Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Sub. S.B. 64 of the 130th G.A. **Date**: June 26, 2013

Status: As Passed by the House **Sponsor**: Sens. Beagle and Manning

Local Impact Statement Procedure Required: No

Contents: Criminal child enticement; declares an emergency

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

Detailed Fiscal Analysis

The bill prohibits under the offense of criminal child enticement a person, for an unlawful purpose, from soliciting, coaxing, enticing, or luring a child under 14 to accompany the person in any manner, including entering into any vehicle or onto any vessel, when the person has no express or implied authority to engage in that conduct and is not a specified official. This change is in response to decisions made in three Ohio courts of appeals which held that the general prohibition under the offense of criminal child enticement to be unconstitutionally overbroad in violation of the First Amendment to the United States Constitution. The most recent decision occurred on February 20, 2013.

The bill is not expected to alter the number of persons arrested, adjudicated, and sentenced to jail or prison for criminal conduct where the victim is under 14. More possible is that the bill will (1) guide the charges filed by law enforcement and prosecutors in certain situations, and (2) clarify an element of the subsequent litigation and bargaining between the prosecution and defense counsel. These possibilities are not likely to discernibly add to the operating costs of local governments, as county and municipal criminal justice systems should be able to adjust to these possibilities with minimal time and effort.

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