

As Passed by the House

**125th General Assembly
Regular Session
2003-2004**

S. B. No. 160

**Senators Wachtmann, Amstutz, Blessing, Carey, Robert Gardner, Goodman,
Harris, Jacobson, Jordan, Schuler, Schuring, Spada, Stivers, Fedor,
Armbruster, Dann, Padgett
Representatives Gilb, Walcher, DeGeeter, Harwood, Hollister, Reidelbach,
Skindell, Slaby, Widowfield, Willamowski, Allen, Aslanides, Barrett, Beatty,
Boccieri, Book, Brown, Buehrer, Calvert, Carano, Carmichael, Cates,
Chandler, Cirelli, Collier, Daniels, DeBose, Distel, Domenick, C. Evans,
D. Evans, Fessler, Flowers, Gibbs, Grendell, Hagan, Hoops, Hughes, Key,
Koziura, Latta, Martin, Mason, McGregor, Miller, Niehaus, Oelslager,
Otterman, T. Patton, Perry, Price, Raga, Schaffer, Schneider, Setzer,
G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Ujvagi,
Wagner, Webster, Widener, Woodard**

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A B I L L

To amend section 2905.05 of the Revised Code to 1
specifically identify vessels as places that are 2
within the offense of criminal 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 solicit, coax, entice, or lure 7
any child under fourteen years of age to accompany the person in 8

any manner, including entering into any vehicle ~~as defined in~~ 9
~~section 4501.01 of the Revised Code~~ or onto any vessel, whether or 10
not the offender knows the age of the child, if both of the 11
following apply: 12

(1) The actor does not have the express or implied permission 13
of the parent, guardian, or other legal custodian of the child in 14
undertaking the activity~~+~~. 15

(2) The actor is not a law enforcement officer, medic, 16
firefighter, or other person who regularly provides emergency 17
services, and is not an employee or agent of, or a volunteer 18
acting under the direction of, any board of education, or the 19
actor is any of such persons, but, at the time the actor 20
undertakes the activity, the actor is not acting within the scope 21
of the actor's lawful duties in that capacity. 22

(B) It is an affirmative defense to a charge under division 23
(A) of this section that the actor undertook the activity in 24
response to a bona fide emergency situation or that the actor 25
undertook the activity in a reasonable belief that it was 26
necessary to preserve the health, safety, or welfare of the child. 27

(C) Whoever violates this section is guilty of criminal child 28
enticement, a misdemeanor of the first degree. If the offender 29
previously has been convicted of a violation of this section, 30
section 2907.02, 2907.03, or 2907.12 of the Revised Code, or 31
section 2905.01 or 2907.05 of the Revised Code when the victim of 32
that prior offense was under seventeen years of age at the time of 33
the offense, criminal child enticement is a felony of the fifth 34
degree. 35

(D) As used in this section: 36

(1) "Vehicle" has the same meaning as in section 4501.01 of 37
the Revised Code. 38

(2) "Vessel" has the same meaning as in section 1547.01 of 39
the Revised Code. 40

Section 2. That existing section 2905.05 of the Revised Code 41
is hereby repealed. 42