



Ohio bill would erase convictions of trafficking victims forced into crime

Sponsor: 'Modern-day slavery' survivors need help to rebuild lives

by Ohio Rep. Jonathan Dever

History is replete with examples of rearview-mirror governing, in which elected leaders seek to find short-term, narrow solutions to pre-existing problems. Seldom do we have a chance to look through the windshield of policy-making, focusing on a long-term solution for those who need it most.

One example in which we see this playing out today is in providing for the wide-ranging needs of human-trafficking survivors. These individuals deserve more than mere neutrality from their government leaders. They need a real second chance at life.

Human trafficking is modern-day slavery, and it victimizes millions of innocent people around the globe.

The International Labour Organization, a United Nations agency, estimates that almost 21 million individuals worldwide are victims of forced labor and human trafficking. Based upon estimates, human trafficking is the second-largest transnational illicit trade, behind drug trafficking.

Not just a foreign problem

However, the act of trafficking people does not solely occur in far-off lands, but in our own backyards as well.

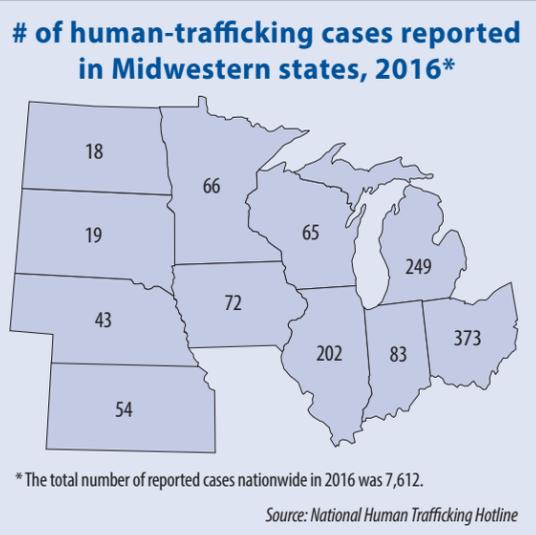
The ILO estimates that several hundreds of thousands of adults and minors have fallen victim to sex and labor trafficking in the United States. These crimes occur in big cities and small towns alike, and survivors often fall victim to traffickers in some of the most public of places: malls, parks and large public gatherings.

Like much of the Midwest, Ohio finds itself in the crosshairs of human trafficking. Gov. John Kasich has established a human-trafficking task force that has made substantial progress in connecting local resources to those most in need.

Over the past five years, the state's General Assembly has passed several pieces of legislation targeting the ruthless traffickers and making valiant attempts to help those who have fallen victim. With that, there is still much more work to be done.

Oftentimes human trafficking is equated with sex trafficking, but victims can also be forced to commit drug-related offenses or theft, or are forced into labor — something I did not fully grasp until I began to learn more about the issue.

Every human-trafficking survivor deserves a path to restoration and a full, vibrant life unencumbered by a list of convictions for offenses they had no choice but to commit.



This unfortunate reality carries with it a slew of other challenges. For example, just a few months into my first term in the Ohio House, my local county prosecutor's office made me aware of the challenges faced by survivors of human trafficking when it comes to the expungement of their records in the court systems.

There are laws on the books in Ohio that deal with the expungement of records for survivors of human trafficking, but a lack of uniform interpretation has left many feeling as if their state has failed them — something that can be seen across the country.

Fortunately, there is a real opportunity to help these survivors rebuild their lives. That is why I have sponsored legislation in the past two sessions that codifies a path to freedom — freedom from the trafficker, freedom to enter into the workforce, and freedom from the stigma of the criminal justice system.

Ohio HB 56 will grant survivors equal opportunity under the law, regardless of where they reside in the state and what judge they appear before when seeking to expunge convictions for crimes they were forced to commit during the course of their captivity.

Most agree that every survivor deserves a path to restoration and a full, vibrant life unencumbered by a list of convictions for offenses they had no choice but to commit.

HB 56 aims to expand the list of trafficking-related convictions that may be expunged to help restore the survivors' dignity and chances for a successful future. Additionally, the legislation

allows for intervention in lieu of conviction for any individual charged with prostitution or an associated crime while being compelled into prostitution.

Given the simple concept, I figured the legislation would be simple to author and pass through both chambers. I was mistaken.

Conceptually, most of my colleagues have bought into the idea of giving survivors a true second chance at life, free from the shackles of their past.

Crafting legislation a challenge

However, the application of the legislation has raised many questions, the most challenging being: What convictions can be expunged? The expungable convictions will vary from state to state, but the decision to expunge should not be taken lightly.

After countless months of deliberation, we in Ohio are finalizing the list of these convictions. We continue to make progress through the collaboration of interested parties and the engagement of those currently involved in these types of expungement cases.

Steps have been taken at both the federal and state levels to crack down on human traffickers and to make it easier for survivors to re-enter society. However, as legislators, we must also continue to ease some of these challenges for survivors of human trafficking, which is exactly the reason why I sponsored HB 56.

Although each state will have a different approach to similar legislation, the concept is one that is important to note and easy to replicate with the appropriate stakeholders providing input.

It is true that the more we uncover about the practices, trends and economics of human trafficking, the more we realize just how diligent we must be to combat it. But by continuing to look forward — through the windshield and not the rearview mirror — I am confident that we can make a positive and lasting difference for victims of these terrible crimes against humanity. ✨

Rep. Jonathan Dever, a Republican from Madeira, was first elected to the Ohio House of Representatives in 2014.

Submissions welcome

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