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H.B. 276
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Reps. Powell and Schmidt

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SUMMARY

- Creates the offense of receiving proceeds of prostitution.
- Includes receiving proceeds of prostitution as a corrupt activity, subject to the Corrupt Activities Law.

DETAILED ANALYSIS

Receiving the proceeds of prostitution

The bill creates a new criminal offense: receiving proceeds of prostitution. The offense prohibits a person from knowingly receiving or acquiring money or any other thing of value from a prostitute earned from sexual activity for hire.¹ “Sexual activity for hire” is defined as an implicit or explicit agreement to provide sexual activity in exchange for anything of value paid to the person engaging in such sexual activity, to any person trafficking that person, or to any person associated with either such person.²

Penalties

A person who violates the prohibition is guilty of receiving proceeds of prostitution, generally a third degree felony. However, if a person violates the prohibition by knowingly receiving or acquiring money or any other thing of value from a prostitute who is under 18 years old, receiving proceeds of prostitution is a second degree felony.³

¹ R.C. 2907.251(B).

² R.C. 2907.251(A), by reference to 2907.24(E), not in the bill.

³ R.C. 2907.251(C).

Allied offenses

Existing law concerning allied offenses of similar import continues to apply to the offense of “receiving proceeds of prostitution” created in the bill.

Under existing law, made explicitly applicable to “receiving proceeds of prostitution,” where the same conduct by the defendant can be construed to constitute “receiving proceeds of prostitution” and a violation of one or more other offenses, if those offenses are allied offenses of similar import, the indictment or information may contain counts for all such offenses, but the defendant may be convicted of only one. Where the defendant’s conduct constitutes a violation of “receiving proceeds of prostitution” and one or more other offenses of *dissimilar* import, or where the defendant’s conduct results in a violation of “receiving proceeds of prostitution” and one or more other offenses of the same or similar kind committed *separately or with separate animus as to each*, the indictment or information may contain counts for all offenses and the defendant may be convicted of all of them.⁴

Corrupt activity

The bill adds the offense of receiving proceeds of prostitution to the list of offenses that constitute “corrupt activity” under the Corrupt Activities Law.⁵ Under current law, unchanged by the bill, a person who engages in a “pattern of corrupt activity” may be subject to criminal penalties and fines, property forfeiture, a civil proceeding from a person seeking relief, and a corrupt activity lien.⁶

Corrupt activity means engaging in, attempting to engage in, conspiring to engage in, or soliciting, coercing, or intimidating another person to engage in: (1) any of a list of offenses specified in continuing law, (2) any conduct constituting a substantially similar offense in another state if the defendant was convicted of the conduct in the other state, or (3) racketeering activity under federal law, animal or ecological terrorism, or certain organized retail theft conduct.⁷

Under continuing law, a “pattern of corrupt activity” is two or more incidents of corrupt activity, whether or not there has been a prior conviction, that are related to the affairs of the same enterprise, are not isolated, and are not so closely related to each other and connected in time and place that they constitute a single event; at least one of the incidents must have occurred on or after January 1, 1986, and generally, the last of the incidents must have occurred within six years of any of the prior incidents.⁸

⁴ R.C. 2907.251(D) and R.C. 2941.25, not in the bill.

⁵ R.C. 2923.31 to 2923.36, not in the bill except R.C. 2923.31.

⁶ R.C. 2923.32, 2923.34, and 2923.36, not in the bill.

⁷ R.C. 2923.31(I).

⁸ R.C. 2923.31(E).

HISTORY

Action	Date
Introduced	04-27-21
