

As Reported by the House Judiciary Committee

131st General Assembly

Regular Session

2015-2016

H. B. No. 405

Representatives Schaffer, Smith, K.

Cosponsors: Representatives Celebrezze, Conditt

A BILL

To amend section 2907.07 of the Revised Code to 1
amend the penalties for the offense of 2
importuning. 3

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

Section 1. That section 2907.07 of the Revised Code be 4
amended to read as follows: 5

Sec. 2907.07. (A) No person shall solicit a person who is 6
less than thirteen years of age to engage in sexual activity 7
with the offender, whether or not the offender knows the age of 8
such person. 9

(B) (1) No person shall solicit another, not the spouse of 10
the offender, to engage in sexual conduct with the offender, 11
when the offender is eighteen years of age or older and four or 12
more years older than the other person, and the other person is 13
thirteen years of age or older but less than sixteen years of 14
age, whether or not the offender knows the age of the other 15
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