



Ohio Prosecuting Attorneys Association

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Executive Director
House Bill 168
Proponent Testimony
May 28, 2025

Chairman Thomas, Vice-Chair Mathews, Ranking Member Isaacsohn and members of the House Judiciary Committee, thank you for the opportunity to provide proponent testimony on House Bill 168 to remove language from our criminal child enticement statute that was declared unconstitutional by the Supreme Court of Ohio in 2014 in *State v. Romage*, 138 Ohio St.3d 390.

In *Romage*, the defendant was charged with a violation of R.C. 2905.05(A) based on his act of asking a child to carry some boxes to his apartment in exchange for money. Division (A) of the statute prohibited a person, by any means and without privilege to do so, from knowingly soliciting, coaxing, enticing, or luring any child under fourteen years of age to accompany the person in any manner, without the express or implied permission of the parent, guardian or legal custodian.

The defendant asked for the complaint to be dismissed arguing that the statute was unconstitutionally overbroad, criminalizing many innocent acts. The trial court, the court of appeals, and ultimately the Supreme Court agreed finding that the statute “sweeps within its prohibitions a significant amount of constitutionally protected activity.” The court noted that under the statute, “a primary-school coach offering to drive a team member home to retrieve a forgotten piece of practice equipment; a parent at a community facility offering to drive another’s child home so she does not have to walk; a senior citizen offering a 13-year-old neighborhood child money to help with household chores; a 14-year-old asking his 12-year-old friend to go for a bike ride” could all result in criminal charges.

While the *Romage* case was pending in the Supreme Court our Association worked with then Senators Beagle and Gayle Manning on Senate Bill 64 (130th General Assembly) that enacted R.C. 2905.05(C), prohibiting a person from doing any of the acts prohibited in division (A) with an “unlawful purpose.” Because of this, prosecutors’ ability to charge people under current law remains intact. We do understand, however, that this structure has resulted in some confusion in charging decisions and we support House Bill 168 on the basis that it provides more clarity. In addition, we think two changes would improve the legislation:

- 1) Increase the penalty for criminal child enticement with a sexual motivation to a felony offense. Related offenses like abduction and importuning that are sexually motivated are felony offenses and we believe child enticement with a sexual motivation is similarly dangerous to children and should be punished in a similar fashion.
- 2) Restore criminal child enticement in the definition of “child-victim oriented offense.” It is unclear why it was removed from the definition to begin with.

Thank you again for the opportunity to support House Bill 168. We encourage your support of the bill.