



OHIO

| Legal System | Constitution | Bill of Rights | Form of Government |
|-----------------------------|--------------|----------------|--------------------|
| Common Law Statutory Law | Written | Yes | Republic |

A. Criminal Statutes

1. Human Trafficking and Related Statutes

a. Ohio Rev. Code Ann. § 2905.32 (2021) – Trafficking in Persons

i. Summary

The Ohio Revised Code provides that no person shall knowingly or knowingly attempt to “recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain ... another person” if either:

- (1) The offender knows that the other person will be subjected to involuntary servitude or be compelled to engage in sexual activity for hire, engage in a performance that is obscene, sexually oriented, or nudity oriented, or be a model or participant in the production of material that is obscene, sexually oriented, or nudity oriented.
- (2) The other person 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, 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 the purpose of:
 - (a) For the other person to engage in sexual activity for hire with one or more third parties;
 - (b) Engaging in a performance for hire that is obscene, sexually oriented, or nudity oriented;
 - (c) Acting as a model or participant for hire in the production of material that is obscene, sexually oriented, or nudity oriented.

Ohio Rev. Code Ann. § 2905.32(A).

ii. Sentencing

Trafficking in persons is a felony of the first degree. For a violation committed before March 22, 2019, a court shall sentence a convicted person to a prison term of 10 to 15 years. For a violation committed on or after March 22, 2019, a court shall sentence a convicted person to a prison term of 10 to 15 years. Ohio Rev. Code Ann. § 2905.32(E).

The court may impose a fine of up to USD 20,000 to be paid to the state. Ohio Rev. Code Ann. § 2929.18(A)(3)(a). A court may also impose a separate fine of between USD 70 and USD 500. Ohio Rev. Code Ann. § 2929.18(B)(11). This

additional fine is deposited in an “address confidentiality program fund” for trafficking victims. Ohio Rev. Code Ann. § 2929.18 (B)(11).

A court also may also order a defendant convicted of trafficking in persons to make restitution. Ohio Rev. Code Ann. §§ 2929.18(A)(1), 2928(B)(8).

In addition to receiving restitution, a victim may receive an “award of reparations for economic loss arising from criminally injurious conduct.” The Ohio Attorney General may make such an award if “the requirements for an award” are “satisfied by a preponderance of the evidence.” Ohio Rev. Code Ann. § 2743.52(A).

iii. Statute of Limitations

Prosecutions for trafficking in persons generally must commence within 20 years after the commission of the offense. Ohio Rev. Code Ann. § 2901.13(A)(3)(a). The limitations period does not begin to run in a prosecution for trafficking in persons that involves an injury “of a nature that reasonably indicates abuse or neglect” of a minor under 18 years old or a minor under 21 years old with a developmental disability or physical impairment until (1) the victim “reaches the age of majority,” or (2) a public children services agency or peace officer in the county where the abuse occurred “has been notified that abuse or neglect is known, suspected, or believed to have occurred.” Ohio Rev. Code Ann. § 2901.13(J)(1)–(2).

b. Ohio Rev. Code Ann. § 2905.33 (2011) – Unlawful Conduct Regarding Documents

“No person ... shall knowingly destroy, conceal, remove, confiscate, or possess any actual or purported government identification document or passport of another person” in the course of or with intent to commit trafficking in persons (Ohio Rev. Code Ann. § 2905.32), compelling prostitution (Ohio Rev. Code Ann. § 2907.21), promoting prostitution (Ohio Rev. Code Ann. § 2907.22), pandering obscenity involving a minor or impaired person (Ohio Rev. Code Ann. § 2907.321), or pandering sexually oriented matter involving a minor or impaired person (Ohio Rev. Code Ann. § 2907.322). Ohio Rev. Code Ann. § 2905.33(A). Unlawful conduct with respect to documents is a felony of the third degree. Ohio Rev. Code Ann. § 2905.33(B).

c. Ohio Rev. Code Ann. § 2921.32 (2012) – Obstruction of Justice

Obstructing justice in the furtherance of a human trafficking violation is a felony of the second degree. Ohio Rev. Code Ann. § 2921.32(C)(6).

d. Ohio Rev. Code Ann. § 2907.24 (2021) – Soliciting Prostitution; Solicitation After Positive HIV Test

A person is guilty of soliciting prostitution when the person knowingly solicits another to engage in “sexual activity for hire in exchange for the person receiving anything of value from the other person.” Ohio Rev. Code Ann. § 2907.24(A)(1). “Sexual activity for hire” is defined 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.” Ohio Rev. Code Ann. § 2907.24(E).

