

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 327**

**Representatives Schaffer, Smith, K.**

**Cosponsors: Representatives Anielski, Antonio, Arndt, Ashford, Becker, Celebrezze, Craig, Cupp, Dean, Duffey, Faber, Ginter, Hagan, Hill, Huffman, Hughes, Johnson, Koehler, Landis, Lepore-Hagan, Manning, Miller, O'Brien, Patton, Pelanda, Reineke, Rogers, Romanchuk, Sheehy, Sweeney, Thompson, Young, Conditt**

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**A BILL**

To amend section 2907.07 of the Revised Code to  
amend the penalties for the offense of  
importuning.

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

**Section 1.** That section 2907.07 of the Revised Code be  
amended to read as follows:

**Sec. 2907.07.** (A) No person shall solicit a person who is  
less than thirteen years of age to engage in sexual activity  
with the offender, whether or not the offender knows the age of  
such person.

(B) (1) No person shall solicit another, not the spouse of  
the offender, to engage in sexual conduct with the offender,  
when the offender is eighteen years of age or older and four or  
more years older than the other person, and the other person is  
thirteen years of age or older but less than sixteen years of  
age, whether or not the offender knows the age of the other

person. 16

(2) No person shall solicit another, not the spouse of the 17  
offender, to engage in sexual conduct with the offender, when 18  
the offender is eighteen years of age or older and four or more 19  
years older than the other person, the other person is sixteen 20  
or seventeen years of age and a victim of a violation of section 21  
2905.32 of the Revised Code, and the offender knows or has 22  
reckless disregard of the age of the other person. 23

(C) No person shall solicit another by means of a 24  
telecommunications device, as defined in section 2913.01 of the 25  
Revised Code, to engage in sexual activity with the offender 26  
when the offender is eighteen years of age or older and either 27  
of the following applies: 28

(1) The other person is less than thirteen years of age, 29  
and the offender knows that the other person is less than 30  
thirteen years of age or is reckless in that regard. 31

(2) The other person is a law enforcement officer posing 32  
as a person who is less than thirteen years of age, and the 33  
offender believes that the other person is less than thirteen 34  
years of age or is reckless in that regard. 35

(D) No person shall solicit another by means of a 36  
telecommunications device, as defined in section 2913.01 of the 37  
Revised Code, to engage in sexual activity with the offender 38  
when the offender is eighteen years of age or older and either 39  
of the following applies: 40

(1) The other person is thirteen years of age or older but 41  
less than sixteen years of age, the offender knows that the 42  
other person is thirteen years of age or older but less than 43  
sixteen years of age or is reckless in that regard, and the 44

offender is four or more years older than the other person. 45

(2) The other person is a law enforcement officer posing 46  
as a person who is thirteen years of age or older but less than 47  
sixteen years of age, the offender believes that the other 48  
person is thirteen years of age or older but less than sixteen 49  
years of age or is reckless in that regard, and the offender is 50  
four or more years older than the age the law enforcement 51  
officer assumes in posing as the person who is thirteen years of 52  
age or older but less than sixteen years of age. 53

(E) Divisions (C) and (D) of this section apply to any 54  
solicitation that is contained in a transmission via a 55  
telecommunications device that either originates in this state 56  
or is received in this state. 57

(F) (1) Whoever violates this section is guilty of 58  
importuning. 59

(2) ~~Except as otherwise provided in this division, a A~~ 60  
violation of division (A) or (C) of this section is a felony of 61  
the third degree on a first offense, and, ~~notwithstanding~~ 62  
~~division (C) of section 2929.13 of the Revised Code, there is a~~ 63  
~~presumption that a prison term shall be imposed as described in~~ 64  
~~division (D) of section 2929.13 of the Revised Code~~ the court 65  
shall impose upon the offender as a mandatory prison term one of 66  
the prison terms prescribed in section 2929.14 of the Revised 67  
Code for a felony of the third degree. If the offender 68  
previously has been convicted of a sexually oriented offense or 69  
a child-victim oriented offense, a violation of division (A) or 70  
(C) of this section is a felony of the second degree, and the 71  
court shall impose upon the offender as a mandatory prison term 72  
one of the prison terms prescribed in section 2929.14 of the 73  
Revised Code for a felony of the second degree. 74

(3) A violation of division (B) or (D) of this section is 75  
a felony of the fifth degree on a first offense, and 76  
notwithstanding division (B) of section 2929.13 of the Revised 77  
Code, there is a presumption that a prison term shall be imposed 78  
as described in division (D) of section 2929.13 of the Revised 79  
Code. If the offender is ten or more years older than the other 80  
person, the court shall impose upon the offender as a mandatory 81  
prison term one of the prison terms prescribed in section 82  
2929.14 of the Revised Code for a felony of the fifth degree. If 83  
the offender previously has been convicted of a sexually 84  
oriented offense or a child-victim oriented offense, a violation 85  
of division (B) or (D) of this section is a felony of the fourth 86  
degree, and the court shall impose upon the offender as a 87  
mandatory prison term one of the prison terms prescribed in 88  
section 2929.14 of the Revised Code for a felony of the fourth 89  
degree that is not less than twelve months in duration. 90

**Section 2.** That existing section 2907.07 of the Revised 91  
Code is hereby repealed. 92