



Diana C. Fox

Bill Analysis

Legislative Service Commission

H.B. 313

125th General Assembly
(As Introduced)

Rep. DePiero

BILL SUMMARY

- Increases the general penalty for criminal child enticement from a misdemeanor of the first degree to a felony of the fifth degree and increases the penalty for the offense from a felony of the fifth degree to a felony of the fourth degree when the offender has certain prior convictions.

CONTENT AND OPERATION

Criminal child enticement

Continuing law prohibits a person, by any means and without privilege to do so, from knowingly soliciting, coaxing, enticing, or luring any child under 14 years of age to accompany the person in any manner, including entering into a vehicle, provided both of the following apply:

(1) The person 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 person 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 person holds such a position but at the time the person undertakes the activity, the person is not acting within the scope of the person's lawful duties in that capacity.

The prohibition applies regardless of whether the offender knows the age of the child. Whoever violates the prohibition is guilty of criminal child enticement. (R.C. 2905.05(A) and (C).)

Continuing law also provides an affirmative defense to a charge of criminal child enticement. A person charged with criminal child enticement may make the

defense that the person undertook the activity in response to a bona fide emergency situation or that the person undertook the activity in a reasonable belief that it was necessary to preserve the health, safety, or welfare of the child. (R.C. 2905.05(B).)

Penalties under current law

Under current law, criminal child enticement is generally a misdemeanor of the first degree. However, if the offender previously has been convicted of criminal child enticement, rape, sexual battery, felonious sexual penetration in violation of former R.C. 2907.12, gross sexual imposition when the victim of the offense was under 17 years of age at the time of the offense, or kidnapping when the victim of the offense was under 17 years of age at the time of the offense, the offense is a felony of the fifth degree. (R.C. 2905.05(C).)

Penalties under the bill

The bill increases the penalties for criminal child enticement. The general penalty is raised from a misdemeanor of the first degree to a felony of the fifth degree. The penalty is increased from a felony of the fifth degree to a felony of the fourth degree when the offender has previously been convicted of one of the offenses listed above in "**Penalties under current law.**" (R.C. 2905.05(C).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-23-03	p. 1145

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