

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 267**

**Senators Brown, Kunze**

**Cosponsors: Senators Schiavoni, LaRose, Tavares**

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**A BILL**

To amend sections 2907.24 and 5101.87 of the Revised Code to increase the penalty for soliciting when the person solicited is eighteen years of age or older, to specify that the fine for soliciting in this circumstance is not more than two thousand five hundred dollars, and to specify that up to one thousand dollars of that fine may be deposited into the Victims of Human Trafficking Fund.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2907.24 and 5101.87 of the Revised Code be amended to read as follows:

**Sec. 2907.24.** (A) (1) No person shall solicit another who is eighteen years of age or older to engage with such other person in sexual activity for hire.

(2) No person shall solicit another to engage with such other person in sexual activity for hire if the other person is sixteen or seventeen years of age and the offender knows that the other person is sixteen or seventeen years of age or is

reckless in that regard. 19

(3) No person shall solicit another to engage with such 20  
other person in sexual activity for hire if either of the 21  
following applies: 22

(a) The other person is less than sixteen years of age, 23  
whether or not the offender knows the age of the other person. 24

(b) The other person is a person with a developmental 25  
disability and the offender knows or has reasonable cause to 26  
believe the other person is a person with a developmental 27  
disability. 28

(B) No person, with knowledge that the person has tested 29  
positive as a carrier of a virus that causes acquired 30  
immunodeficiency syndrome, shall engage in conduct in violation 31  
of division (A) of this section. 32

(C) (1) Whoever violates division (A) of this section is 33  
guilty of soliciting. 34

(a) A violation of division (A) (1) of this section is a 35  
misdemeanor of the ~~third~~ first degree. Notwithstanding the fine 36  
specified in division (A) (2) (a) of section 2929.28 of the 37  
Revised Code for a misdemeanor of the first degree, in 38  
sentencing the offender under this division and if the court 39  
decides to impose a fine, the court may do any of the following: 40

(i) Impose upon the offender a fine of not more than two 41  
thousand five hundred dollars; 42

(ii) Designate not more than one thousand dollars of the 43  
fine imposed in division (C) (1) (a) (i) of this section to be 44  
deposited into the victims of human trafficking fund pursuant to 45  
division (E) of this section. 46

(b) A violation of division (A) (2) of this section is a 47  
felony of the fifth degree. 48

(c) A violation of division (A) (3) of this section is a 49  
felony of the third degree. 50

(2) Whoever violates division (B) of this section is 51  
guilty of engaging in solicitation after a positive HIV test. If 52  
the offender commits the violation prior to July 1, 1996, 53  
engaging in solicitation after a positive HIV test is a felony 54  
of the second degree. If the offender commits the violation on 55  
or after July 1, 1996, engaging in solicitation after a positive 56  
HIV test is a felony of the third degree. 57

(D) If a person is convicted of or pleads guilty to a 58  
violation of any provision of this section, an attempt to commit 59  
a violation of any provision of this section, or a violation of 60  
or an attempt to commit a violation of a municipal ordinance 61  
that is substantially equivalent to any provision of this 62  
section and if the person, in committing or attempting to commit 63  
the violation, was in, was on, or used a motor vehicle, the 64  
court, in addition to or independent of all other penalties 65  
imposed for the violation, may impose upon the offender a class 66  
six suspension of the person's driver's license, commercial 67  
driver's license, temporary instruction permit, probationary 68  
license, or nonresident operating privilege from the range 69  
specified in division (A) (6) of section 4510.02 of the Revised 70  
Code. In lieu of imposing upon the offender the class six 71  
suspension, the court instead may require the offender to 72  
perform community service for a number of hours determined by 73  
the court. 74

(E) The clerk of the court shall deposit the fine 75  
designated by the court under division (C) (1) (a) (ii) of this 76

section into the state treasury to the credit of the victims of 77  
human trafficking fund created under section 5101.87 of the 78  
Revised Code. The clerk of the court shall deposit the remainder 79  
of the fine imposed by the court under division (C) (1) (a) (i) of 80  
this section into the county treasury. 81

(F) As used in this section: 82

(1) "Person with a developmental disability" has the same 83  
meaning as in section 2905.32 of the Revised Code. 84

(2) "Sexual activity for hire" means an implicit or 85  
explicit agreement to provide sexual activity in exchange for 86  
anything of value paid to the person engaging in such sexual 87  
activity, to any person trafficking that person, or to any 88  
person associated with either such person. 89

**Sec. 5101.87.** There is hereby created in the treasury of 90  
state the victims of human trafficking fund consisting of money 91  
seized in connection with a violation of section 2905.32, 92  
2907.21, or 2907.22 of the Revised Code or acquired from the 93  
sale of personal effects, tools, or other property seized 94  
because the personal effects, tools, or other property were used 95  
in the commission of a violation of section 2905.32, 2907.21, or 96  
2907.22 of the Revised Code or derived from the proceeds of the 97  
commission of a violation of section 2905.32, 2907.21, or 98  
2907.22 of the Revised Code and deposited pursuant to section 99  
2981.12 of the Revised Code, fine money collected by the clerk 100  
of the court for a violation of division (A) (1) of section 101  
2907.24 of the Revised Code, and such other money as may be 102  
appropriated or contributed to the fund. Money in the fund shall 103  
be used for the sole purpose of treating, caring for, 104  
rehabilitating, educating, housing, and providing assistance for 105  
victims of trafficking in persons. The director of job and 106

family services shall administer the fund. 107

**Section 2.** That existing sections 2907.24 and 5101.87 of 108  
the Revised Code are hereby repealed. 109