



Ohio Revised Code

Section 2907.07 Importuning.

Effective: August 09, 2024

Legislation: House Bill 161 - 135th General Assembly

(A) No person shall solicit a person who is less than thirteen years of age to engage in sexual activity with the offender, whether or not the offender knows the age of such person.

(B)(1) No person shall solicit another, not the spouse of the offender, to engage in sexual conduct with the offender, when the offender is eighteen years of age or older and four or more years older than the other person, and the other person is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of the other person.

(2) No person shall solicit another to engage in sexual conduct with the offender, when the offender is eighteen years of age or older and four or more years older than the other person, the other person is sixteen or seventeen years of age and a victim of a violation of section 2905.32 of the Revised Code, and the offender knows or has reckless disregard of the age of the other person.

(C) No person shall solicit a person who is less than sixteen years of age to engage in sexual activity with the offender when the person who is less than sixteen years of age is substantially impaired because of a mental or physical condition.

(D) No person shall solicit another by means of a telecommunications device, as defined in section 2913.01 of the Revised Code, to engage in sexual activity with the offender when the offender is eighteen years of age or older and either of the following applies:

(1) The other person is less than thirteen years of age, and the offender knows that the other person is less than thirteen 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 thirteen years of age, and the offender believes that the other person is less than thirteen years of age or is reckless in that regard.

(E) No person shall solicit another by means of a telecommunications device, as defined in section 2913.01 of the Revised Code, to engage in sexual activity with the offender when the offender is eighteen years of age or older and either of the following applies:

(1) The other person is thirteen years of age or older but less than sixteen years of age, the offender knows that the other person is thirteen years of age or older but less than sixteen



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 thirteen years of age or older but less than sixteen years of age, the offender believes that the other person is thirteen years of age or older but less than sixteen 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 thirteen years of age or older but less than sixteen years of age.

(F) Divisions (D) and (E) of this section apply to any solicitation that is contained in a transmission via a telecommunications device that either originates in this state or is received in this state.

(G)(1) Whoever violates this section is guilty of importuning.

(2) A violation of division (A), (C), or (D) of this section is a felony of the third degree on a first offense, and, notwithstanding division (C) of section 2929.13 of the Revised Code, there is a presumption that a prison term shall be imposed as described in division (D) of section 2929.13 of the Revised Code. If the offender, in addition to soliciting the other person, arranged to meet the other person for the purpose of engaging in sexual activity, the court shall impose upon the offender as a mandatory prison term one of the prison terms prescribed in division (A)(3)(b) of section 2929.14 of the Revised Code for a felony of the third degree.

If the offender previously has been convicted of a sexually oriented offense or a child-victim oriented offense, a violation of division (A), (C), or (D) of this section is a felony of the second degree, and the court shall impose upon the offender as a mandatory prison term one of the definite prison terms prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation is committed on or after March 22, 2019, the court shall impose as the minimum prison term for the offense a mandatory prison term that is one of the minimum terms prescribed in division (A)(2)(a) of that section for a felony of the second degree.

(3) A violation of division (B) or (E) of this section is a felony of the fifth degree on a first offense, and, notwithstanding division (B) of section 2929.13 of the Revised Code, there is a presumption that a prison term shall be imposed as described in division (D) of section 2929.13 of the Revised Code. The court shall impose upon the offender as a mandatory prison term one of the prison terms prescribed in section 2929.14 of the Revised Code for a felony of the fifth degree if both of the following apply:

(a) Either of the following applies:



(i) The offender is ten or more years older than the other person.

(ii) Regarding a violation of division (E)(2) of this section, a law enforcement officer posed as a person thirteen years of age or older but less than sixteen years of age and the offender is ten or more years older than the officer claimed to be.

(b) In addition to soliciting the other person, the offender arranged to meet the other person for the purpose of engaging in sexual activity.

(4) If the offender previously has been convicted of a sexually oriented offense or a child-victim oriented offense, a violation of division (B) or (E) of this section is a felony of the fourth degree, and the court shall impose upon the offender as a mandatory prison term one of the prison terms prescribed in section 2929.14 of the Revised Code for a felony of the fourth degree that is not less than twelve months in duration.
