

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 232**

**Representatives Schaffer, Smith, K.**

**Cosponsors: Representatives Romanchuk, Becker, Zeltwanger, O'Brien, Vitale,  
Plummer**

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**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. If the 65  
offender, in addition to soliciting the other person, arranged 66  
to meet the other person for the purpose of engaging in sexual 67  
activity, the court shall impose upon the offender as a 68  
mandatory prison term one of the prison terms prescribed in 69  
division (A) (3) (b) of section 2929.14 of the Revised Code for a 70  
felony of the third degree. If the offender previously has been 71  
convicted of a sexually oriented offense or a child-victim 72  
oriented offense, a violation of division (A) or (C) of this 73  
section is a felony of the second degree, and the court shall 74  
impose upon the offender as a mandatory prison term one of the 75  
definite prison terms prescribed in division (A) (2) (b) of 76

section 2929.14 of the Revised Code for a felony of the second 77  
degree, except that if the violation is committed on or after 78  
~~the effective date of this amendment~~ March 22, 2019, the court 79  
shall impose as the minimum prison term for the offense a 80  
mandatory prison term that is one of the minimum terms 81  
prescribed in division (A)(2)(a) of that section for a felony of 82  
the second degree. 83

(3) A violation of division (B) or (D) of this section is 84  
a felony of the fifth degree on a first offense, and, 85  
notwithstanding division (B) of section 2929.13 of the Revised 86  
Code, there is a presumption that a prison term shall be imposed 87  
as described in division (D) of section 2929.13 of the Revised 88  
Code. If the offender is ten or more years older than the other 89  
person, or if a law enforcement officer posed as a person under 90  
thirteen years of age and the offender is ten or more years 91  
older than the officer claimed to be, and if, in addition to 92  
soliciting the other person, the offender arranged to meet the 93  
other person for the purpose of engaging in sexual activity, the 94  
court shall impose upon the offender as a mandatory prison term 95  
one of the prison terms prescribed in section 2929.14 of the 96  
Revised Code for a felony of the fifth degree. If the offender 97  
previously has been convicted of a sexually oriented offense or 98  
a child-victim oriented offense, a violation of division (B) or 99  
(D) of this section is a felony of the fourth degree, and the 100  
court shall impose upon the offender as a mandatory prison term 101  
one of the prison terms prescribed in section 2929.14 of the 102  
Revised Code for a felony of the fourth degree that is not less 103  
than twelve months in duration. 104

**Section 2.** That existing section 2907.07 of the Revised 105  
Code is hereby repealed. 106