



ENACTMENT NEWS

Senate Bill 4

Expand expungement and ILC – human trafficking victims

Effective September 28, 2018

On June 29, 2018, the Governor signed into law Senate Bill 4, which expands expungement and intervention in lieu of conviction eligibility for victims of human trafficking.

Record expungement

Under existing law, a person who has been convicted of a certain offense (soliciting, engaging in solicitation after a positive HIV test, loitering to engage in solicitation, loitering to engage in solicitation after a positive HIV test, prostitution, or prostitution after a positive HIV test) may request the court to order the expungement of the records pertaining to that conviction if the person committed the offense as a result of being a victim of human trafficking. S.B. 4 expands this by clarifying that a person convicted of one of the above-named offenses may request the expungement of the records of *any* conviction (except for a conviction of aggravated murder, murder, or rape), not just the solicitation- and prostitution-related charge, if the actions leading to the conviction(s) were a result of being a victim of human trafficking.

If the person requests the expungement of multiple charges, the court must consider each charge separately. If the court determines that the charges relevant to the expungement request were a result of the person having been a victim of human trafficking, and the charges sought to be expunged are either an F1 or F2, the court must consider the following factors established in the bill in determining whether the interests of the applicant in having the record expunged are outweighed by any legitimate needs of the government to maintain the record of conviction:

- The seriousness of the subject of the offense
- The relative degree of physical harm done to any person in the commission of the subject offense
- The length of time that has expired since the commission of the subject offense
- Whether the prosecutor represents to the court that criminal proceedings are likely to still be initiated against the applicant for a felony offense for which the period of limitations has not expired
- Whether the applicant at the time of the hearing is subject to supervision as a result of the subject offense.

S.B. 4 also allows for the expungement of records related to a dismissed criminal charge or to a finding of not guilty, if the underlying charge was a result of the person being a victim of human trafficking.

Intervention in lieu of conviction

Under existing law, an offender may be eligible for intervention in lieu of conviction if he or she was a victim of human trafficking (R.C. 2905.32). S.B. 4 expands that eligibility to also include victims of compelling prostitution (R.C. 2907.21), subject to the same procedures and other eligibility criteria in existing law.

The bill passed the Ohio Senate unanimously on May 17, 2017, and the House of Representatives (81-12) on June 20, 2018. It goes into effect on September 28, 2018.