Ohio Rev. Code Ann. § 2967.271(D)(2). However, “if the offender has not been released . . . prior to the expiration of the offender's maximum prison term imposed as part of the offender's non-life felony indefinite prison term, the offender shall be released upon the expiration of that maximum term.” Ohio Rev. Code Ann. § 2967.271(D)(2).

²⁹ Pursuant to Ohio Rev. Code Ann. § 2929.144(B), (C) (Determination of maximum prison term for qualifying felonies of the first or second degree),

- (B)The court imposing a prison term on an offender under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code for a qualifying felony of the first or second degree shall determine the maximum prison term that is part of the sentence in accordance with the following:
 - (1) If the offender is being sentenced for one felony and the felony is a qualifying felony of the first or second degree, the maximum prison term shall be equal to the minimum term imposed on the offender under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code plus fifty per cent of that term.
 - (2) If the offender is being sentenced for more than one felony, if one or more of the felonies is a qualifying felony of the first or second degree, and if the court orders that some or all of the prison terms imposed are to be served consecutively, the court shall add all of the minimum terms imposed on the offender under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code for a qualifying felony of the first or second degree that are to be served consecutively and all of the definite terms of the felonies that are not qualifying felonies of the first or second degree that are to be served consecutively, and the maximum term shall be equal to the total of those terms so added by the court plus fifty per cent of the longest minimum term or definite term for the most serious felony being sentenced.
 - (3) If the offender is being sentenced for more than one felony, if one or more of the felonies is a qualifying felony of the first or second degree, and if the court orders that all of the prison terms imposed are to run concurrently, the maximum term shall be equal to the longest of the minimum terms imposed on the offender under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code for a qualifying felony of the first or second degree for which the sentence is being imposed plus fifty per cent of the longest minimum term for the most serious qualifying felony being sentenced.

In addition to the terms of imprisonment noted above, offenders also face a fine up to \$20,000. Ohio Rev. Code Ann. §§ 2929.13(A), 2929.18(A)(3)(a).

....
(C) The court imposing a prison term on an offender pursuant to division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code for a qualifying felony of the first or second degree shall sentence the offender, as part of the sentence, to the maximum prison term determined under division (B) of this section. The court shall impose this maximum term at sentencing as part of the sentence it imposes under section 2929.14 of the Revised Code, and shall state the minimum term it imposes under division (A)(1)(a) or (2)(a) of that section, and this maximum term, in the sentencing entry.

State Laws Addressing Commercial Sexual Exploitation of Children (CSEC)

1. Ohio Rev. Code Ann. § 2907.21(A) (Compelling prostitution) states,

No person shall knowingly do any of the following:

- (1) Compel another to engage in sexual activity for hire;
- (2) Induce, procure, encourage, solicit, request, or otherwise facilitate either of the following:
 - (a) A minor to engage in sexual activity for hire, whether or not the offender knows the age of the minor;
 - (b) A person the offender believes to be a minor to engage in sexual activity for hire, whether or not the person is a minor.
- (3)
 - (a) Pay or agree to pay a minor, either directly or through the minor's agent, so that the minor will engage in sexual activity, whether or not the offender knows the age of the minor;
 - (b) Pay or agree to pay a person the offender believes to be a minor, either directly or through the person's agent, so that the person will engage in sexual activity, whether or not the person is a minor.
- (4)
 - (a) Pay a minor, either directly or through the minor's agent, for the minor having engaged in sexual activity pursuant to a prior agreement, whether or not the offender knows the age of the minor;
 - (b) Pay a person the offender believes to be a minor, either directly or through the person's agent, for the person having engaged in sexual activity pursuant to a prior agreement, whether or not the person is a minor.
- (5)
 - (a) Allow a minor to engage in sexual activity for hire if the person allowing the child to engage in sexual activity for hire is the parent, guardian, custodian, person having custody or control, or person in loco parentis of the minor;
 - (b) Allow a person the offender believes to be a minor to engage in sexual activity for hire if the person allowing the person to engage in sexual activity for hire is the parent, guardian, custodian, person having custody or control, or person in loco parentis of the person the offender believes to be a minor, whether or not the person is a minor.

