

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 122

Representative Kunze

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A BILL

To amend section 2905.05 of the Revised Code to
require as an element of the offense of criminal
child enticement that the offender solicit, coax,
entice, or lure the child for an unlawful purpose
and to otherwise modify the offense.

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

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

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

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

~~(2) The actor is not a law enforcement officer, medic,
firefighter, or other person who regularly provides emergency
services, and is not an employee or agent of, or a volunteer
acting under the direction of, any board of education, or the~~

~~actor is any of such persons, but, at the time the actor~~ 21
~~undertakes the activity, the actor is not acting within the scope~~ 22
~~of the actor's lawful duties in that capacity.~~ 23

(B) No person, with a sexual motivation, shall violate 24
division (A) of this section. 25

(C) It is an affirmative defense to a charge under division 26
(A) of this section that the actor undertook the activity in 27
response to a bona fide emergency situation or that the actor 28
undertook the activity in a reasonable belief that it was 29
necessary to preserve the health, safety, or welfare of the child. 30

(D) Whoever violates this section is guilty of criminal child 31
enticement, a misdemeanor of the first degree. If the offender 32
previously has been convicted of a violation of this section, 33
section 2907.02 or 2907.03 or former section 2907.12 of the 34
Revised Code, or section 2905.01 or 2907.05 of the Revised Code 35
when the victim of that prior offense was under seventeen years of 36
age at the time of the offense, criminal child enticement is a 37
felony of the fifth degree. 38

(E) As used in this section: 39

(1) "Sexual motivation" has the same meaning as in section 40
2971.01 of the Revised Code. 41

(2) "Vehicle" has the same meaning as in section 4501.01 of 42
the Revised Code. 43

(3) "Vessel" has the same meaning as in section 1547.01 of 44
the Revised Code. 45

Section 2. That existing section 2905.05 of the Revised Code 46
is hereby repealed. 47