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National Statuary Hall Collection Study
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Committee to Study Public Funded Child
Care Services

March 10, 2010 Sponsor Testimony Sub. S.B. 235

Thank you Chairman Grendell, Ranking Member Turner and members of the Judicial Committee for the opportunity to give testimony on Sub. S.B. 235.

Sub S.B. 235 will create the offense of trafficking in persons and it will be a felony of the second degree.

The time has come to close the gap existing in our criminal code and the reality of the streets. Sub. SB 235 is based on the Trafficking in Victims Protection Act (TVPA) and supported by the U.S. Department of Justice.

TVPA definition and felony has proven an effective tool for the federal government. They consider human trafficking a priority felony and have been exceedingly successful in apprehending and prosecuting traffickers with their statute.

This bill will combat the horrendous problem of human trafficking in Ohio. Trafficking involves trading, buying and the selling of human beings. I believe human trafficking - a modern-day form of slavery is the human rights issue of our time. I also believe we must continue Ohio's strong tradition of advancing fundamental human rights by taking direct aim at the traffickers who are making very large profits on the horrific lives of their victims. Victims are trapped by a life they didn't choose terrorized and then held hostage by a trafficker or pimp who will not let them go.

Worldwide human trafficking is the third most profitable criminal enterprise generating over \$36 billion each year. The federal government estimates between 100,000 to 300,000 American children are at risk of being trafficked within the United States for sexual exploitation each year. The Trafficking in Persons Study Commission recently released a report with frightening statistics for Ohio. The study found that over 1,000 children are estimated to be involved in forced child prostitution. Many more – an estimated 2,879 children are at-risk for being trafficked because of their vulnerable status as runaways, throwaways or due to homelessness.

It is especially deplorable to think that children in the 21st century could be trapped and subjected to unthinkable pain, suffering and indignity of being forced into sexual slavery just for someone else's profit and someone else's pleasure.

The average age of children "entering into prostitution" is between 12 and 14 years of age. I say "entering into prostitution" in quotes because a child cannot consent to sex and most certainly cannot enter into prostitution. We as adults need to wake up and realize this is not a crime of choice for children. A child does not grow up dreaming about becoming a prostitute. Have you ever heard a child talk about becoming a prostitute when they grow up? Child victims are robbed of their hopes, their dreams and their future.

The child victims of trafficking eventually become adults. Please take a look at the attachment to this testimony – the picture of women arrested for prostitution with 8 pictures in a row. Look at these women from their first arrest, and then look at them by the eighth. Does this look like a person who had the mental or emotional capacity to choose this life? Their faces are deformed by years of drug and physical abuse ---

disease and starvation. Given that the average age prostitutes “enter” that world, these women started as children.

From my viewpoint I look around and see no justice for our most priceless treasure. Right now children are re-victimized by our own justice system. It is shocking to learn that our children end up with a criminal record while the real criminals - the traffickers that sell human beings and the customers that buy them walk away from the halls of justice with little or no penalty. Our children need protected **now** - we cannot wait one more day to fix this. They must be protected by our law enforcement, social services, and education system. They must be treated and helped as the victims that they are.

The truth of the matter is there is no place to put our children when they are rescued from this horrible crime. I have learned there are only 29 beds available in the nation which in turn forces law enforcement and judges to charge child victims with a crime to just to protect them from their traffickers or pimps. Many times the pimp or his designee will march right up to bail processing pay a child victims fine and make the victim work even harder to pay for the trouble of getting him or her out of jail.

Just imagine you or your child through no fault of your own getting caught up into this unspeakable life. That is why we must work on the demand side of trafficking to begin to help protect our children. This bill is intended to do just that and we can't start soon enough. 43 other states have felony-level crimes for human trafficking in-line with the federal government's standards. It's time to join them.

Unfortunately, Ohio has been identified as a hub for human trafficking and Toledo is considered an “origin city”. The Northwest Ohio Violent Crimes Against Children FBI Task Force ranks Toledo 4th in the nation for active investigations, arrests and rescues of children forced into prostitution. Toledo ranks as the top urban area per capita when you compare it to the three top cities Miami, Portland, and Las Vegas. Since 2006, the FBI Innocence Lost National Initiative has rescued over 70 Toledo children and identified over 100 pimps.

Human Trafficking isn't just a problem in Toledo. Because these criminal enterprises operate in the shadows they can be hard to detect and they are underreported. However cases have been found in other cities, suburbs and even rural areas around Ohio. Recently, a case in Chillicothe made national news. A Chillicothe man lured young women from Craigslist, My Space and YouTube into prostitution. He now faces a maximum sentence of: life in prison for sex trafficking by force; five years in prison for the prostitution conspiracy; 10 years in prison for transportation for prostitution; and 20 years in prison for enticement. In addition, the Central Ohio Rescue and Restore Coalition recently reported helping 35 victims within the last 18 months.

The growing problem in Ohio was quantified in a recent sub-committee report released by Ohio's Trafficking in Persons Study Commission. It stated more than a 1,000 children younger than 18 were sex-trafficking victims in the past year. Another 2,879 are at-risk because of their vulnerable status as runaways, throwaways or due to homelessness. According to the researchers these numbers are formulated on the conservative end. It is also important to note that the FBI has determined at least 25% of adult prostitutes were enticed into prostitution as juveniles therefore more victims are unaccounted for when looking at this issue.

Bottom line human trafficking is a real problem in Ohio and we need tougher laws. As mentioned previously, traffickers are walking away with a slap on the wrist because the human trafficking specification is too difficult to prove and the other prostitution-related felonies are too weak.

The stand alone felony will be a better tool for prosecutors and law enforcement to work on cases locally.

In addition to creating the felony, Substitute Senate Bill 235 will include involuntary servitude and trafficking in persons to the human trafficking specification, and will add abduction and trafficking to the Conspiracy and Corrupt Activities statutes.

I have worked with many stakeholders -- including John Murphy of the Ohio Prosecuting Attorneys' Assoc to craft this language. The OPAA is here to testify today in support of this bill.

Some of the stakeholder groups are:

- Polaris Project

- Attorney General's Office
- Christian Medical Association
- Catholic Ministries
- Sisters of Notre Dame
- University of Toledo
- University of Dayton
- The Ohio State University
- Obberlin College
- Second Chance, Non-profit in Toledo
- Gracehaven, Non-profit in Columbus
- Columbus Metropolitan Area Church Council
- Columbus and Franklin County Church Women United
- Ohio Crime Prevention Assoc.
- Columbus Rescue & Restore Coalition
- Cincinnati Rescue & Restore Coalition
- Columbus Public Health
- National Underground Railroad Freedom Center

One trafficked victim is one too many. I am not for sale, you are not for sale, no one is for sale. It is time for real justice in the State of Ohio.

Chairman Grendell, your leadership is greatly appreciated and will make a significant difference in the lives of children and the most vulnerable. I look forward to working with you.

I will take any questions you may have at this time. Thank you.

