

As Introduced

**127th General Assembly
Regular Session
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S. B. No. 183

Senator Schaffer

**Cosponsors: Senators Coughlin, Austria, Cates, Clancy, Faber, Gardner,
Grendell, Padgett**

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A B I L L

To amend section 2907.07 of the Revised Code to 1
provide mandatory minimum prison terms for persons 2
who plead guilty to or are convicted of 3
importuning by means of a telecommunications 4
device. 5

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

Section 1. That section 2907.07 of the Revised Code be 6
amended to read as follows: 7

Sec. 2907.07. (A) No person shall solicit a person who is 8
less than thirteen years of age to engage in sexual activity with 9
the offender, whether or not the offender knows the age of such 10
person. 11

(B) No person shall solicit another, not the spouse of the 12
offender, to engage in sexual conduct with the offender, when the 13
offender is eighteen years of age or older and four or more years 14
older than the other person, and the other person is thirteen 15
years of age or older but less than sixteen years of age, whether 16
or not the offender knows the age of the other person. 17

(C) No person shall solicit another by means of a 18

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 sixteen years of age, the offender believes 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 age the law enforcement officer assumes in posing as the person who is thirteen years of age or older but less than sixteen years of age.

(E) Divisions (C) and (D) of this section apply to any solicitation that is contained in a transmission via a

telecommunications device that either originates in this state or 50
is received in this state. 51

(F) Whoever violates this section is guilty of importuning. A 52
violation of division (A) or (C) of this section is a felony of 53
the third degree on a first offense and a felony of the second 54
degree on each subsequent offense. Notwithstanding division (C) of 55
section 2929.13 of the Revised Code, there is a presumption that a 56
prison term shall be imposed for a violation of division (A) ~~or~~ 57
(~~C~~) of this section as described in division (D) of section 58
2929.13 of the Revised Code. If the violation of division (C) of 59
this section is a felony of the third degree, the court shall 60
impose upon the offender as a mandatory prison term one of the 61
prison terms prescribed in section 2929.14 of the Revised Code for 62
a felony of the third degree. If the violation of division (C) of 63
this section is a felony of the second degree, the court shall 64
impose upon the offender as a mandatory prison term one of the 65
prison terms prescribed in section 2929.14 of the Revised Code for 66
a felony of the second degree. A violation of division (B) or (D) 67
of this section is a felony of the fifth degree on a first offense 68
and a felony of the fourth degree on each subsequent offense. If 69
the violation of division (D) of this section is a felony of the 70
fifth degree, the court shall impose upon the offender as a 71
mandatory prison term one of the prison terms prescribed in 72
section 2929.14 of the Revised Code for a felony of the fifth 73
degree. If the violation of division (D) of this section is a 74
felony of the fourth degree, the court shall impose upon the 75
offender as a mandatory prison term one of the prison terms 76
prescribed in section 2929.14 of the Revised Code for a felony of 77
the fourth degree that is not less than twelve months in duration. 78

Section 2. The existing section 2907.07 of the Revised Code 79
is hereby repealed. 80