

As Introduced

**127th General Assembly
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H. B. No. 74

Representative Schlichter

**Cosponsors: Representatives McGregor, J., Bacon, Wagoner, Setzer, Fende,
Dodd, Combs, Adams, Collier**

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A B I L L

To amend sections 2907.08 and 2950.07 of the Revised 1
Code to make spying upon a minor in a state of 2
nudity for the purpose of sexual gratification or 3
arousal a felony of the third degree under all 4
circumstances. 5

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

Section 1. That sections 2907.08 and 2950.07 of the Revised 6
Code be amended to read as follows: 7

Sec. 2907.08. (A) No person, for the purpose of sexually 8
arousing or gratifying the person's self, shall commit trespass or 9
otherwise surreptitiously invade the privacy of another, to spy or 10
eavesdrop upon another. 11

(B) No person, for the purpose of sexually arousing or 12
gratifying the person's self, shall commit trespass or otherwise 13
surreptitiously invade the privacy of another to videotape, film, 14
photograph, or otherwise record the other person in a state of 15
nudity. 16

(C) No person, for the purpose of sexually arousing or 17
gratifying the person's self, shall commit trespass or otherwise 18

surreptitiously invade the privacy of another to videotape, film, 19
photograph, or otherwise record spy upon the other person in a 20
state of nudity if the other person is a minor. 21

(D) ~~No person, for the purpose of sexually arousing or 22
gratifying the person's self, shall commit trespass or otherwise 23
surreptitiously invade the privacy of another to videotape, film, 24
photograph, or otherwise record the other person in a state of 25
nudity if the other person is a minor and any of the following 26
applies:~~ 27

~~(1) The offender is the minor's natural or adoptive parent, 28
stepparent, guardian, or custodian, or person in loco parentis of 29
the minor. 30~~

~~(2) The minor is in custody of law or is a patient in a 31
hospital or other institution, and the offender has supervisory or 32
disciplinary authority over the minor. 33~~

~~(3) The offender is a teacher, administrator, coach, or other 34
person in authority employed by or serving in a school for which 35
the state board of education prescribes minimum standards pursuant 36
to division (D) of section 3301.07 of the Revised Code, the minor 37
is enrolled in or attends that school, and the offender is not 38
enrolled in and does not attend that school. 39~~

~~(4) The offender is a teacher, administrator, coach, or other 40
person in authority employed by or serving in an institution of 41
higher education, and the minor is enrolled in or attends that 42
institution. 43~~

~~(5) The offender is a caregiver, administrator, or other 44
person in authority employed by or serving in a child day care 45
center, type A family day care home, or type B family day care 46
home, and the minor is enrolled in or attends that center or home. 47~~

~~(6) The offender is the minor's athletic or other type of 48
coach, is the minor's instructor, is the leader of a scouting 49~~

~~troop of which the minor is a member, provides babysitting care 50
for the minor, or is a person with temporary or occasional 51
disciplinary control over the minor. 52~~

~~(E) No person shall secretly or surreptitiously videotape, 53
film, photograph, or otherwise record another person under or 54
through the clothing being worn by that other person for the 55
purpose of viewing the body of, or the undergarments worn by, that 56
other person. 57~~

~~(F)(E)(1) Whoever violates this section is guilty of 58
voyeurism. 59~~

~~(2) A violation of division (A) of this section is a 60
misdemeanor of the third degree. 61~~

~~(3) A violation of division (B) of this section is a 62
misdemeanor of the second degree. 63~~

~~(4) A violation of division ~~(C)~~ or ~~(E)~~(D) of this section is 64
a misdemeanor of the first degree. 65~~

~~(5) A violation of division ~~(D)~~(C) of this section is a 66
felony of the ~~fifth~~ third degree. 67~~

~~(G) As used in this section: 68~~

~~(1) "Institution of higher education" means a state 69
institution of higher education as defined in section 3345.031 of 70
the Revised Code, a private nonprofit college or university 71
located in this state that possesses a certificate of 72
authorization issued by the Ohio board of regents pursuant to 73
Chapter 1713. of the Revised Code, or a school certified under 74
Chapter 3332. of the Revised Code. 75~~

~~(2) "Child day care center," "type A family day care home," 76
and "type B family day care home" have the same meanings as in 77
section 5104.01 of the Revised Code. 78~~

~~(3) "Babysitting care" means care provided for a child while 79~~

~~the parents, guardian, or legal custodian of the child is~~ 80
~~temporarily away.~~ 81

