

As Reported by the House Criminal Justice Committee

**127th General Assembly
Regular Session
2007-2008**

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:

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

Sec. 2907.03. (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

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