



H.B. 662

126th General Assembly
(As Introduced)

Rep. Shaffer

BILL SUMMARY

- Increases the maximum victim's age from less than 16 years of age to less than 18 years of age for which a person may be guilty of importuning by means of a telecommunications device.
- Directs the Bureau of Criminal Identification and Investigation to assist law enforcement officers with respect to enforcement of sex offense laws against offenders who use the internet to commit sex offenses.
- Allows the Attorney General to make one-time state funding grants available to local law enforcement agencies for technology and training related to enforcement of sex offense laws against offenders who use the internet to commit sex offenses.

CONTENT AND OPERATION

Importuning by means of a telecommunications device

The bill amends one of the ways in which a person can commit the offense of importuning by increasing the maximum age of victims of the offense. Under current law, amended by the bill as shown in italics, one of the ways in which a person commits the offense of importuning is if the person solicits another by means of a telecommunications device, as defined in R.C. 2913.01, 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)) (see **COMMENT** for other ways in which a person commits importuning):

(1) The other person is 13 years of age or older but less than 16 years of age (*raised to less than 18 years of age by the bill*), the offender knows that the other person is 13 years of age or older but less than 16 years of age (*raised to less*

than 18 years of age by the bill) 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 (*raised to less than 18 years of age by the bill*), the offender believes that the other person is 13 years of age or older but less than 16 years of age (*raised to less than 18 years of age by the bill*) 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.

A violation of this prohibition is a felony of the fifth degree on a first offense and a felony of the fourth degree on each subsequent offense (R.C. 2907.07(F)). The bill makes no change to the penalty for a violation of this prohibition.

Enforcement of internet-based sex offenses

The bill directs the Bureau of Criminal Identification and Investigation to cooperate with and provide technical assistance to local law enforcement agencies in Ohio with respect to enforcement of sex offense laws against offenders who use the internet to commit sex offenses. The bill also authorizes the Attorney General to make one-time state funding grants available to local law enforcement agencies to enable the agencies to improve technology or provide staff training related to improving enforcement of sex offense laws against offenders who use the internet to commit sex offenses. (R.C. 109.561 and Section 3.)

COMMENT

Under continuing law, unchanged by the bill, a person also commits the offense of importuning if any of the following apply (R.C. 2907.07):

(1) The offender 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 (a felony of the fourth degree on a first offense and a felony of the third degree on a subsequent offense).

(2) The offender 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 18 years of age, whether or not the offender knows the age of the other person (a felony of the fifth degree on a first offense and a felony of the fourth degree on a subsequent offense).

(3) The offender solicits 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 (a felony of the fourth degree on a first offense and a felony of the third degree on a subsequent offense):

(a) 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.

(b) 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.

HISTORY

ACTION	DATE
Introduced	09-20-06

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