

# As Introduced

127th General Assembly  
Regular Session  
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H. B. No. 209

## Representative Core

Cosponsors: Representatives McGregor, J., Bacon, Yuko, McGregor, R.,  
Collier, Adams, Strahorn, Stebelton, Domenick, Fende, Luckie, Setzer, Seitz,  
Bubp, Dodd

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## A B I L L

To amend section 2907.03 of the Revised Code to	1
expand the offense of "sexual battery" to prohibit	2
a peace officer from engaging in sexual conduct	3
with a minor who is not the officer's spouse.	4

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

<b>Section 1.</b> That section 2907.03 of the Revised Code be	5
amended to read as follows:	6

<b>Sec. 2907.03.</b> (A) No person shall engage in sexual conduct	7
with another, not the spouse of the offender, when any of the	8
following apply:	9

(1) The offender knowingly coerces the other person to submit	10
by any means that would prevent resistance by a person of ordinary	11
resolution.	12

(2) The offender knows that the other person's ability to	13
appraise the nature of or control the other person's own conduct	14
is substantially impaired.	15

(3) The offender knows that the other person submits because	16
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the other person is unaware that the act is being committed. 17

(4) The offender knows that the other person submits because 18  
the other person mistakenly identifies the offender as the other 19  
person's spouse. 20

(5) The offender is the other person's natural or adoptive 21  
parent, or a stepparent, or guardian, custodian, or person in loco 22  
parentis of the other person. 23

(6) The other person is in custody of law or a patient in a 24  
hospital or other institution, and the offender has supervisory or 25  
disciplinary authority over the other person. 26

(7) The offender is a teacher, administrator, coach, or other 27  
person in authority employed by or serving in a school for which 28  
the state board of education prescribes minimum standards pursuant 29  
to division (D) of section 3301.07 of the Revised Code, the other 30  
person is enrolled in or attends that school, and the offender is 31  
not enrolled in and does not attend that school. 32

(8) The other person is a minor, the offender is a teacher, 33  
administrator, coach, or other person in authority employed by or 34  
serving in an institution of higher education, and the other 35  
person is enrolled in or attends that institution. 36

(9) The other person is a minor, and the offender is the 37  
other person's athletic or other type of coach, is the other 38  
person's instructor, is the leader of a scouting troop of which 39  
the other person is a member, or is a person with temporary or 40  
occasional disciplinary control over the other person. 41

(10) The offender is a mental health professional, the other 42  
person is a mental health client or patient of the offender, and 43  
the offender induces the other person to submit by falsely 44  
representing to the other person that the sexual conduct is 45  
necessary for mental health treatment purposes. 46

(11) The other person is confined in a detention facility, 47  
and the offender is an employee of that detention facility. 48

(12) The other person is a minor, the offender is a cleric, 49  
and the other person is a member of, or attends, the church or 50  
congregation served by the cleric. 51

(13) The other person is a minor, and the offender is a peace 52  
officer. 53

(B) Whoever violates this section is guilty of sexual 54  
battery. Except as otherwise provided in this division, sexual 55  
battery is a felony of the third degree. If the other person is 56  
less than thirteen years of age, sexual battery is a felony of the 57  
second degree, and the court shall impose upon the offender a 58  
mandatory prison term equal to one of the prison terms prescribed 59  
in section 2929.14 of the Revised Code for a felony of the second 60  
degree. 61

(C) As used in this section: 62

(1) "Cleric" has the same meaning as in section 2317.02 of 63  
the Revised Code. 64

(2) "Detention facility" has the same meaning as in section 65  
2921.01 of the Revised Code. 66

(3) "Institution of higher education" means a state 67  
institution of higher education defined in section 3345.011 of the 68  
Revised Code, a private nonprofit college or university located in 69  
this state that possesses a certificate of authorization issued by 70  
the Ohio board of regents pursuant to Chapter 1713. of the Revised 71  
Code, or a school certified under Chapter 3332. of the Revised 72  
Code. 73

(4) "Peace officer" has the same meaning as in section 74  
2935.01 of the Revised Code. 75

**Section 2.** That existing section 2907.03 of the Revised Code 76

is hereby repealed. 77

**Section 3.** Section 2907.03 of the Revised Code is presented 78  
in this act as a composite of the section as amended by both Am. 79  
Sub. H.B. 95 and Am. Sub. S.B. 17 of the 126th General Assembly. 80  
The General Assembly, applying the principle stated in division 81  
(B) of section 1.52 of the Revised Code that amendments are to be 82  
harmonized if reasonably capable of simultaneous operation, finds 83  
that the composite is the resulting version of the section in 84  
effect prior to the effective date of the section as presented in 85  
this act. 86