



S.B. 160

125th General Assembly
(As Reported by H. Juvenile and Family Law)

Sens. Wachtmann, Amstutz, Blessing, Carey, Robert Gardner, Goodman, Harris, Jacobson, Jordan, Schuler, Schuring, Spada, Stivers, Fedor, Armbruster, Dann, Padgett

Reps. Gilb, Walcher, DeGeeter, Harwood, Hollister, Reidelbach, Skindell, Slaby, Widowfield, Willamowski

BILL SUMMARY

- Specifically identifies vessels as places that are within the offense of criminal child enticement.

CONTENT AND OPERATION

Existing law

Under current law, unless they have a privilege to do so, a person may not by any means knowingly solicit, coax, entice, or lure any child under 14 to accompany the person in any manner if both of the following apply:

- The actor does not have permission from the child's parent, guardian, or legal custodian;
- The actor is not a police officer, medic, firefighter, a person who regularly provides emergency services, or a person acting under the direction of a board of education.¹

The prohibition specifically includes getting the child to enter a vehicle. And, the prohibition applies whether or not the offender knows the age of the child.

¹ *If a person does fall into one of these categories, but is acting outside the scope of their lawful duties, the action is still an offense.*

A violation of the prohibition is the offense of "criminal child enticement." Criminal child enticement generally is a first-degree misdemeanor. However, the violation is a fifth-degree felony if the offender previously has been convicted of (1) criminal child enticement, rape, or sexual battery, (2) the former offense of felonious sexual penetration, or (3) kidnapping or gross sexual imposition when the victim of the kidnapping or gross sexual imposition was under 17 years of age at the time of the offense.

Existing law provides that it is an affirmative defense to a charge of criminal child enticement that the actor undertook the activity either in response to a *bona fide* emergency situation or in a reasonable belief that it was necessary to preserve the child's health, safety, or welfare. (R.C. 2905.05.)

As used in the offense, "vehicle" means everything on wheels or runners, including motorized bicycles, but does not mean vehicles that are operated exclusively on rails or tracks or from overhead electric trolley wires and vehicles that belong to any police department, municipal fire department, or volunteer fire department, or that are used by such a department in the discharge of its functions (R.C. 2905.05, by reference to existing R.C. 4501.01--not in the bill).

Operation of the bill

The bill modifies the prohibition in the offense of criminal child enticement to include vessels as places that are examples of "prohibited places" that are within the scope of the prohibition. The bill does not change the existing penalty or affirmative defense for the offense. (R.C. 2905.05(A) to (C).)

Under the bill, "vessel" includes every description of craft, including nondisplacement craft and seaplanes, designed to be used as a means of transportation on water (R.C. 2905.05(D), by reference to existing R.C. 1547.01--not in the bill).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	12-10-03	p. 1267
Reported, S. Judiciary	03-17-04	pp. 1626-1627
Passed Senate (33-0)	03-30-04	p. 1679
Reported, H. Juvenile and Family Law	11-18-04	pp. 2289-2290

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