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H.B. 427
134th General Assembly

Final Analysis

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Primary Sponsors: Reps. White and Manchester

Effective date: September 13, 2022

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UPDATED VERSION*

SUMMARY

- Provides that the element “compelled” is established for the offenses of “trafficking in persons” and “compelling prostitution” when the state proves that the offender overcame the victim’s will by furnishing or offering a controlled substance to the victim or by manipulating the victim’s controlled substance addiction.

DETAILED ANALYSIS

Trafficking in persons

The act expands how the element “compelled” is established for purposes of the offense of “trafficking in persons.” Under continuing law, the element “compelled” is established if the state proves that the offender overcame the victim’s will by force, fear, duress, intimidation, or fraud. The act expands this to add that the element “compelled” is also established if the state proves that the offender overcame the victim’s will by furnishing or offering a controlled substance to the victim, or by manipulating the victim’s controlled substance addiction. Under continuing law, the element “compelled” does not require that the compulsion be openly displayed or physically exerted.¹

The offense of “trafficking of persons” prohibits a person from knowingly recruiting, luring, enticing, isolating, harboring, transporting, providing, obtaining, or maintaining, or knowingly attempting to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain another if the offender knows that the other person will be subjected to involuntary servitude or be compelled to engage in sexual activity for hire, engage in a performance that is

* This version updates the effective date.

¹ R.C. 2905.32(B).

obscene, sexually oriented, or nudity oriented, or be a model or participate in the production of material that is obscene, sexually oriented, or nudity oriented.²

A violation of the offense is a first degree felony.³

Compelling prostitution

The act likewise expands how the element “compel” is established for purposes of the offense of “compelling prostitution.” Under continuing law, the element “compel” is established if the state proves that the offender overcame the victim’s will by force, fear, duress, or intimidation. The act expands this to add that the element “compel” is also established if the state proves that the offender overcame the victim’s will by furnishing or offering a controlled substance to the victim, or by manipulating the victim’s controlled substance addiction. Under continuing law, the element “compel” does not require that the compulsion be openly displayed or physically exerted.⁴

The offense of “compelling prostitution” prohibits a person from knowingly compelling another to engage in sexual activity for hire.⁵

A violation of the offense is generally a third degree felony. If the offender commits a violation and the person compelled to engage in sexual activity for hire is 16 or 17 years of age, compelling prostitution is a second degree felony. If the offender commits a violation and the person compelled to engage in sexual activity for hire is under 16 years of age, compelling prostitution is a first degree felony.⁶

HISTORY

Action	Date
Introduced	09-20-21
Reported, H. Criminal Justice	02-08-22
Passed House (98-0)	02-16-22
Reported, S. Judiciary	05-25-22
Passed Senate (30-0)	05-25-22

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² R.C. 2905.32(A)(1).

³ R.C. 2905.32(E).

⁴ R.C. 2907.21(B).

⁵ R.C. 2907.21(A)(1).

⁶ R.C. 2907.21(C).