



Judicial Impact Statement

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April 25, 2017

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SENATE BILL 4 and HOUSE BILL 56 (RIGHTS RESTORATION FOR HUMAN TRAFFICKING VICTIMS)

TITLE INFORMATION

To amend sections 2951.041 and 2953.38 and to enact section 2953.521 of the Revised Code to allow a person who is found not guilty of an offense or who is the defendant named in a dismissed criminal charge to apply for a court order to expunge the person's official records in the case if the charge or not guilty finding was the result of the applicant having been a human trafficking victim, to allow a person convicted of certain prostitution-related offenses to apply for the expungement of the conviction record of any offense, other than a specified disqualifying offense, the person's participation in which was a result of having been a human trafficking victim, and to allow intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution..

Sponsors

Sen. Kunze

Sen. Oelslager

Rep. Dever

Rep. Gavarone

Version

As Introduced

IMPACT SUMMARY

Senate Bill 4 will have a positive impact on Ohio courts and their ability to fairly and effectively administer justice. The bill will bring clarity to the law and improve public confidence in the law.

BACKGROUND

An amendment has been drafted for SB 4, but not yet accepted, that contains a Judicial Conference Legislative Platform item - it eliminates the 90-day deadline to hold in abeyance a charge brought against a juvenile who is later determined to be a victim of human trafficking. A 90-day period with the possibility of two 90-day extensions is often not enough time for a juvenile to comply with diversion and complete treatment.

JUDICIAL IMPACT

R.C. 2951.041 - Intervention in Lieu of Conviction. Currently, a person with a criminal charge is eligible to request intervention in lieu of conviction if the court has reason to believe that drug or alcohol usage was a factor in the criminal offense, that the offender had a mental illness or an intellectual disability, or was a victim of trafficking in persons (R.C. 2905.32). The bill adds victims of compelling prostitution (R.C. 2907.21) to the list of offenders eligible

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio's court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.

for requesting intervention in lieu of conviction.

R.C. 2953.38 & 2953.521 – Expungement for Certain Crimes of Victims of Human Trafficking. Currently, a person convicted of certain crimes related to prostitution and soliciting may apply for expungement (i.e. destruction) of the conviction record if the crimes were committed as a result of being a victim of human trafficking. The bill expands the possibility for expungement in two ways. First, if a person has been convicted of one of six specified offenses, that person may apply to expunge the record of those and any other crime(s) (except aggravated murder, murder, or rape) if the crimes were committed as a result of the person having been a victim of human trafficking. A single application may request expungement of the record for more than one offense, but if it does, the court must consider the request for each offense separately. Second, the bill allows for expungement of dismissed charges and charges that resulted in a finding of not guilty, if the dismissal or finding was a result of a determination that the person was a victim of human trafficking.

RECOMMENDATION

The Ohio Judicial Conference recommends passage of Senate Bill 4, if amended.