



**H.B. 545**

126th General Assembly  
(As Introduced)

**Reps. Hughes, Latta, D. Evans, Cassell, Willamowski, J. McGregor, Driehaus, Perry, DeGeeter, Blasdel, Fessler, Combs, Flowers**

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**BILL SUMMARY**

- Increases the penalty for importuning by one degree.
- Requires a court to impose a mandatory prison term of one year upon an offender who is convicted of or pleads guilty to importuning.

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**CONTENT AND OPERATION**

**Importuning**

Under current law, unchanged by the bill, a person may commit the offense of importuning in four ways.

First, a person commits the offense of importuning if the person solicits a 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. Under current law a violation of this prohibition is a felony of the fourth degree for a first offense and a felony of the third degree for each subsequent offense. *The bill increases these penalties 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 for each subsequent offense.* (R.C. 2907.07(A) and (F).)

Second, a person commits the offense of 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 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 for 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 for each subsequent offense. (R.C. 2907.07(B) and (F).)*

Third, a person commits the offense of importuning by soliciting another by means of a telecommunications device 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)):<sup>1</sup>

(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 is a felony of the fourth degree for a first offense and a felony of the third degree for each subsequent offense. *The bill increases these penalties 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 for each subsequent offense. (R.C. 2907.07(C) and (F).)*

The fourth way in which a person commits the offense of importuning is by soliciting another by means of a telecommunications device 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)):

(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.

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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. 2913.01, not in the bill).*

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 for 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 for each subsequent offense.* (R.C. 2907.07(D) and (F).)

**Mandatory prison term**

In addition to increasing the penalties for the offense of importuning, the bill also requires the court to impose upon an offender who is convicted of or pleads guilty to importuning a mandatory prison term of at least one year from the range of prison terms authorized for the applicable offense (12 months in the case of a felony of the fourth degree) (R.C. 2907.07(F)).

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**HISTORY**

ACTION	DATE
Introduced	03-22-06

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