



**S.B. 160**

125th General Assembly  
(As Reported by S. Judiciary)

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

---

**BILL SUMMARY**

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

---

**CONTENT AND OPERATION**

**Existing law**

Existing 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 any vehicle (see below), 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, and (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.

A violation of the prohibition is the offense of "criminal child enticement." Criminal child enticement generally is a misdemeanor of the first degree. 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 that prior offense was under 17 years of age at the time of the offense, criminal child enticement is a felony of the fifth degree.

Existing law provides that it is an affirmative defense to a charge of criminal child enticement that the actor undertook the activity in response to a *bona fide* emergency situation or 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.)

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 set forth in the offense of criminal child enticement to include vessels (see below) as places that, in addition to vehicles, are examples of "prohibited places" that are within the scope of the prohibition. Under the bill, the prohibition 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 any vehicle *or onto a vessel*, whether or not the offender knows the age of the child, if both of the existing criteria described in (1) and (2) under "**Existing law**" apply. The bill does not change the existing penalty or the existing affirmative defense for the offense. (R.C. 2905.05(A) to (C).)

Under the bill, as used in the offense, "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

S0160-RS-125.doc/jc