

As Reported by the House Judiciary Committee

130th General Assembly

Regular Session

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Sub. H. B. No. 122

Representative Kunze

Cosponsor: Representative Pillich

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A B I L L

To amend section 2905.05 of the Revised Code to 1
prohibit under the offense of criminal child 2
enticement an offender, for an unlawful purpose 3
and without privilege, consent, or a public safety 4
or education-related employment, from soliciting, 5
coaxing, enticing, or luring the child to 6
accompany the offender and to declare an 7
emergency. 8

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

Section 1. That section 2905.05 of the Revised Code be 9
amended to read as follows: 10

Sec. 2905.05. (A) No person, by any means and without 11
privilege to do so, shall knowingly solicit, coax, entice, or lure 12
any child under fourteen years of age to accompany the person in 13
any manner, including entering into any vehicle or onto any 14
vessel, whether or not the offender knows the age of the child, if 15
both of the following apply: 16

(1) The actor does not have the express or implied permission 17
of the parent, guardian, or other legal custodian of the child in 18
undertaking the activity. 19

(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 undertakes the activity, the actor is not acting within the scope of the actor's lawful duties in that capacity.

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

(C) No person, for any unlawful purpose other than, or in addition to, that proscribed by division (A) of this section, shall engage in any activity described in division (A) of this section.

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

~~(D)~~(E) Whoever violates division (A), (B), or (C) of this section is guilty of criminal child enticement, a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, section 2907.02 or 2907.03 or former section 2907.12 of the Revised Code, or section 2905.01 or 2907.05 of the Revised Code when the victim of that prior offense was under seventeen years of age at the time of the offense, criminal child enticement is a felony of the fifth degree.

~~(E)~~(F) As used in this section:

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

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

(3) "Vessel" has the same meaning as in section 1547.01 of 51
the Revised Code. 52

Section 2. That existing section 2905.05 of the Revised Code 53
is hereby repealed. 54

Section 3. This act is hereby declared to be an emergency 55
measure necessary for the immediate preservation of the public 56
peace, health, and safety. The reason for such necessity is to 57
protect minors who are vulnerable victims of the offense of 58
criminal child enticement modified in this act. Therefore, this 59
act shall go into immediate effect. 60