# Grooming Bills: Model Statutory Language

The following model language is designed to be adapted by any state legislature considering the enactment of a standalone grooming statute. Each provision is followed by a bracketed annotation explaining its purpose and effect.

**Section 1. Legislative Findings.**

The [Legislature/General Assembly] finds and declares the following—

(a) Sexual grooming is a deliberate process by which an adult establishes an emotional relationship, trust, and dependency with a child, and frequently with the child's family and community, for the purpose of manipulating, coercing, or conditioning the child to engage in sexual activity.

*NOTE: This definitional finding is drawn directly from the peer-reviewed behavioral science literature. Its inclusion in the legislative findings establishes a record that constrains future judicial interpretation and makes clear that the statute addresses child sexual abuse preparation, not education, counseling, or ideological expression.*

(b) Research establishes that sexual grooming is present in virtually all cases of child sexual abuse and that the grooming process typically precedes, and is a necessary precondition for, the sexual abuse itself.

(c) Under existing law, many grooming behaviors cannot be prosecuted until the sexual abuse has already occurred, leaving law enforcement without adequate tools to intervene during the preparatory phase when intervention could prevent the harm.

*NOTE: This finding establishes the legislative predicate for the statute—the "intervention gap" and supports the state's compelling interest in enacting legislation to close that gap, which is relevant to any constitutional challenge.*

(d) Grooming can occur in any environment where adults interact with children, including schools, religious organizations, sports programs, youth organizations, foster care, residential facilities, and online platforms.

(e) Nothing in this section is intended to criminalize age-appropriate education, licensed therapeutic or medical communications with minors, parental communications with their children, or any other constitutionally protected activity.

*NOTE: This finding serves a dual function. It provides an express statement of legislative intent that will guide judicial interpretation, and it helps insulate the statute from an overbreadth challenge by making clear that the legislature did not intend the statute to reach protected conduct.*

**Section 2. Definitions.**

As used in this section—

(a) "Child" or "minor" means any person under eighteen years of age.

*NOTE: Setting the victim age threshold at eighteen provides comprehensive protection and is consistent with both federal law and the majority of state criminal codes defining the age of majority for purposes of sexual offenses.*

(b) "Grooming" means a pattern of conduct by a person eighteen years of age or older, directed at a child or at a child's parent, guardian, or caregiver, by any means of communication (including in-person interaction, electronic communication, written correspondence, or through a third party), undertaken with the purpose of facilitating, preparing for, or conditioning the child to engage in sexual contact or a sexual offense as defined in [cross-reference to state sex offense statutes], including but not limited to the following behaviors—

*NOTE: This definition is modality-neutral, covering in-person, electronic, written, and third-party grooming. The "by any means of communication" language avoids the gap in earlier statutes that reached only electronic grooming. Directing the statute at both the child and the child's parent or guardian captures the well-documented phenomenon of offenders grooming the family as part of the process of gaining access to the child.*

(1) Engaging in boundary violations involving physical touching of the child that is excessive, inappropriate for the context or relationship, or escalating in intimacy over time;

(2) Deliberately exposing the child to nudity, sexually explicit material, or sexually explicit communications;

(3) Physically or emotionally isolating the child from peers, family members, or other support systems;

(4) Providing the child with alcohol, controlled substances, or other intoxicants;

(5) Cultivating secrecy by encouraging the child to conceal the relationship, communications, or interactions from parents, guardians, or other trusted adults;

(6) Developing a relationship with the child through the provision of attention, affection, gifts, rewards, privileges, or other benefits that are excessive or inappropriate for the context or relationship.

*NOTE: This enumeration is explicitly non-exhaustive, which preserves prosecutorial flexibility to address grooming tactics not specifically listed, while providing the concrete behavioral markers that satisfy vagueness doctrine. The behaviors are drawn from the Winters-Jeglic-Kaylor model of sexual grooming validated in peer-reviewed research.*

(c) "Pattern of conduct" means two or more acts, behaviors, or communications closely related in time that collectively demonstrate a course of conduct undertaken for the purpose described in subsection (b). A single isolated act does not constitute a pattern of conduct.

