

Overview of State and Federal Human Trafficking Laws



FEDERAL LAW, TRAFFICKING VICTIMS' PROTECTION ACT OF 2000

“The Trafficking Victims Protection Act (TVPA) of 2000 created the first comprehensive federal law to address human trafficking, with a significant focus on the international dimension of the problem. The law provided a three-pronged approach: prevention through public awareness programs overseas and a State Department-led monitoring and sanctions program; protection through a new T-Visa and services for foreign national victims; and prosecution through new federal crimes.”

- From Polaris Project, www.polarisproject.org

As defined in the Trafficking Victims Protection Act of 2000, the legal definition of “severe forms of trafficking in persons” is:

- a) **sex trafficking** in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
- b) the recruitment, harboring, transportation, provision, or obtaining of a person for **labor or services**, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

For more information, visit:

<http://www.polarisproject.org/resources/resources-by-topic/anti-trafficking-efforts>

OHIO'S LAW: HB 262, SAFE HARBOR LAW

As defined by the Ohio Revised Code Section 2902.32 (Trafficking in Persons), Ohio's legal definition of human trafficking is:

(A) No person shall knowingly recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, or knowingly attempt to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person knowing that the person will be subjected to involuntary servitude or be compelled to engage in sexual activity for hire, engage in a performance that is obscene, sexually oriented, or nudity oriented, or be a model or participant in the production of material that is obscene, sexually oriented, or nudity oriented.

Penalties and Prosecution:

- Raised the penalty trafficking in persons to a first degree felony
 - Mandatory minimum- 10 years
- Sex traffickers must register as sex offenders (Tier II)
 - Adult traffickers must register
 - Cannot live within 1,000 feet of a school
- Obstruction of Justice 2nd degree felony in human trafficking cases

Protections for Victims

- Created a diversion program for juvenile victims of human trafficking
- Judge can sentence to diversion to receive protection and treatment they need through the juvenile justice system
 - Prior convictions of prostitution or solicitation may be expunged
 - Allows victims to pursue civil damages against a pimp or trafficker

Law Enforcement

- Mandated human trafficking training thru Ohio Peace Officers Training Academy
- Local law enforcement must report number of human trafficking cases to be released annually

COMPARISON OF OHIO AND FEDERAL HUMAN TRAFFICKING LAWS:

Ohio versus Federal Law	
State Law	Federal Law
<ul style="list-style-type: none">• ORC 2905.32• “Compelled” - force, fear, duress or intimidation• State must prove compulsion for minors• Sex and labor under same statute• Doesn't include FRAUD	<ul style="list-style-type: none">• Trafficking Victims Protection Act of 2000• Force, fraud, or coercion of a minor• All minors are victims• Labor and sex trafficking in separate statutes, T-visas for labor trafficking victims

-Comparison slide from Ohio Human Trafficking Commission, 2013