Committing the crime of solicitation is a misdemeanor of the third degree. Ohio Rev. Code Ann. § 2907.24(C)(1). Committing the crime of solicitation after a positive HIV test is a felony of the third degree. Ohio Rev. Code Ann. § 2907.24(C)(2).

e. Ohio Rev. Code Ann. § 2905.61 (2019) – Kidnapping

The Ohio kidnapping statute provides that a person shall not “by force, threat, or deception, or, in the case of a victim under the age of 13 or mentally incompetent, by any means, ... remove another from the place where the other person is found or restrain the liberty of the other person” for purposes including to “hold in a condition of involuntary servitude.” Ohio Rev. Code Ann. § 2905.61(A)(6). “Involuntary servitude” means “being compelled to perform labor or services for another against one’s will.” Ohio Rev. Code Ann. § 2905.31.

Committing the crime of kidnapping in this manner is generally a felony of the first degree. Ohio Rev. Code Ann. § 2905.61(C)(1).

f. Ohio Rev. Code Ann. § 2905.62 (2011) – Abduction

The crime of abduction in Ohio includes knowingly “hold[ing] another in a condition of involuntary servitude.” Ohio Rev. Code Ann. § 2905.62(A)(3). “Involuntary servitude” for the purpose of the crime of abduction means “being compelled to perform labor or services for another against one’s will.” Ohio Rev. Code Ann. § 2905.31.

Committing the crime of abduction in this manner is a felony of the second degree. Ohio Rev. Code Ann. § 2905.62(C).

g. Ohio Rev. Code Ann. § 2981.02 (A)(1) – Forfeiture

A defendant’s property may be subject to criminal (Ohio Rev. Code Ann. § 2981.04) or civil forfeiture (Ohio Rev. Code Ann. § 2981.05) to the extent that property served as “contraband involved in an offense,” “proceeds derived from or acquired through the commission of an offense,” or “an instrumentality that is used in or intended to be used in the commission or facilitation of ... [a] felony.” Ohio Rev. Code Ann. § 2981.02 (A)(1)(a)–(c).

h. Ohio Rev. Code Ann. § 2937.11 (2014) – Videotaped, Recorded, or Remote Testimony of Certain Minor Victims

A victim under 16 years old may testify in a preliminary hearing for a trafficking in persons violation via closed circuit television.

i. Ohio Rev. Code Ann. § 2151.414 (2016) – Parental Rights of Human Trafficker

Parental rights are terminated for parents convicted of trafficking their own child or another child under their custody.

j. Ohio Rev. Code Ann. § 2151.358 (2012) – Expungement of Adjudicated Delinquent Child Criminal Records

A person adjudicated a delinquent child for soliciting prostitution, loitering to solicit prostitution, or engaging in prostitution may apply for expungement of the criminal record where the child’s “participation in the act was a result of the person having been a victim of human trafficking.” Ohio Rev. Code Ann. § 2151.358.

k. Ohio Rev. Code Ann. § 2152.021 (2021) – Expungement for Certain Minor Human Trafficking Victims

If a court has reason to believe an allegedly delinquent child is a victim of human trafficking, the court shall appoint a guardian ad litem who is not the child’s attorney. “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] the act charged in the complaint is related to the child’s victimization.” Ohio Rev. Code Ann. § 2152.021(F)(2). The court may grant the petition with or without a hearing. Ohio Rev. Code Ann. § 2152.021(F)(3). “The court may hold the complaint in abeyance for up to ninety days while the child engages in diversion actions.” Ohio Rev. Code Ann. § 2152.021(F)(4).

“If ... 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.” Ohio Rev. Code Ann. § 2152.021(F)(5).

I. Ohio Rev. Code Ann. § 2953.38 (2019); Ohio Rev. Code Ann. § 2953.521 (2018) – Expungement

With limited exceptions, Ohio allows a person who has been convicted of soliciting prostitution, loitering to engage in soliciting prostitution, or engaging in prostitution to apply at any time for expungement of the record of conviction if the person’s “participation” in the act “was a result of the person having been a victim of human trafficking.” Ohio Rev. Code Ann. § 2953.38(B).

