

As Reported by the Senate Judiciary--Criminal Justice Committee

127th General Assembly

Regular Session

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Sub. 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, Aslanides, Batchelder, Blessing, Coley, Combs, DeBose, Driehaus, Dyer, Evans, Flowers, Gardner, Gibbs, Goyal, Hagan, J., Hite, Hughes, Letson, Lundy, Mandel, Newcomb, Oelslager, Otterman, J., Reinhard, Schindel, Slesnick, Webster, Williams, B.

Senator Turner

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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 in 4
specified circumstances. 5

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

Section 1. That section 2907.03 of the Revised Code be 6
amended to read as follows: 7

Sec. 2907.03. (A) No person shall engage in sexual conduct 8
with another, not the spouse of the offender, when any of the 9
following apply: 10

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

resolution.	13
(2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired.	14 15 16
(3) The offender knows that the other person submits because the other person is unaware that the act is being committed.	17 18
(4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse.	19 20 21
(5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person.	22 23 24
(6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.	25 26 27
(7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school.	28 29 30 31 32 33
(8) The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution.	34 35 36 37
(9) The other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member, or is a person with temporary or occasional disciplinary control over the other person.	38 39 40 41 42

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

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

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

(13) The other person is a minor, the offender is a peace officer, and the relationship between the offender and the other person arose while the offender was performing the offender's official duties as a peace officer.

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

(C) As used in this section:

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

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

(3) "Institution of higher education" means a state institution of higher education defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in

this state that possesses a certificate of authorization issued by 73
the Ohio board of regents pursuant to Chapter 1713. of the Revised 74
Code, or a school certified under Chapter 3332. of the Revised 75
Code. 76

(4) "Peace officer" has the same meaning as in section 77
2935.01 of the Revised Code. 78

Section 2. That existing section 2907.03 of the Revised Code 79
is hereby repealed. 80

Section 3. Section 2907.03 of the Revised Code is presented 81
in this act as a composite of the section as amended by both Am. 82
Sub. H.B. 95 and Am. Sub. S.B. 17 of the 126th General Assembly. 83
The General Assembly, applying the principle stated in division 84
(B) of section 1.52 of the Revised Code that amendments are to be 85
harmonized if reasonably capable of simultaneous operation, finds 86
that the composite is the resulting version of the section in 87
effect prior to the effective date of the section as presented in 88
this act. 89