A conviction under Ohio Rev. Code Ann. § 2907.21(A)(2)–(5) is punishable as a third degree felony by imprisonment for a definite term of 9–36 months and a possible fine up to \$10,000; if the crime is a “sexually oriented offense or a child-victim oriented offense, as those terms are defined in section 2950.01 of the Revised Code,” the court may impose an additional fine of \$50–\$500. Ohio Rev. Code Ann. §§ 2907.21(C), 2929.14(A)(3)(b), 2929.18(A)(3)(c). If the victim is 16–17, a violation of Ohio Rev. Code Ann. § 2907.21(A)(1) committed prior to March 22, 2019 is punishable as a second degree felony by imprisonment for a definite term of 2–8 years and a possible fine up to \$15,000. Ohio Rev. Code Ann. §§ 2907.21(C), 2929.14(A)(2)(b), 2929.18(A)(3)(b). If the victim is 16–17, a violation of Ohio Rev. Code Ann. § 2907.21(A)(1) committed on or after March 22, 2019 is punishable as a second degree felony, for which the court shall impose an indefinite prison term with a minimum term of 2–8 years and a possible fine up to \$15,000. Ohio Rev. Code Ann. §§ 2907.21(C), 2929.14(A)(2)(a), 2929.18(A)(3)(b). If the victim is under 16, a violation of Ohio Rev. Code Ann. § 2907.21(A)(1) committed prior to March 22, 2019 is punishable as a first degree felony by imprisonment for a definite term of 3–11 years and a possible fine up to \$20,000. Ohio Rev. Code Ann. §§ 2907.21(C), 2929.14(A)(1)(b), 2929.18(A)(3)(a). If the victim is under 16, a violation of Ohio Rev. Code Ann. § 2907.21(A)(1) committed on or after March 22, 2019 is punishable as a first degree felony, for which the court shall impose an indefinite prison term with a minimum term of 3–11 years and a possible fine up to \$20,000. Ohio Rev. Code Ann. §§ 2907.21(C), 2929.14(A)(1)(a), 2929.18(A)(3)(a).

If an offender convicted under Ohio Rev. Code Ann. § 2907.21 committed the offense “in furtherance of human trafficking,”³⁰ however, enhanced penalties may apply under Ohio Rev. Code Ann. § 2941.1422 (Human trafficking specification)³¹ and Ohio Rev. Code Ann. § 2929.14(B)(7) (Basic prison terms).³² Ohio Rev. Code

³⁰ As used in Ohio Rev. Code Ann. § 2941.1422 (Human trafficking specification) and § 2929.14(B)(7) (Basic prison terms), Ohio Rev. Code Ann. § 2929.01(AAA) (Definitions) defines “human trafficking” as follows:

[A] scheme or plan to which all of the following apply:

- (1) Its object is one or both of the following:
 - (a) To subject a victim or victims to involuntary servitude, as defined in section 2905.31 of the Revised Code or 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;
 - (b) To facilitate, encourage, or recruit a victim who is a minor or is a person with a developmental disability, or victims who are minors or are persons with developmental disabilities, for any purpose listed in divisions (A)(2)(a) to (c) of section 2905.32 of the Revised Code.
- (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 a violation of section 2905.01 [Kidnapping], 2905.02 [Abduction], 2905.32 [Trafficking in persons], 2907.21 [Compelling prostitution], 2907.22 [Promoting prostitution], or 2923.32 [Engaging in pattern of corrupt activity; forfeiture], division (A)(1) or (2) of section 2907.323 [Illegal use of a minor in nudity oriented material or performance], or division (B)(1), (2), (3), (4), or (5) of section 2919.22 [Endangering children] of the Revised Code or is a violation of a law of any state other than this state that is substantially similar to any of the sections or divisions of the Revised Code identified in this division.
 - (b) At least one of the felony offenses was committed in this state.
 - (c) The felony offenses are related to the same scheme or plan and are not isolated instances.

³¹ Ohio Rev. Code Ann. § 2941.1422 provides,

(A) Imposition of a mandatory prison term under division (B)(7) of section 2929.14 [Basic prison terms] of the Revised Code is precluded unless the offender is convicted of or pleads guilty to a felony violation of section 2905.01 [Kidnapping], 2905.02 [Abduction], 2907.21 [Compelling prostitution], 2907.22 [Promoting prostitution], or 2923.32 [Engaging in pattern of corrupt activity; forfeiture], division (A)(1) or (2) of section 2907.323 [Illegal use of a minor in nudity-oriented material or performance], or division (B)(1), (2), (3), (4), or (5) of section 2919.22 [Endangering children] of the Revised Code and unless the indictment, count in the indictment, or information charging the offense specifies that the offender knowingly committed the offense in furtherance of human trafficking

....

