

Federal & State HUMAN TRAFFICKING LAWS



Federal Law

Trafficking Victims Protection Act of 2000

“The Trafficking Victims Protection Act (TVPA) of 2000 created the first comprehensive federal law to address human trafficking, with a significant focus on the international dimension of the problem. The law provided a three-pronged approach: prevention through public awareness programs overseas and a State Department-led monitoring and sanctions program; protection through a new T-Visa and services for foreign national victims; and prosecution through new federal crimes.”

— POLARIS, www.polarisproject.org

As defined in the Trafficking Victims Protection Act of 2000, the legal definition of “severe forms of trafficking in persons” is:

- a) **sex trafficking** in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; **22 USC § 7102 (9)(A)** or
- b) the recruitment, harboring, transportation, provision, or obtaining of a person for **labor or services**, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. **22 USC § 7102 (9)(B)**

Preventing Sex Trafficking and Strengthening Families Act of 2015

The Preventing Sex Trafficking and Strengthening Families Act is a comprehensive law addressing accountability and reporting of runaway and missing children in foster care. The law required review of Ohio Administrative Code (OAC) to ensure Ohio is in compliance with **Public Law 113-183**.

Federal law and OAC changes (OAC 5101:2-42-88) require state and local agencies to:

- Report each missing or abducted foster child to law enforcement and to the National Center for Missing & Exploited Children (1-800-THE-LOST, <https://cmfc.missingkids.org/reportit>).
- Determine the primary factors that contributed to the child’s running away or being absent from care and to use these factors when determining future placements.
- Address the events and experiences that took place while the child was AWOL including determining whether the child was a sex trafficking victim.

For more information:

<https://polarisproject.org/policy-and-legislation/>

Ohio’s Human Trafficking Law

As defined by the Ohio Revised Code Section 2905.32 (Trafficking in Persons), Ohio’s legal definition of human trafficking is:

“(A) No person shall knowingly recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain...another person knowing that the person will be subjected to involuntary servitude or be compelled to engage in sexual activity...”

“...For a prosecution under division (A)(1) of this section, the element “compelled” does not require that the compulsion be openly displayed or physically exerted. The element “compelled” has been established if the state proves that the victim’s will was overcome by **force, fear, duress, or intimidation, fraud, by furnishing or offering a controlled substance to the victim, or by manipulating the victim’s controlled substance addiction.**”

For minors under the age of 18, and for people with developmental disabilities, law enforcement officials do not need to prove that the minor was compelled to engage in commercial sexual activity.

ORC 2905.32 (A)(2)

Criminal Sanctions for Traffickers and Purchasers

- Trafficking in Persons is a first-degree felony, with a mandatory minimum of 10 years in prison. **ORC 2905.32 (E)**
- Sex traffickers are required to register as sex offenders (Tier II) and cannot live within 1,000 feet of a school. **ORC 2950.01 (F)(1)(g)**
- Obstruction of Justice is a felony of the second degree in human trafficking cases. **ORC 2921.32 (C)(6)**
- Advertising illicit massage parlor activity with the suggestion or promise of sexual activity is a prohibited activity punishable with a misdemeanor offense. (**Sec. 2927.17**)
- Purchasing sex from a minor is a felony of the third degree. (**Sec. 2907.21**)
- Compelling a minor to engage in sexual activity for hire is a felony offense, tiered as follows: (**ORC 2907.21 (A)(1)**)
 - o For minors under the age of 16, the penalty is a felony of the first degree.
 - o For minors age 16-17, the penalty is a felony of the second degree.
- Engaging in Prostitution (purchasing sex from an adult) is a first-degree misdemeanor. (**Sec. 2907.231**)
- Promoting Prostitution is a felony offense:
 - o Promoting Prostitution is a fourth-degree felony on the first offense, a third-degree felony on the second offense, and a second-degree felony on the third and subsequent offenses. (**Sec. 2907.22**)
 - o Promoting Prostitution of a minor is a third-degree felony. **ORC 2907.22 (B)(2)(a)**

Protections for Victims

Safe Harbor for Minors

- Judges can sentence minors to diversion programs to receive needed protection and treatment through the juvenile justice system. **ORC 2152.021 (F)**
- Ohio's law prohibits public disclosure of the names of minor victims of trafficking by law enforcement agencies, even if they have criminal records (the law contains exceptions for criminal justice professionals, parents, attorneys, child welfare agencies, and others). (**Sec. 149.435 (B)**)
- Courts can allow minors under the age of 16 to give testimony in preliminary hearings via closed circuit television to protect minors from facing traffickers directly. (**Sec. 2937.11 (D)(1)(a)**)
- Courts have the authority to terminate the parental rights of a parent convicted of trafficking his or her own child. (**Sec. 2151.414**)

Intervention for Adult Victims

- Permits courts to accept an offender's request for intervention in lieu of conviction if the offender was a human trafficking victim at the time of the offense and that victimization was a factor leading to the offender's criminal behavior.

Expungement

- Adults and minors who have prior convictions of prostitution, solicitation, or loitering to engage in solicitation may apply to the sentencing court to expunge the conviction of any offense, except murder, aggravated murder, and rape, if they can prove that their participation in the offense was a result of being a victim of human trafficking. **ORC 2953.38; ORC 2151.358 (E)**

Other Protections

- Victims can pursue civil damages against traffickers. **ORC 2307.51**
- The Ohio Department of Job and Family Services may administer funds for the purpose of treating, caring for, rehabilitating, educating, housing, and providing assistance for victims of human trafficking through the Victims of Human Trafficking Asset Seizure Fund. **ORC 5101.87**

Mandated Training

- Law enforcement officers are required to receive human trafficking training through the Ohio Peace Officers Training Academy. **ORC 109.73**
- School districts are required to incorporate human trafficking training content into safety and violence prevention training plans. **ORC 3319.073 (B)**

Data Collection

- Local law enforcement must report the number of human trafficking cases to the Ohio Attorney General's Office to be released annually. **ORC 109.66**