*NOTE: This definition draws on Ohio's cross-reference approach. Requiring two or more acts distinguishes grooming from single instances of solicitation or enticement, captures the processual nature of grooming, and raises the prosecution threshold to a level that filters out one-off boundary misjudgments.*

(d) "Position of trust or authority" means a relationship in which the person holds a position of supervision, mentorship, instruction, counseling, spiritual guidance, medical care, or custodial responsibility over the child, whether through employment, volunteer service, familial relationship, or other institutional affiliation.

*NOTE: An expansive but defined list avoids the ambiguity of a purely open-ended standard while ensuring coverage of the full range of institutional relationships in which grooming occurs.*

(e) "Child with a disability" means a child who has an intellectual disability, a developmental disability, a physical disability, or a mental health condition that substantially limits one or more major life activities, or who is receiving special education or related services under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., or Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

*NOTE: This definition is deliberately broad, encompassing intellectual, developmental, physical, and mental health disabilities, as well as any child receiving services under IDEA or Section 504. Children with disabilities are disproportionately targeted by sexual predators. Research consistently*

*demonstrates that children with disabilities are approximately three times more likely to be sexually abused than children without disabilities. See Nat'l Crime Victims Research & Treatment Ctr., The Prevalence of Child Sexual Abuse (2007); Sullivan & Knutson, Maltreatment and Disabilities: A Population-Based Epidemiological Study, 24 Child Abuse & Neglect 1257 (2000). The heightened vulnerability of these children justifies enhanced penalties. Wisconsin's 2026 amendments to its grooming statute provide the closest model, having added a disability enhancement to the state's penalty structure.*

**Section 3. Offense of Grooming.**

(a) A person commits the offense of grooming when the person, being eighteen years of age or older, knowingly engages in a pattern of conduct, as defined in Section 2, directed at a child, with the purpose of facilitating, preparing for, or conditioning the child to engage in sexual contact or a sexual offense as defined in [cross-reference], and where the pattern of conduct, considered in its totality, would cause a reasonable person knowledgeable about grooming dynamics to believe that the person was engaging in grooming as defined in this section.

*NOTE: This provision incorporates the dual mens rea requirement—subjective purpose (the actor's actual intent) plus an objective reasonableness standard (what a reasonable person knowledgeable about grooming would conclude from the totality of the conduct). The "reasonable person knowledgeable about grooming dynamics" standard is more precise than a generic reasonable-person standard and may justify the introduction of expert testimony on grooming at trial, which strengthens both prosecution and defense.*

(b) It is not necessary that sexual contact or a sexual offense actually occur for a violation of this section. The offense is complete upon the engagement in the prohibited pattern of conduct with the requisite purpose.

*NOTE: This provision makes explicit what is implicit in the statute's structure as a preparatory offense—that grooming is criminal whether or not the intended sexual abuse is completed. This is the provision that closes the "intervention gap."*

(c) This section applies regardless of whether the person believed the child to be a minor or whether the person communicated with an undercover law enforcement officer posing as a child.

*NOTE: This provision ensures that the statute reaches sting operations, which are a critical law enforcement tool in online grooming investigations. Without it, defendants could assert a defense based on the absence of an actual child victim, as some jurisdictions have found under existing solicitation statutes.*

**Section 4. Penalties.**

(a) A violation of Section 3 is a [felony of the third degree / Class C felony], punishable by [imprisonment for not less than two years nor more than ten years] and a fine of not more than [$10,000].

*NOTE: A felony classification is essential to communicate the seriousness of the offense and to support the imposition of sex offender registration requirements. The sentencing range should be calibrated to the state's existing penalty structure for comparable preparatory or inchoate sexual offenses.*

(b) Where the offender was in a position of trust or authority over the child at the time of the offense, the offense is a [felony of the second degree / Class B felony], punishable by [imprisonment for not less than five years nor more than fifteen years] and a fine of not more than [$20,000].

*NOTE: The enhanced penalty tier for persons in positions of trust or authority reflects both the heightened culpability of such offenders and the significant institutional betrayal that their conduct represents. This provision also serves a deterrent function specific to institutional contexts.*

(c) Where the offender has previously been convicted of a sexual offense against a minor under the laws of this state or any other jurisdiction, the offense is a [felony of the second degree / Class B felony] regardless of whether the offender was in a position of trust or authority.

(d) Where the offender provided the child with alcohol, controlled substances, or other intoxicants as part of the pattern of conduct, the offense shall be classified one degree higher than it would otherwise be classified under this section.