³² Ohio Rev. Code Ann. § 2929.14(B)(7)(a) states,

If an offender is convicted of or pleads guilty to a felony violation of section 2905.01 [Kidnapping], 2905.02 [Abduction], 2907.21 [Compelling prostitution], 2907.22 [Promoting prostitution], or 2923.32 [Engaging in pattern of corrupt activity; forfeiture], division (A)(1) or (2) of section 2907.323 [Illegal use of a minor in nudity oriented material or performance] involving a minor, or division (B)(1), (2), (3), (4), or (5) of section 2919.22 [Endangering children] of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1422 [Human trafficking specification] of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking, the court shall impose on the offender a mandatory prison term that is one of the following:

- (i) If the offense is a felony of the first degree, a definite prison term of not less than five years and not greater than eleven years, except that if the offense is a felony of the first degree committed on or after the effective date of this amendment, the court shall impose as the minimum prison term a mandatory term of not less than five years and not greater than eleven years;
- (ii) If the offense is a felony of the second or third degree, a definite prison term of not less than three years and not greater than the maximum prison term allowed for the offense by division (A)(2)(b) or (3) of this section,

Ann. § 2907.21(C). In such a case, a conviction under Ohio Rev. Code Ann. § 2907.21(A)(2)–(5) is punishable as a third degree felony by mandatory imprisonment for 3 years and a possible fine up to \$10,000. Ohio Rev. Code Ann. §§ 2907.21(C), 2929.14(A)(3)(b), (B)(7)(a)(ii), 2929.18(A)(3)(c). If the victim is 16–17 years old, a violation of Ohio Rev. Code Ann. § 2907.21(A)(1) committed prior to March 22, 2019 is punishable as a second degree felony by mandatory imprisonment for a definite term of 2–8 years and a possible fine up to \$15,000. Ohio Rev. Code Ann. §§ 2907.21(C), 2929.14(A)(2)(b), (B)(7)(a)(ii), 2929.18(A)(3)(b). If the victim is 16–17 years old, a violation of Ohio Rev. Code Ann. § 2907.21(A)(1) committed on or after March 22, 2019 is punishable as a second degree felony, for which the court shall impose an indefinite term with a minimum term of 2–8 years and a possible fine up to \$15,000. Ohio Rev. Code Ann. §§ 2907.21(C), 2929.14(A)(2)(a), 2929.18(A)(3)(b). If the victim is under 16 years old, a violation of Ohio Rev. Code Ann. § 2907.21(A)(1) committed prior to March 22, 2019 is punishable as a first degree felony by mandatory imprisonment for a definite term of 5–11 years and a possible fine up to \$20,000. Ohio Rev. Code Ann. §§ 2907.21(C), 2929.14(B)(7)(a)(i), 2929.18(A)(3)(a). If the victim is under 16 years old, a violation of Ohio Rev. Code Ann. § 2907.21(A)(1) committed on or after March 22, 2019 is punishable as a first degree felony, for which the court shall impose an indefinite term with a minimum term of 5–11 years and a possible fine up to \$20,000. Ohio Rev. Code Ann. §§ 2907.21(C), 2929.14(B)(7)(a)(i), 2929.18(A)(3)(a).

2. Ohio Rev. Code Ann. § 2907.22(A) (Promoting prostitution) states,

No person shall knowingly:

- (1) Establish, maintain, operate, manage, supervise, control, or have an interest in a brothel or any other enterprise a purpose of which is to facilitate engagement in sexual activity for hire;
- (2) Supervise, manage, or control the activities of a prostitute in engaging in sexual activity for hire;
- (3) Transport another, or cause another to be transported, in order to facilitate the other person’s engaging in sexual activity for hire;
- (4) For the purpose of violating or facilitating a violation of this section, induce or procure another to engage in sexual activity for hire.