Sec. 2950.07. (A) The duty of an offender who is convicted of 82
or pleads guilty to, or has been convicted of or pleaded guilty 83
to, either a sexually oriented offense that is not a 84
registration-exempt sexually oriented offense or a child-victim 85
oriented offense and the duty of a delinquent child who is 86
adjudicated a delinquent child for committing either a sexually 87
oriented offense that is not a registration-exempt sexually 88
oriented offense or a child-victim oriented offense and is 89
classified a juvenile offender registrant or who is an 90
out-of-state juvenile offender registrant to comply with sections 91
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code 92
commences on whichever of the following dates is applicable: 93

(1) If the offender's duty to register is imposed pursuant to 94
division (A)(1)(a) of section 2950.04 or division (A)(1)(a) of 95
section 2950.041 of the Revised Code, the offender's duty to 96
comply with those sections commences regarding residence addresses 97
on the date of the offender's release from a prison term, a term 98
of imprisonment, or any other type of confinement or on July 1, 99
1997, for a duty under section 2950.04 of the Revised Code or ~~the~~ 100
~~effective date of this amendment~~ July 31, 2003, for a duty under 101
section 2950.041 of the Revised Code, whichever is later, and 102
commences regarding addresses of schools, institutions of higher 103
education, and places of employment on the date of the offender's 104
release from a prison term, term of imprisonment, or any other 105
type of confinement or on ~~the effective date of this amendment~~ 106
July 31, 2003, whichever is later. 107

(2) If the offender's duty to register is imposed pursuant to 108
division (A)(1)(b) of section 2950.04 or division (A)(1)(b) of 109
section 2950.041 of the Revised Code, the offender's duty to 110

comply with those sections commences regarding residence addresses 111
on the date of entry of the judgment of conviction of the sexually 112
oriented offense or child-victim oriented offense or on July 1, 113
1997, for a duty under section 2950.04 of the Revised Code or ~~the~~ 114
~~effective date of this amendment July 31, 2003,~~ for a duty under 115
section 2950.041 of the Revised Code, whichever is later, and 116
commences regarding addresses of schools, institutions of higher 117
education, and places of employment on the date of entry of the 118
judgment of conviction of the sexually oriented offense or 119
child-victim oriented offense or on ~~the effective date of this~~ 120
~~amendment July 31, 2003,~~ whichever is later. 121

(3) If the offender's duty to register is imposed pursuant to 122
division (A)(1)(c) of section 2950.04 of the Revised Code, the 123
offender's duty to comply with those sections commences regarding 124
residence addresses fourteen days after July 1, 1997, and 125
commences regarding addresses of schools, institutions of higher 126
education, and places of employment fourteen days after ~~the~~ 127
~~effective date of this amendment July 31, 2003.~~ 128

(4) If the offender's or delinquent child's duty to register 129
is imposed pursuant to division (A)(3)(a) or (b) of section 130
2950.04 or division (A)(3)(a) or (b) of section 2950.041 of the 131
Revised Code, the offender's duty to comply with those sections 132
commences regarding residence addresses on the date that the 133
offender begins to reside or becomes temporarily domiciled in this 134
state or on March 30, 1999, for a duty under section 2950.04 of 135
the Revised Code or ~~the effective date of this amendment July 31,~~ 136
2003, for a duty under section 2950.041 of the Revised Code, 137
whichever is later, the offender's duty regarding addresses of 138
schools, institutions of higher education, and places of 139
employment commences on ~~the effective date of this amendment July~~ 140
31, 2003, or on the date the offender begins attending any school 141
or institution of higher education in this state on a full-time or 142

part-time basis or becomes employed in this state, whichever is 143
later, and the delinquent child's duty commences on the date the 144
delinquent child begins to reside or becomes temporarily domiciled 145
in this state or on January 1, 2002, for a duty under section 146
2950.04 of the Revised Code or ~~the effective date of this~~ 147
~~amendment~~ July 31, 2003, for a duty under section 2950.041 of the 148
Revised Code, whichever is later. 149

(5) If the delinquent child's duty to register is imposed 150
pursuant to division (A)(2) of section 2950.04 or division 151
(A)(2)(a) of section 2950.041 of the Revised Code, if the 152
delinquent child's classification as a juvenile offender 153
registrant is made at the time of the child's disposition for that 154
sexually oriented offense or child-victim oriented offense, 155
whichever is applicable, and if the delinquent child is committed 156
for the sexually oriented offense or child-victim oriented offense 157
to the department of youth services or to a secure facility that 158
is not operated by the department, the delinquent child's duty to 159
comply with those sections commences on the date of the delinquent 160
child's discharge or release from custody in the department of 161
youth services secure facility or from the secure facility not 162
operated by the department as described in that division. 163