A person found not guilty of an offense or whose charges were dismissed may apply at any time after the finding of not guilty or dismissal for expungement of the official records in the case if the charge was the result of the applicant having been a victim of human trafficking. Ohio Rev. Code Ann. § 2953.521(B).

m. Ohio Rev. Code Ann. § 2923.32 (2011) – Racketeering

Ohio’s racketeering statute includes trafficking in persons within its predicate acts. Ohio Rev. Code Ann. § 2923.31(l)(2)(a).

2. Online Child Sexual Exploitation and Child Pornography Offenses

Ohio Rev. Code Ann. § 2907.19 – Commercial Sexual Depiction of a Minor

Ohio Rev. Code Ann. § 2907.32 – Pandering Obscenity Involving a Minor or Impaired Person

Ohio Rev. Code Ann. § 2907.322 – Pandering Sexually Oriented Matter Involving a Minor or Impaired Person

Ohio Rev. Code Ann. § 2907.323 – Illegal Use of a Minor or Impaired Person in Nudity-Oriented Material or Performance

Ohio Rev. Code Ann. § 2919.22 – Endangering Children

3. Ohio Rev. Code Ann. § 2950.03 (2019) – Sex Offender Registry

A sex offender who is convicted of trafficking in persons must register as a “Tier II sex offender/child-victim offender.” Ohio Rev. Code Ann. §§ 2950.03, 2950.01(F)(1)(g). A Tier II sex offender may not “establish a residence or occupy residential premises within one thousand feet of any school premises or child day-care center premises.” Ohio Rev. Code Ann. § 2950.034(A). A Tier II sex offender is also directed to “register personally” with a county sheriff when engaging in certain activities within that county. These activities include residing, working, or attending school. Ohio Rev. Code Ann. § 2950.04 (A)(2)(a)–(e).

B. Civil Liability Statutes

1. Ohio Rev. Code Ann. § 2307.51 (2012) – Civil Lawsuits

a. Summary

A victim of human trafficking, as defined in Ohio Rev. Code Ann. § 2905.32, may file a civil lawsuit in Ohio state court. Ohio Rev. Code Ann. § 2307.51(A). Such a lawsuit “is in addition to any other cause of action available under statutory or common law.” Ohio Rev. Code Ann. § 2307.51(B).

b. Damages and Other Relief

The court may award compensatory and punitive damages. Ohio Rev. Code Ann. § 2307.51(A).

c. Statute of Limitations

Ohio's general statute of limitations for a tort claim applies. Ohio Rev. Code Ann. § 2305.09. That statute of limitations period is four years from when the injury occurred. This time limitation does not apply to "relief on the ground of fraud." Ohio Rev. Code Ann. § 2305.09(E).

C. Additional Statutes Specific to Human Trafficking

1. Ohio Rev. Code Ann. §§ 4111.01 *et seq.* (2007) – Unpaid Wages

Ohio repealed its statutes governing the recovery of unpaid minimum wages. Ohio Rev. Code §§ 4111.02, 4111.15. However, employees may still file civil lawsuits against employers for failure to pay proper overtime wages. In such a lawsuit, an employee may also receive attorney's fees and costs. Ohio Rev. Code § 4111.10. Employees may also file wage claims with the Division of Commerce's Bureau of Wage and Hour Administration.

More information is available at: <https://ohio.gov/wps/portal/gov/site/jobs/topic-hubs/labor-law/labor-law>.

2. Ohio Rev. Code Ann. § 109.66 (2012) – Statistical Data on Human Trafficking Violations

The Ohio Attorney General must release annually statistical data regarding human trafficking violations of Ohio Rev. Code Ann. § 2905.32. To help prepare the report, local law enforcement agencies are required to collect and submit specified information regarding human trafficking violations.

3. Ohio Rev. Code Ann. § 111.42 (2017) – Address Confidentiality Program

Victims of crimes, including human trafficking, may apply to use a confidential address.

4. Ohio Rev. Code Ann. § 109.73(A)(4) (2021); Ohio Rev. Code Ann. § 109.745 (2012) – Human Trafficking Training for Law Enforcement

Law enforcement officers must receive training in investigating and handling human trafficking violations.

5. Ohio Rev. Code Ann. § 3319.073 (2021) – Human Trafficking Training for Teachers

School districts must incorporate "human trafficking content" into their "training in school safety and violence prevention."

6. Ohio Rev. Code Ann. § 4743.07 (2012) – Human Trafficking Training for Certain Licensed or Certified Persons

The Ohio General Assembly:

strongly recommends that every board, commission, or agency 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 ... 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.

Ohio Rev. Code Ann. § 4743.07.

