



**H.B. 269**

126th General Assembly  
(As Introduced)

Reps. Willamowski, DeGeeter

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**BILL SUMMARY**

- Raises from 13 to 14 the age below which no person may solicit another person of that age to engage in sexual activity with the offender and below which the victim must be or appear to be for the higher penalties for the offense of importuning to apply.
- Increases by one degree the penalties for the offense of importuning.

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**CONTENT AND OPERATION**

**Importuning**

**Current law**

Under current law, 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. (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. (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 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. (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. (R.C. 2907.07(F).)

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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, 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).

### Operation of the bill

The bill increases the penalty, by one degree, for each of the above described prohibitions and increases from 13 to 14 the age below which no person may solicit another person of that age to engage in sexual activity with the offender and below which the victim must be or appear to be for the higher penalties for importuning to apply.

If a person commits "importuning" by soliciting another person who is less than 14 years of age to engage in sexual activity with the offender, whether or not the offender knows the age of the person, the penalty is a felony of the *third* degree on a first offense and a felony of the *second* degree on each subsequent offense. This change in the bill is an expansion of the prohibition against any offender (regardless of age and whether or not a spouse) soliciting another person within that age group to engage in sexual activity with the offender (R.C. 2907.07(A) and (F)).

If a person commits "importuning" by soliciting 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 14 years of age or older but less than 16 years of age, whether or not the offender knows the age of the other person, the penalty 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)).

If a person commits the offense of "importuning" by soliciting 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 the other person is less than 14 years of age, and the offender knows that the other person is less than 14 years of age or is reckless in that regard or the other person is a law enforcement officer posing as a person who is less than 14 years of age, and the offender believes that the other person is less than 14 years of age or is reckless in that regard, the penalty for the offense 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(C) and (F)).

Finally, if a person commits the offense of "importuning" by soliciting 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 (1) the other person is 14 years of age or older but less than 16 years of age, the offender knows that the other person is 14 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 or (2) the other person is a law enforcement officer posing as a person who is 14 years of

age or older but less than 16 years of age, the offender believes that the other person is *14* 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 *14* years of age or older but less than 16 years of age, the penalty for the offense 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(D) and (F)).

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## HISTORY

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Introduced	05-18-05	p. 841

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