(6) If the delinquent child's duty to register is imposed 164
pursuant to division (A)(2) of section 2950.04 or division 165
(A)(2)(a) of section 2950.041 of the Revised Code and if either 166
the delinquent child's classification as a juvenile offender 167
registrant is made at the time of the child's disposition for that 168
sexually oriented offense or child-victim oriented offense, 169
whichever is applicable, and the delinquent child is not committed 170
for the sexually oriented offense or child-victim oriented offense 171
to the department of youth services or to a secure facility that 172
is not operated by the department or the child's classification as 173
a juvenile offender registrant is made pursuant to sections 174

2152.83 of the Revised Code, the delinquent child's duty to comply 175
with those sections commences on the date of entry of the court's 176
order that classifies the delinquent child a juvenile offender 177
registrant. 178

(7) If the offender's duty to register is imposed pursuant to 179
division (A)(1)(c) of section 2950.041 of the Revised Code, the 180
offender's duty to comply with those sections regarding residence 181
addresses is a continuation of the offender's former duty to 182
register regarding residence addresses imposed prior to ~~the~~ 183
~~effective date of this amendment~~ July 31, 2003, under section 184
2950.04 of the Revised Code and shall be considered for all 185
purposes as having commenced on the date that the offender's 186
former duty under that section commenced. The offender's duty to 187
comply with those sections commences regarding addresses of 188
schools, institutions of higher education, and places of 189
employment on ~~the effective date of this amendment~~ July 31, 2003. 190

(8) If the delinquent child's duty to register is imposed 191
pursuant to division (A)(2)(b) of section 2950.041 of the Revised 192
Code, the delinquent child's duty to comply with those sections is 193
a continuation of the delinquent child's former duty to register 194
imposed prior to ~~the effective date of this amendment~~ July 31, 195
2003, under section 2950.04 of the Revised Code and shall be 196
considered for all purposes as having commenced on the date that 197
the delinquent child's former duty under that section commenced or 198
commences. 199

(B) The duty of an offender who is convicted of or pleads 200
guilty to, or has been convicted of or pleaded guilty to, either a 201
sexually oriented offense that is not a registration-exempt 202
sexually oriented offense or a child-victim oriented offense and 203
the duty of a delinquent child who is adjudicated a delinquent 204
child for committing either a sexually oriented offense that is 205
not a registration-exempt sexually oriented offense or a 206

child-victim oriented offense and is classified a juvenile 207
offender registrant or who is an out-of-state juvenile offender 208
registrant to comply with sections 2950.04, 2950.041, 2950.05, and 209
2950.06 of the Revised Code continues, after the date of 210
commencement, for whichever of the following periods is 211
applicable: 212

(1) Except as otherwise provided in this division, if the 213
offense is a sexually oriented offense that is not a 214
registration-exempt sexually oriented offense and the offender or 215
delinquent child has been adjudicated a sexual predator relative 216
to the sexually oriented offense, if the offense is a sexually 217
oriented offense and the offender has the duty to register as a 218
result of an aggravated sexually oriented offense, or if the 219
offense is a child-victim oriented offense and the offender or 220
delinquent child has been adjudicated a child-victim predator 221
relative to the child-victim oriented offense, the offender's or 222
delinquent child's duty to comply with those sections continues 223
until the offender's or delinquent child's death. Regarding a 224
delinquent child who has been adjudicated a sexual predator 225
relative to the sexually oriented offense or who has been 226
adjudicated a child-victim predator relative to the child-victim 227
oriented offense, if the judge who made the disposition for the 228
delinquent child or that judge's successor in office subsequently 229
enters a determination pursuant to section 2152.84 or 2152.85 of 230
the Revised Code that the delinquent child no longer is a sexual 231
predator or child-victim predator, the delinquent child's duty to 232
comply with those sections continues for the period of time that 233
otherwise would have been applicable to the delinquent child under 234
division (B)(2) or (3) of this section. In no case shall the 235
lifetime duty to comply that is imposed under this division on an 236
offender who is adjudicated a sexual predator or is adjudicated a 237
child-victim predator or is imposed under this division for an 238
aggravated sexually oriented offense, or the adjudication, 239

classification, or conviction that subjects the offender to this 240
division, be removed or terminated. 241

