



# Judicial Impact Statement

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## HUMAN TRAFFICKING “SAFE HARBOR”

**HB 56**

### TITLE INFORMATION

To amend section Sec. 2152.021(F) of the Revised Code to provide (1) sufficient time for a juvenile victim of human trafficking to receive treatment for the victimization and (2) to allow for judicial discretion in determining whether such a juvenile has received sufficient treatment.

### IMPACT SUMMARY

By allowing for the intended purpose of this statute to be more effectively achieved, this proposal will improve public confidence in the law, and bring clarity and consistency to the Ohio Revised Code.

### BACKGROUND

House Bill 262 of the 129th General Assembly, which became effective in 2012, created what is known as the “Safe Harbor” provision for juvenile victims of human trafficking. The purpose of the provision was to provide a “safe harbor” for a juvenile who was before the court and charged with a delinquent act, but whose delinquent act was related to being a victim of human trafficking, i.e., the minor was being exploited and forced to behave delinquently. The “safe harbor” provision in Sec. 2152.021(F) essentially allows a charge against such a juvenile to be held in abeyance while the juvenile is connected to a diversion program and treatment.

### JUDICIAL IMPACT

A victim of human trafficking is a highly traumatized individual. Diversion and treatment is complicated by the fact that victims are often not self-identifying and often view their exploiters as their providers. Currently, a judge may only hold a charge against a juvenile in abeyance “for up to ninety days while the child engages in diversion actions. If the child violates the conditions of abeyance or does not complete the diversion actions to the court's satisfaction within ninety days, the court may extend the period of abeyance for not more than two additional

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio's court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.

## Safe Harbor Page 2 of 2

ninety-day periods.” Sec. 2151.021(F). In other words, a judge has only 270 days to ensure that a juvenile victim of human trafficking has been successfully diverted and is successfully receiving treatment before being required to make the decision whether to drop the charge or to rule on the charge. This is simply not enough time.

### **RECOMMENDATION**

To change RC Sec. 2152.021(F)(4) to read: If after a hearing the court decides to hold the complaint in abeyance, the court may make any orders regarding placement, services, supervision, diversion actions, and conditions of abeyance, including, but not limited to, engagement in trauma-based behavioral health services or education activities, that the court considers appropriate and in the best interest of the child. The court may hold the complaint in abeyance ~~for up to ninety days while the child engages in diversion actions. If the child violates the conditions of abeyance or does not complete the diversion actions to the court's satisfaction within ninety days, the court may extend the period of abeyance for not more than two additional ninety-day periods.~~ until the child successfully completes all orders related to the abeyance and diversion.