



Ohio Legislative Service Commission

Bill Analysis

Aida S. Montano

H.B. 208

131st General Assembly
(As Introduced)

Rep. Schaffer

BILL SUMMARY

- Modifies the penalties for a violation of each of four prohibitions relating to a person's solicitation of another to engage in sexual activity or sexual conduct, which constitute the offense of "importuning."
- Provides an increased penalty for each subsequent offense and eliminates the current enhanced penalty of a mandatory prison term if the offender previously has been convicted of a sexually oriented offense or a child victim oriented offense.
- Requires the imposition of a mandatory prison term if the offense of importuning involves a solicitation by means of a telecommunications device.

CONTENT AND OPERATION

Penalties for offense of importuning

Existing law contains a series of prohibitions relating to a person's solicitation of another to engage in sexual activity or sexual conduct. A violation of any of the prohibitions is the offense of "importuning," and the penalty for the offense varies, depending upon the prohibition violated. The bill modifies the existing penalties for a violation of each prohibition.

Increased penalty for subsequent violations

The bill increases the penalty for each subsequent violation of the following offenses:

- Soliciting a person less than 13 years of age to engage in sexual activity with the offender, whether or not the offender knows such person's age.

The bill increases the penalty from a third degree felony to a second degree felony on each subsequent offense.¹

- Soliciting by means of a telecommunications device when the offender is at least 18 years and the other person is less than 13 years of age and the offender knows of such age or is reckless in that regard, or the other person is a law enforcement officer posing as a person who is less than 13 years of age and the offender believes such age or is reckless in that regard. The bill increases the penalty from a third degree felony to a second degree felony on each subsequent offense, and imposes a mandatory prison term.²
- Soliciting another, not the offender's spouse, when the offender is at least 18 and four or more years older than the other person and either: (1) the other person is at least 13 but less than 16 years of age, whether or not the offender knows the other person's age, or (2) the other person is 16 or 17 years of age, a victim of trafficking in persons, and the offender knows or has reckless disregard of the other person's age. The bill increases the penalty from a fifth degree felony to a fourth degree felony on each subsequent offense.³
- Soliciting by means of a telecommunications device when the offender is at least 18 and either: (1) the other person is at least 13 years of age but less than 16, the offender knows of such 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 at least 13 years of age but less than 16, the offender believes such age or is reckless in that regard, and the offender is four or more years older than the age the officer assumes in posing. The bill increases the penalty from a fifth degree felony to a fourth degree felony on each subsequent offense, and imposes a mandatory prison term.⁴

Mandatory prison term for solicitations by telecommunications device

The bill establishes a mandatory prison term on a first offense for each importuning offense involving solicitation by means of a telecommunications device.

¹ R.C. 2907.07(A) and (F).

² R.C. 2907.07(C) and (F).

³ R.C. 2907.07(B) and (F).

⁴ R.C. 2907.07(D) and (F).



The bill retains the current level of felony but requires the imposition of a mandatory prison term applicable to that level of felony. Continuing law includes a presumption of a prison term for any solicitation of a person under 13.⁵

Elimination of mandatory prison term for certain prior convictions

For all four categories of importuning, the bill eliminates a provision of current law that requires the imposition of a mandatory prison term if the offender previously was convicted of a sexually oriented offense or a child victim oriented offense.⁶

HISTORY

ACTION	DATE
Introduced	05-13-15

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⁵ R.C. 2907.07.

⁶ R.C. 2907.07.