Ohio Rev. Code Ann. § 2907.22(B) imposes enhanced penalties when the victim of the offense is a commercially sexually exploited child. In such a case, a conviction under Ohio Rev. Code Ann. § 2907.22(A) is punishable as a third degree felony by imprisonment for a definite term of 9–36 months and a possible fine up to \$10,000. Ohio Rev. Code Ann. §§ 2907.22(B), 2929.14(A)(3)(b), 2929.18(A)(3)(c). Where an offender convicted under Ohio Rev. Code Ann. § 2907.22 committed the offense “in furtherance of human trafficking,” enhanced penalties may apply pursuant to Ohio Rev. Code Ann. § 2941.1422 and § 2929.14(B)(7). In such a case, a conviction under Ohio Rev. Code Ann. § 2907.22 is punishable as a third degree felony by mandatory imprisonment for 3 years and a possible fine up to \$10,000. Ohio Rev. Code Ann. §§ 2907.22(B), 2929.14(A)(3)(b), (B)(7)(a)(ii), 2929.18(A)(3)(c).

3. Ohio Rev. Code Ann. § 2907.23 (Procuring) states,

(A) No person, knowingly and for gain, shall do either of the following:

- (1) Entice or solicit another to patronize a prostitute or brothel;
- (2) Procure a prostitute for another to patronize, or take or direct another at the other’s request to any place for the purpose of patronizing a prostitute.

(B) No person, having authority or responsibility over the use of premises, shall knowingly permit such premises to be used for the purpose of engaging in sexual activity for hire.

except that if the offense is a felony of the second degree committed on or after the effective date of this amendment, the court shall impose as the minimum prison term a mandatory term of not less than three years and not greater than eight years;

(iii) If the offense is a felony of the fourth or fifth degree, a definite prison term that is the maximum prison term allowed for the offense by division (A) of section 2929.14 [Basic prison terms] of the Revised Code.

(C) Whoever violates this section is guilty of procuring. Except as otherwise provided in this division, procuring is a misdemeanor of the first degree. If the prostitute who is procured, patronized, or otherwise involved in a violation of division (A)(2) of this section is under sixteen years of age at the time of the violation, regardless of whether the offender who violates division (A)(2) of this section knows the prostitute's age, or if a prostitute who engages in sexual activity for hire in premises used in violation of division (B) of this section is under sixteen years of age at the time of the violation, regardless of whether the offender who violates division (B) of this section knows the prostitute's age, procuring is a felony of the fourth degree. If the prostitute who is procured, patronized, or otherwise involved in a violation of division (A)(2) of this section is sixteen or seventeen years of age at the time of the violation or if a prostitute who engages in sexual activity for hire in premises used in violation of division (B) of this section is sixteen or seventeen years of age at the time of the violation, procuring is a felony of the fifth degree.

A first degree misdemeanor is punishable by imprisonment for up to 180 days and a possible fine up to \$1,000. Ohio Rev. Code Ann. §§ 2929.24(A)(1), 2929.28(A)(2)(a)(i). A fourth degree felony is punishable by imprisonment for a definite term of 6–18 months and a possible fine up to \$5,000. Ohio Rev. Code Ann. §§ 2929.14(A)(4), 2929.18(A)(3)(d). A fifth degree felony is punishable by imprisonment for a definite term of 6–12 months with “a presumption that a prison term shall be imposed” and a possible fine up to \$2,500. Ohio Rev. Code Ann. §§ 2929.13(D), 2929.14(A)(5), 2929.18(A)(3)(e).

4. Ohio Rev. Code Ann. § 2907.19(B), (C) (Prohibition against commercial sexual exploitation of minor) states,

(B) No person shall knowingly purchase or otherwise obtain advertising space for an advertisement for sexual activity for hire³³ that includes a depiction³⁴ of a minor.

(C) Whoever violates this section is guilty of commercial sexual exploitation of a minor, a felony of the third degree.

A felony of the third degree is punishable by imprisonment for a definite term of 9–36 months and a possible fine up to \$10,000. Ohio Rev. Code Ann. §§ 2907.19(C), 2929.14(A)(3)(b), 2929.18(A)(3)(c).

³³ Ohio Rev. Code Ann. § 2907.19(A)(1) defines “advertisement for sexual activity for hire” as “any advertisement or offer in electronic or print media that includes an explicit or implicit offer for sexual activity for hire to occur in this state.”

³⁴ Ohio Rev. Code Ann. § 2907.19(A)(2) defines “depiction” as “any photograph, film, videotape, visual material, or printed material.”