



**H.B. 563**

125th General Assembly  
(As Introduced)

Rep. DeGeeter

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**BILL SUMMARY**

- Increases by one degree the penalties for the offense of importuning.

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**CONTENT AND OPERATION**

**Importuning**

Under current law, unchanged by the bill, the offense of "importuning" may be committed in several ways. First, the offense is committed if a person solicits another person who is less than 13 years of age to engage in sexual activity with the offender, whether or not the offender knows the age of such person. A violation of this offense under current law is a felony of the fourth degree on a first offense and a felony of the third degree on each subsequent offense. The bill increases this penalty to a felony of the third degree on a first offense and a felony of the second degree on each subsequent offense. (R.C. 2907.07(A) and (F).)

The offense of "importuning" also is committed if a person solicits another, not the spouse of the offender, to engage in sexual conduct with the offender, when the offender is 18 years of age or older and four or more years older than the other person, and the other person is 13 years of age or older but less than 16 years of age, whether or not the offender knows the age of the other person. Under current law, a violation of this prohibition is a felony of the fifth degree for a first offense and a felony of the fourth degree on each subsequent offense. The bill increases these penalties by one degree so that a violation of this prohibition is a felony of the fourth degree for a first offense and a felony of the third degree on each subsequent offense. (R.C. 2907.07(B) and (F).)

Current law also prohibits a person from soliciting another by means of a telecommunications device<sup>1</sup> (if the transmission originates or is received in this

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<sup>1</sup> "Telecommunications device" means any instrument, equipment, machine, or other device that facilitates telecommunication, including, but not limited to, a computer,

state) to engage in sexual activity with the offender when the offender is 18 years of age or older and either of the following applies (R.C. 2907.07(C) and (E)):

(1) The other person is less than 13 years of age, and the offender knows that the other person is less than 13 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 13 years of age, and the offender believes that the other person is less than 13 years of age or is reckless in that regard.

Under current law, a violation of this prohibition also is "importuning" and is a felony of the fourth degree for a first offense and a felony of the third degree on each subsequent offense. The bill increases this penalty by one degree so that a violation of this prohibition is a felony of the third degree for a first offense and a felony of the second degree on each subsequent offense. (R.C. 2907.07(F).)

Finally, the offense of "importuning" is committed by a person who solicits another by means of a telecommunications device (if the transmission originates or is received in this state) to engage in sexual activity with the offender when the offender is 18 years of age or older and either of the following applies (R.C. 2907.07(D) and (E)):

(1) The other person is 13 years of age or older but less than 16 years of age, the offender knows that the other person is 13 years of age or older but less than 16 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 13 years of age or older but less than 16 years of age, the offender believes that the other person is 13 years of age or older but less than 16 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 13 years of age or older but less than 16 years of age.

Under current law, a violation of this prohibition is a felony of the fifth degree for a first offense and a felony of the fourth degree on each subsequent offense. The bill increases these penalties by one degree so that a violation of this prohibition is a felony of the fourth degree for a first offense and a felony of the third degree on each subsequent offense. (R.C. 2907.07(F).)

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*computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables the use of a modem (R.C. 2907.07(C) and (D), cross-referencing R.C. 2913.01, not in the bill).*

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-12-04	p. 2170

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