7. Ohio Rev. Code Ann. § 5101.87 (2012) – Human Trafficking Victims Fund

Ohio created a fund “to be used for the sole purpose of treating, caring for, rehabilitating, educating, housing, and providing assistance to” human trafficking victims. The fund includes “money seized in connection with” human trafficking violations.

8. Ohio Rev. Code Ann. § 5502.63 (2019) – Poster

The Department of Public Safety shall create a poster providing information regarding the National Human Trafficking Resource Center hotline and shall encourage its display at: highway truck stops; hotels; adult entertainment establishments; beauty salons; agricultural labor camps; hospitals or urgent care centers; any place “where there is occurring a contest for the championship of a division, conference, or league of a professional athletic association or of a national collegiate athletic association division I intercollegiate sport or where there is occurring an athletic competition at which cash prizes are awarded to individuals or teams”; massage parlors, massage spas, alternative health clinics, or similar entities; and fairs. Ohio Rev. Code Ann. § 5502.63.

D. Significant Cases

1. *State v. Brown*, 134 N.E.3d 783 (Ohio Ct. App. 2019)

A jury found the defendant guilty of trafficking in persons in violation of Ohio Rev. Code Ann. § 2905.32. The defendant filed a motion challenging the sufficiency of the evidence, which the trial court rejected. On appeal, the defendant argued that he did not “force” the victim to engage in prostitution. *State v. Brown*, 134 N.E.3d 783, 798 (Ohio Ct. App. 2019).

Although the appellate court acknowledged that “while ‘force’ in the physical aspect of the word may not have been prevalent,” sufficient evidence showed that the defendant “enticed, maintained, and provided for [the victim], knowing that she would be compelled to engage in sexual activity for continuation of that maintenance and support of herself and her son.” *Id.* at 799. In other words, the appellate court held that Ohio Rev. Code Ann. § 2905.32 does not require the state to show “force”; instead, the state only needs to show an “act of ‘compulsion.’” *Id.* at 798. Accordingly, the appellate court affirmed the conviction. *Id.* at 807.

E. Academic Research/Papers

Valerie R. Anderson, Teresa C. Kulig & Christopher J. Sullivan, *Estimating the Prevalence of Human Trafficking in Ohio: Executive Summary Report* (Feb. 1, 2019), available at: https://humantrafficking.ohio.gov/links/Ohio_Human_Trafficking_Prevalence_Study_Executive_Summary.pdf.

Priscila A. Rocha, *Our Backyard Slave Trade: The Result of Ohio’s Failure to Enact Comprehensive State-Level Human-Sex-Trafficking Legislation*, 25 J. L. & HEALTH 381 (2012).

Jennifer Eppick, Comment, *Making Sex Crime Not Pay: A Proposed Revision of Ohio’s Human Trafficking Forfeiture Law*, 44 CAP. U. L. REV. 159 (2016).

Sarah Kathryn Brown, Comment, *No Longer Safe: Ohio’s Dilution of Safe Harbor Protections for Trafficked Children*, 48 Cap. U. L. Rev. 537 (2020).

F. Resources

Case Western University School of Law Human Trafficking Research Guide (2020):

<https://lawresearchguides.cwru.edu/c.php?g=639837&p=4480662>

Human Trafficking and Social Justice Institute at the University of Toledo:

<https://www.utoledo.edu/hhs/htsj/>

National Human Trafficking Hotline (Ohio):

<https://humantraffickinghotline.org/state/ohio>

Ohio Human Trafficking Task Force:

<https://humantrafficking.ohio.gov/>

Governor’s Ohio Human Trafficking Task Force Report (Jan. 2019):

<https://humantrafficking.ohio.gov/OhioHumanTraffickingTaskForceReport0119.pdf>.

Shared Hope International, Ohio Report Card (2019):

http://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_OH.pdf

Shared Hope International, Ohio Analysis and Recommendations (2019):

http://sharedhope.org/PICframe9/analysis/PIC_AR_2019_OH.pdf

Office of the Attorney General Annual Human Trafficking Report (2020):

<https://www.ohioattorneygeneral.gov/Files/Reports/Human-Trafficking-Commission-Annual-Reports/2020-Human-Trafficking-Annual-Report>

U.S. Department of Health & Human Services, *Ohio: Efforts to Combat Human Trafficking* (2017):

https://www.acf.hhs.gov/sites/default/files/documents/otip/ohio_profile_efforts_to_combat_human_trafficking.pdf

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