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H.B. 385
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Richardson and Williams

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SUMMARY

- Expands the ability of human trafficking victims to expunge records of conviction for a misdemeanor, fourth degree felony, or fifth degree felony.

DETAILED ANALYSIS

Expungement of record of conviction

The bill permits human trafficking victims to apply to the sentencing court for expungement of the record of conviction for a misdemeanor, a fourth degree felony, or a fifth degree felony where the person's participation was a result of the person having been a human trafficking victim.¹ The process for a human trafficking victim who was convicted of soliciting, loitering to engage in solicitation, or prostitution, to apply for expungement is not changed by the bill.

The application for expungement of a record of conviction for a misdemeanor, a fourth degree felony, or a fifth degree felony, must demonstrate by clear and convincing evidence that the applicant's participation in the offense that is the subject of the application was a result of the applicant having been a human trafficking victim.²

The bill requires the court to send notice of the order of expungement to each public office or agency that the court has reason to believe may have an official record pertaining to the case. The bill also maintains the existing law requirement that the court send notice of the expungement order to each public office or agency that the court has reason to believe may

¹ R.C. 2953.36(A)(2).

² R.C. 2953.36(D)(1)(b) and (E).

have an official record pertaining to the case where the applicant was a human trafficking victim and was convicted of soliciting, loitering to engage in solicitation, or prostitution.³

HISTORY

Action	Date
Introduced	01-24-24

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³ R.C. 2953.36(F)(1).