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H.B. 427*
134th General Assembly

Bill Analysis

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Version: As Reported by House Criminal Justice

Primary Sponsors: Reps. White and Manchester

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SUMMARY

- Provides that the element “compelled” is established for the offenses of “trafficking in persons” and “compelling prostitution” when the state proves that the offender overcame the victim’s will by furnishing or offering a controlled substance to the victim or by manipulating the victim’s controlled substance addiction.

DETAILED ANALYSIS

Trafficking in persons

The bill expands how the element “compelled” is established for purposes of the offense of “trafficking in persons.” Under the bill, the element “compelled” is established if the state proves that the offender overcame the victim’s will by force, fear, duress, intimidation, or fraud, by furnishing or offering a controlled substance to the victim, or by manipulating the victim’s controlled substance addiction. Under current law, the element “compelled” does not require that the compulsion be openly displayed or physically exerted. The element “compelled” is established if the state proves that the victim’s will was overcome by force, fear, duress, intimidation, or fraud.¹

The offense of “trafficking of persons” prohibits a person from knowingly recruiting, luring, enticing, isolating, harboring, transporting, providing, obtaining, or maintaining, or knowingly attempting to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain another if 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

* This analysis was prepared before the report of the House Criminal Justice Committee appeared in the House Journal. Note that the legislative history may be incomplete.

¹ R.C. 2905.32(B).

obscene, sexually oriented, or nudity oriented, or be a model or participate in the production of material that is obscene, sexually oriented, or nudity oriented.²

A violation of the offense is a first degree felony.³

Compelling prostitution

The bill likewise expands how the element “compel” is established for purposes of the offense of “compelling prostitution.” Under the bill, the element “compel” is established if the state proves that the offender overcame the victim’s will by force, fear, duress, or intimidation, by furnishing or offering a controlled substance to the victim, or by manipulating the victim’s controlled substance addiction. Under current law, the element “compel” does not require that the compulsion be openly displayed or physically exerted. The element “compel” is established if the state proves that the victim’s will was overcome by force, fear, duress, or intimidation.⁴

The offense of “compelling prostitution” prohibits a person from knowingly compelling another to engage in sexual activity for hire.⁵

A violation of the offense is generally a third degree felony. If the offender commits a violation and the person compelled to engage in sexual activity for hire is 16 or 17 years of age, compelling prostitution is a second degree felony. If the offender commits a violation and the person compelled to engage in sexual activity for hire is under 16 years of age, compelling prostitution is a first degree felony.⁶

HISTORY

Action	Date
Introduced	09-20-21
Reported, H. Criminal Justice	---

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² R.C. 2905.32(A)(1).

³ R.C. 2905.32(E).

⁴ R.C. 2907.21(B).

⁵ R.C. 2907.21(A)(1).

⁶ R.C. 2907.21(C).