

As Introduced

**124th General Assembly
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H. B. No. 8

REPRESENTATIVE Hughes

A B I L L

To amend section 2907.01 of the Revised Code to expand
the definition of "material" in the Sex Offense
Laws to include any image appearing on a computer
monitor or similar display device, transmitted
through the Internet, or recorded on a computer
disk, magnetic tape, or similar data storage
device.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2907.01 of the Revised Code be
amended to read as follows:

Sec. 2907.01. As used in sections 2907.01 to 2907.37 of the
Revised Code:

(A) "Sexual conduct" means vaginal intercourse between a male
and female; anal intercourse, fellatio, and cunnilingus between
persons regardless of sex; and, without privilege to do so, the
insertion, however slight, of any part of the body or any
instrument, apparatus, or other object into the vaginal or anal
cavity of another. Penetration, however slight, is sufficient to
complete vaginal or anal intercourse.

(B) "Sexual contact" means any touching of an erogenous zone
of another, including without limitation the thigh, genitals,

buttock, pubic region, or, if the person is a female, a breast, 21
for the purpose of sexually arousing or gratifying either person. 22

(C) "Sexual activity" means sexual conduct or sexual contact, 23
or both. 24

(D) "Prostitute" means a male or female who promiscuously 25
engages in sexual activity for hire, regardless of whether the 26
hire is paid to the prostitute or to another. 27

(E) Any material or performance is "harmful to juveniles," if 28
it is offensive to prevailing standards in the adult community 29
with respect to what is suitable for juveniles, and if any of the 30
following apply: 31

(1) It tends to appeal to the prurient interest of juveniles; 32
33

(2) It contains a display, description, or representation of 34
sexual activity, masturbation, sexual excitement, or nudity; 35

(3) It contains a display, description, or representation of 36
bestiality or extreme or bizarre violence, cruelty, or brutality; 37

(4) It contains a display, description, or representation of 38
human bodily functions of elimination; 39

(5) It makes repeated use of foul language; 40

(6) It contains a display, description, or representation in 41
lurid detail of the violent physical torture, dismemberment, 42
destruction, or death of a human being; 43

(7) It contains a display, description, or representation of 44
criminal activity that tends to glorify or glamorize the activity, 45
and that, with respect to juveniles, has a dominant tendency to 46
corrupt. 47

(F) When considered as a whole, and judged with reference to 48
ordinary adults or, if it is designed for sexual deviates or other 49

50 specially susceptible group, judged with reference to that group,
51 any material or performance is "obscene" if any of the following
52 apply:

(1) Its dominant appeal is to prurient interest; 53

(2) Its dominant tendency is to arouse lust by displaying or 54
55 depicting sexual activity, masturbation, sexual excitement, or
56 nudity in a way that tends to represent human beings as mere
57 objects of sexual appetite;

(3) Its dominant tendency is to arouse lust by displaying or 58
59 depicting bestiality or extreme or bizarre violence, cruelty, or
60 brutality;

(4) Its dominant tendency is to appeal to scatological 61
62 interest by displaying or depicting human bodily functions of
63 elimination in a way that inspires disgust or revulsion in persons
64 with ordinary sensibilities, without serving any genuine
65 scientific, educational, sociological, moral, or artistic purpose;

(5) It contains a series of displays or descriptions of 66
67 sexual activity, masturbation, sexual excitement, nudity,
68 bestiality, extreme or bizarre violence, cruelty, or brutality, or
69 human bodily functions of elimination, the cumulative effect of
70 which is a dominant tendency to appeal to prurient or scatological
71 interest, when the appeal to such an interest is primarily for its
72 own sake or for commercial exploitation, rather than primarily for
73 a genuine scientific, educational, sociological, moral, or
74 artistic purpose.

(G) "Sexual excitement" means the condition of human male or 75
76 female genitals when in a state of sexual stimulation or arousal.

(H) "Nudity" means the showing, representation, or depiction 77
78 of human male or female genitals, pubic area, or buttocks with
79 less than a full, opaque covering, or of a female breast with less
80 than a full, opaque covering of any portion thereof below the top

of the nipple, or of covered male genitals in a discernibly turgid
state.

(I) "Juvenile" means an unmarried person under the age of
eighteen.

(J) "Material" means any book, magazine, newspaper, pamphlet,
poster, print, picture, figure, image, description, motion picture
film, phonographic record, or tape, or other tangible thing
capable of arousing interest through sight, sound, or touch and
includes an image appearing on a computer monitor, television
screen, liquid crystal display, or similar display device, an
image transmitted through the internet, or an image recorded on a
computer hard disk, computer floppy disk, compact disk, magnetic
tape, or similar data storage device.

(K) "Performance" means any motion picture, preview, trailer,
play, show, skit, dance, or other exhibition performed before an
audience.

(L) "Spouse" means a person married to an offender at the
time of an alleged offense, except that such person shall not be
considered the spouse when any of the following apply:

(1) When the parties have entered into a written separation
agreement authorized by section 3103.06 of the Revised Code;

(2) During the pendency of an action between the parties for
annulment, divorce, dissolution of marriage, or legal separation;

(3) In the case of an action for legal separation, after the
effective date of the judgment for legal separation.

(M) "Minor" means a person under the age of eighteen.

(N) "Internet" has the same meaning as in section 341.42 of
the Revised Code.

Section 2. That existing section 2907.01 of the Revised Code

is hereby repealed.