

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 366

Representatives Miranda, Plummer

A BILL

To amend section 2905.05 of the Revised Code to 1
revise the general prohibition against criminal 2
child enticement. 3

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

Section 1. That section 2905.05 of the Revised Code be 4
amended to read as follows: 5

Sec. 2905.05. (A) No person, by any means ~~and without~~ 6
~~privilege to do so,~~ shall knowingly and for an unlawful purpose 7
solicit, coax, entice, or lure any child under fourteen years of 8
age to accompany the person in any manner, including entering 9
into any vehicle or onto any vessel, whether or not the offender 10
knows the age of the child, ~~if both of the following apply:-~~ 11

~~(1) The actor does not have the express or implied~~ 12
~~permission of the parent, guardian, or other legal custodian of~~ 13
~~the child in undertaking the activity.-~~ 14

~~(2) The actor is not a law enforcement officer, medic,~~ 15
~~firefighter, or other person who regularly provides emergency~~ 16
~~services, and is not an employee or agent of, or a volunteer~~ 17
~~acting under the direction of, any board of education, or the~~ 18
~~actor is any of such persons, but, at the time the actor~~ 19

~~undertakes the activity, the actor is not acting within the~~ 20
~~scope of the actor's lawful duties in that capacity.~~ 21

(B) No person, with a sexual motivation, shall violate 22
division (A) of this section. 23

~~(C) No person, for any unlawful purpose other than, or in~~ 24
~~addition to, that proscribed by division (A) of this section,~~ 25
~~shall engage in any activity described in division (A) of this~~ 26
~~section.~~ 27

~~(D)~~ It is an affirmative defense to a charge under 28
division (A) of this section that the actor undertook the 29
activity in response to a bona fide emergency situation or that 30
the actor undertook the activity in a reasonable belief that it 31
was necessary to preserve the health, safety, or welfare of the 32
child. 33

~~(E)~~ (D) Whoever violates division (A) or (B) or ~~(C)~~ of 34
this section is guilty of criminal child enticement, a 35
misdemeanor of the first degree. If the offender previously has 36
been convicted of a violation of this section, section 2907.02 37
or 2907.03 or former section 2907.12 of the Revised Code, or 38
section 2905.01 or 2907.05 of the Revised Code when the victim 39
of that prior offense was under seventeen years of age at the 40
time of the offense, criminal child enticement is a felony of 41
the fifth degree. 42

~~(F)~~ (E) As used in this section: 43

(1) "Sexual motivation" has the same meaning as in section 44
2971.01 of the Revised Code. 45

(2) "Vehicle" has the same meaning as in section 4501.01 46
of the Revised Code. 47

(3) "Vessel" has the same meaning as in section 1546.01 of	48
the Revised Code.	49
Section 2. That existing section 2905.05 of the Revised	50
Code is hereby repealed.	51