



## Fact Sheet Series for the 133<sup>rd</sup> General Assembly

### Senate Bill 5 (Sponsors Kunze & Dolan)

*Signed into Law by Governor DeWine on December 12, 2019 – Approximate Effective Date March 11, 2020*

### Change Penalties for Promoting Prostitution

Prior to Senate Bill 5, Ohio law provided that § 2907.22 Promoting Prostitution was a 4<sup>th</sup> degree felony unless the victim is a minor, making it a 3<sup>rd</sup> degree felony. No increased felony classification (and therefore no increased penalty) applied to repeat offenses, but no increased penalty applied to repeat offenses. Thus, the following penalties applied:

Offense	Victim Status	Felony Classification	Sentencing Specification	Penalty (Mandatory Minimum = MM)
1 <sup>st</sup>	Victim is an Adult	4 <sup>th</sup> Degree Felony	None	6-18 Months
2 <sup>nd</sup> & Subsequent	Victim is an Adult	4 <sup>th</sup> Degree Felony	None	6-18 Months
1 <sup>st</sup> & Subsequent	Victim is an Adult	4 <sup>th</sup> Degree Felony	Human Trafficking: Firearm:	MM 18 Months <sup>i</sup> MM 1, 3, or 6 Years <sup>ii</sup>
1 <sup>st</sup>	Victim is a Minor	3 <sup>rd</sup> Degree Felony	None	9 Months-3 Years
2 <sup>nd</sup> & Subsequent	Victim is a Minor	3 <sup>rd</sup> Degree Felony	None	9 Months-3 Years
1 <sup>st</sup> & Subsequent	Victim is a Minor	3 <sup>rd</sup> Degree Felony	Human Trafficking: Firearm:	MM 3 Years MM 1, 3, or 6 Years

Senate Bill 5 sought to create an escalated felony classification for repeat offenses:

- 3<sup>rd</sup> degree felony if victim is a minor (maintained from existing law)
- 3<sup>rd</sup> degree felony if offender has previously been convicted of one § 2907.22 offenses
- 3<sup>rd</sup> degree felony if the offender is also convicted of a qualifying drug trafficking offense
- 2<sup>nd</sup> degree felony if the offender has previously been convicted of two or more § 2907.22 offenses

Senate Bill 5 passed both chambers and was signed into law on December 12, 2019, with an approximate effective date of March 11, 2020.<sup>iii</sup> The following penalties will apply after the effective date (the bill maintains increased penalties for Human Trafficking and Firearm specifications. Because Firearm specification penalties depend on firearm activity and not the underlying offense, they are not described in the chart below):

Offense	Victim Status	Felony Classification	Penalty
No Sentencing Specifications or Qualifying Drug Trafficking Convictions			
1 <sup>st</sup>	Victim is an Adult	4 <sup>th</sup> Degree Felony	6-18 Months
2 <sup>nd</sup>	Victim is an Adult	3 <sup>rd</sup> Degree Felony	9 Months-3 Years
3 <sup>rd</sup> & Subsequent	Victim is an Adult	2 <sup>nd</sup> Degree Felony	2-8 Years
1 <sup>st</sup> & 2 <sup>nd</sup>	Victim is a Minor	3 <sup>rd</sup> Degree Felony	9 Months-3 Years
3 <sup>rd</sup> & Subsequent	Victim is a Minor	2 <sup>nd</sup> Degree Felony	2-8 Years
Additional Qualifying Drug Trafficking Conviction			
1 <sup>st</sup> & 2 <sup>nd</sup>	Victim is an Adult or Minor	3 <sup>rd</sup> Degree Felony	9 Months-3 Years
3 <sup>rd</sup> & Subsequent	Victim is an Adult or Minor	2 <sup>nd</sup> Degree Felony	2-8 Years
Human Trafficking Specification			
1 <sup>st</sup>	Victim is an Adult	4 <sup>th</sup> Degree Felony	MM 18 Months
1 <sup>st</sup>	Victim is a Minor	3 <sup>rd</sup> Degree Felony	MM 3 Years
2 <sup>nd</sup> & Subsequent	Victim is an Adult or Minor	2 <sup>nd</sup> offense = 3 <sup>rd</sup> Degree Felony 3 <sup>rd</sup> offense = 2 <sup>nd</sup> Degree Felony	MM 3 Years (Human Trafficking MM same for 2 <sup>nd</sup> and 3 <sup>rd</sup> degree felonies)

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<sup>i</sup> The Human Trafficking Specification (HTS) must be present on the indictment to apply. Unlike Ohio's Firearm Specification, the mandatory minimum sentence provided by the HTS depends on the felony/misdemeanor classification of the underlying charge.

<sup>ii</sup> The Firearm Specification (FS) must be present on the indictment to apply. The mandatory minimum sentence provided by the FS applies only to felonies and depends on the type of weapon and offender's conduct with said weapon, not on the felony classification of the underlying charge.

<sup>iii</sup> As of this fact sheet's publication, the Legislative Service Commission has not released the precise effective date, though effective dates should commence within 90 days after the bill is signed into law.