*NOTE: The provision of substances to a child as part of grooming is both a separately culpable act and an indicator of the offender's sophistication and the severity of the grooming process.*

(e) Where the child who is the target of the grooming is a child with a disability as defined in Section 2(e), the offense shall be classified one degree higher than it would otherwise be classified under this section. Where the offender knew or reasonably should have known of the child's disability, this enhancement shall apply in addition to any other enhancement under this section, provided that the maximum classification shall not exceed a [felony of the first degree / Class A felony].

*NOTE: This enhancement reflects the heightened culpability of offenders who target children with disabilities and the increased vulnerability of these victims. The "knew or reasonably should have known" standard ensures that the enhancement applies where the offender was aware of or willfully blind to the*

*child's disability, capturing both offenders who deliberately target disabled children and those who exploit an obvious vulnerability while protecting against strict liability. The enhancement is stackable with the position-of-trust enhancement in subsection (b) and the substance-provision enhancement in subsection (d), because an offender who holds a position of trust, provides substances, and targets a disabled child has compounded culpability warranting compounded consequences. The cap at a first-degree felony prevents disproportionate sentences while ensuring that the most aggravated cases are punished at the highest level available. Wisconsin's 2026 grooming statute provides precedent for this approach, having added a disability enhancement to its penalty framework.*

(f) A person convicted of an offense under this section shall be required to register as a sex offender in accordance with [cross-reference to state sex offender registration statute].

*NOTE: Sex offender registration is both a collateral consequence that serves ongoing public safety purposes and a factor that enhances deterrence. Including it in the statute avoids ambiguity about whether grooming convictions trigger registration requirements.*

**Section 5. Affirmative Defenses and Exemptions.**

(a) It is an affirmative defense to prosecution under this section that—

(1) The actor was under the age of nineteen and the child was at least fifteen years of age, and the conduct occurred in the context of a consensual relationship between the actor and the child; or

(2) The actor was under the age of eighteen and the child was not more than three years younger than the actor, and the conduct occurred in the context of a dating relationship.

*NOTE: These are the Romeo-and-Juliet provisions. They are structured as affirmative defenses rather than elements of the offense, which means the defendant bears the burden of production (but not persuasion) on these issues. The dual-track structure—one for actors under nineteen with children at least fifteen, and another for actors under eighteen in a dating relationship with a three-year age gap—provides layered protection against overcriminalization of adolescent interactions.*

(b) This section shall not apply to—

(1) Age-appropriate instruction or education on human sexuality, sexual health, reproductive health, or the prevention of child sexual abuse, whether

provided in a school, educational institution, or community setting, by a person acting in the scope of their employment or professional capacity;

(2) Communications between a licensed medical professional, mental health professional, social worker, or counselor and a minor in the course of providing professional services;

(3) Communications between a parent, legal guardian, or custodian and the parent's, guardian's, or custodian's own child in the exercise of parental rights and responsibilities;

(4) Any conduct that is constitutionally protected expression under the First Amendment to the United States Constitution or the corresponding provision of the [State] Constitution.

*NOTE: These exemptions are the statute's primary defense against an overbreadth challenge. They make explicit that the statute does not reach sex education, therapeutic communications, parental communications, or constitutionally protected expression. The final catch-all provision incorporates any additional First Amendment protections by reference, ensuring that the statute cannot be applied in a manner that violates free expression rights.*

**Section 6. Statute of Limitations.**

(a) A prosecution under this section may be commenced at any time prior to the victim's [birthday], or within [years] of the date on which the offense was reported to a law enforcement agency, whichever is later.

*An extended statute of limitations is essential given the covert nature of grooming and the well-documented delays in victim recognition and disclosure. The dual-trigger structure, based on victim age or date of report, accommodates both delayed disclosure by the victim and delayed discovery by third parties.*

**Section 7. Severability.**

If any provision of this section, or the application of any provision to any person or circumstances, is held to be unconstitutional or otherwise invalid, the remainder of this section and the application of its provisions to other persons or circumstances shall not be affected.

*NOTE: A severability clause is standard in criminal legislation and is particularly important here given the constitutional issues discussed throughout*

*this paper. If a court strikes one provision, for example, one of the enumerated grooming behaviors, the remainder of the statute survives.*

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*ENOUGH ABUSE has developed model legislative language to prevent child sexual abuse, based on bills we drafted for Massachusetts. This language will need to be adapted for your state's laws.*

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