

**As Reported by the Senate Judiciary Committee**

**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**

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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