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H.B. 431
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Abrams and Carfagna

Sarah A. Maki, Attorney

SUMMARY

- Requires the Attorney General to establish and maintain the Sexual Exploitation Database.
- Requires the Clerk of Courts to send a prostitution offender's conviction record to the Attorney General.
- Requires the Attorney General to enter a prostitution offender's conviction record into the Database if the person was convicted of or pleaded guilty to a prostitution offense on or after the effective date of the bill.
- Requires the Attorney General to remove a prostitution offender's conviction record from the Database if five years have elapsed since the prostitution offender's most recent conviction of or plea of guilty to a prostitution offense.
- Allows the Attorney General to remove a prostitution offender's conviction record from the Database if the prostitution offender's conviction of or plea of guilty to a prostitution offense has been overturned, expunged, or sealed.
- Requires the Attorney General to adopt rules and prescribe forms for the establishment and operation of the Database.
- Creates GRF line item 055436, Sexual Exploitation Database, in the Attorney General's operating budget, with an appropriation of \$170,000 in FY 2020 and \$20,000 in FY 2021.

DETAILED ANALYSIS

Sexual Exploitation Database

The bill requires the Attorney General to establish and maintain the Sexual Exploitation Database.¹

Submitting conviction records for the Database

The bill requires the Clerk of Courts to send a prostitution offender's conviction record to the Attorney General if the person is convicted of or pleads guilty to a prostitution offense on or after the effective date of the bill.²

Entering conviction records into the Database

The bill requires the Attorney General to ensure that a prostitution offender's conviction record is entered into the Sexual Exploitation Database if the prostitution offender was convicted of or pleaded guilty to the prostitution offense on or after the effective date of the bill.³

Removing conviction records from the Database

The bill requires the Attorney General to ensure that a prostitution offender's conviction record is removed from the Sexual Exploitation Database in accordance with the following:⁴

- Automatic removal: If five years have elapsed since the prostitution offender's most recent conviction of or plea of guilty to a prostitution offense, the Attorney General must automatically remove the prostitution offender from the Sexual Exploitation Database. The prostitution offender does not need to submit an application to be automatically removed from the Sexual Exploitation Database.
- Removal by application: If the prostitution offender's conviction of or plea of guilty to a prostitution offense is overturned, expunged, or sealed prior to the automatic removal from the Sexual Exploitation Database, the prostitution offender may submit an application to have that conviction record removed from the Sexual Exploitation Database. If the Attorney General approves the prostitution offender's application to have that conviction record removed from the Sexual Exploitation Database, the Attorney General must remove that conviction record from the Sexual Exploitation Database.

¹ R.C. 109.96(B).

² R.C. 109.96(C).

³ R.C. 109.96(D).

⁴ R.C. 109.96(E).

Establishing rules and prescribing forms for the Database

The bill requires the Attorney General to adopt rules and prescribe forms for the establishment and operation of the Sexual Exploitation Database. The rules and forms must include procedures for a prostitution offender to submit an application to be removed from the Sexual Exploitation Database and for the Attorney General to approve or deny a prostitution offender's application to be removed from the Sexual Exploitation Database.⁵

Definitions

The bill defines the following terms:

- **“Conviction record”** means a record containing all of the following:⁶
 - The prostitution offender's full legal name;
 - The prostitution offender's last known address;
 - A color photograph of the prostitution offender;
 - The offense that the prostitution offender was convicted of or pleaded guilty to committing;
 - The date the offense was committed;
 - The county and municipality or township where the offense was committed.
- **“Prostitution offender”** means a person who was convicted of or pleaded guilty to a prostitution offense.⁷
- **“Prostitution offense”** means a violation of either of the following:⁸
 - A promoting prostitution offense;
 - A soliciting offense if the offender offered to give the other person anything of value in exchange for engaging in sexual activity for hire.
- **“Sexual activity for hire”** means 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.⁹

⁵ R.C. 109.96(F).

⁶ R.C. 109.96(A)(1).

⁷ R.C. 109.96(A)(2).

⁸ R.C. 109.96(A)(3), by reference to R.C. 2907.22 and 2907.24, not in the bill.

⁹ R.C. 109.96(A)(4), by reference to R.C. 2907.24(E)(2), not in the bill.

Appropriation

The bill creates GRF line item 055436, Sexual Exploitation Database, in the Attorney General’s operating budget, with an appropriation of \$170,000 in FY 2020 and \$20,000 in FY 2021.¹⁰

HISTORY

Action	Date
Introduced	11-26-19

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¹⁰ Sections 2 and 3.