

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**

A BILL

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

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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:

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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.

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(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.

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(2) No person shall solicit another, not the spouse of the

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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, the other person is sixteen
or seventeen years of age and a victim of a violation of section
2905.32 of the Revised Code, and the offender knows or has
reckless disregard of the age of the other person.

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

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

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

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

(1) The other person is thirteen years of age or older but
less than sixteen years of age, the offender knows that the
other person is thirteen years of age or older but less than
sixteen years of age or is reckless in that regard, and the
offender is four or more years older than the other person.

(2) The other person is a law enforcement officer posing

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 <u>A</u>	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. <u>If the</u>	65
<u>offender, in addition to soliciting the other person, arranged</u>	66
<u>to meet the other person for the purpose of engaging in sexual</u>	67
<u>activity, the court shall impose upon the offender as a</u>	68
<u>mandatory prison term one of the prison terms prescribed in</u>	69
<u>division (A)(3)(b) of section 2929.14 of the Revised Code for a</u>	70
<u>felony of the third degree.</u> 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
degree, except that if the violation is committed on or after
~~the effective date of this amendment~~ March 22, 2019, the court
shall impose as the minimum prison term for the offense a
mandatory prison term that is one of the minimum terms
prescribed in division (A) (2) (a) of that section for a felony of
the second degree.

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

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