(2) If the judge who sentenced the offender or made the 242
disposition for the delinquent child for committing the sexually 243
oriented offense that is not a registration-exempt sexually 244
oriented offense or the child-victim oriented offense, or the 245
successor in office of the juvenile court judge who made the 246
delinquent child disposition, determined pursuant to division (E) 247
of section 2950.09 or 2950.091 or pursuant to division (B) of 248
section 2152.83, section 2152.84, or section 2152.85 of the 249
Revised Code that the offender or delinquent child is a habitual 250
sex offender or a habitual child-victim offender, or if the 251
offender or delinquent child is automatically classified a 252
habitual child-victim offender pursuant to division (E) of section 253
2950.091 of the Revised Code, the offender's duty to comply with 254
those sections continues either until the offender's death or for 255
twenty years, determined as provided in this division, and the 256
delinquent child's duty to comply with those sections continues 257
for twenty years. If a delinquent child is so determined or 258
classified to be a habitual sex offender or a habitual 259
child-victim offender and if the judge who made the disposition 260
for the delinquent child or that judge's successor in office 261
subsequently enters a determination pursuant to section 2152.84 or 262
2152.85 of the Revised Code that the delinquent child no longer is 263
a habitual sex offender or habitual child-victim offender but 264
remains a juvenile offender registrant, the delinquent child's 265
duty to comply with those sections continues for the period of 266
time that otherwise would have been applicable to the delinquent 267
child under division (B)(3) of this section. Except as otherwise 268
provided in this division, the offender's duty to comply with 269
those sections continues until the offender's death. If a lifetime 270
duty to comply is imposed under this division on an offender, in 271
no case shall that lifetime duty, or the determination that 272

subjects the offender to this division, be removed or terminated. 273
The offender's duty to comply with those sections continues for 274
twenty years if the offender is a habitual sex offender and both 275
of the following apply: 276

(a) At least one of the sexually oriented offenses of which 277
the offender has been convicted or to which the offender has 278
pleaded guilty and that are included in the habitual sex offender 279
determination is a violation of division (A)(1) or (5) of section 280
2907.06 of the Revised Code involving a victim who is eighteen 281
years of age or older, a violation of division (A), (B), or ~~(E)~~(D) 282
of section 2907.08 of the Revised Code involving a victim who is 283
eighteen years of age or older, or a violation of section 2903.211 284
of the Revised Code that is a misdemeanor; 285

(b) The total of all the sexually oriented offenses of which 286
the offender has been convicted or to which the offender has 287
pleaded guilty and that are included in the habitual sex offender 288
determination does not include at least two sexually oriented 289
offenses that are not described in division (B)(2)(a) of this 290
section. 291

(3) If neither division (B)(1) nor (B)(2) of this section 292
applies, the offender's or delinquent child's duty to comply with 293
those sections continues for ten years. If a delinquent child is 294
classified pursuant to section 2152.82 or 2152.83 of the Revised 295
Code a juvenile offender registrant and if the judge who made the 296
disposition for the delinquent child or that judge's successor in 297
office subsequently enters a determination pursuant to section 298
2152.84 or 2152.85 of the Revised Code that the delinquent child 299
no longer is to be classified a juvenile offender registrant, the 300
delinquent child's duty to comply with those sections terminates 301
upon the court's entry of the determination. 302

(C)(1) If an offender has been convicted of or pleaded guilty 303
to a sexually oriented offense that is not a registration-exempt 304

sexually oriented offense and the offender subsequently is 305
convicted of or pleads guilty to another sexually oriented offense 306
or a child-victim oriented offense, if an offender has been 307
convicted of or pleaded guilty to a child-victim oriented offense 308
and the offender subsequently is convicted of or pleads guilty to 309
another child-victim oriented offense or a sexually oriented 310
offense, if a delinquent child has been adjudicated a delinquent 311
child for committing a sexually oriented offense that is not a 312
registration-exempt sexually oriented offense and is classified a 313
juvenile offender registrant or is an out-of-state juvenile 314
offender registrant and the child subsequently is adjudicated a 315
delinquent child for committing another sexually oriented offense 316
or a child-victim oriented offense and is classified a juvenile 317
offender registrant relative to that offense or subsequently is 318
convicted of or pleads guilty to another sexually oriented offense 319
or a child-victim oriented offense, or if a delinquent child has 320
been adjudicated a delinquent child for committing a child-victim 321
oriented offense and is classified a juvenile offender registrant 322
or is an out-of-state juvenile offender registrant and the child 323
subsequently is adjudicated a delinquent child for committing 324
another child-victim oriented offense or a sexually oriented 325
offense and is classified a juvenile offender registrant relative 326
to that offense or subsequently is convicted of or pleads guilty 327
to another child-victim oriented offense or a sexually oriented 328
offense, the period of time for which the offender or delinquent 329
child must comply with the sections specified in division (A) of 330
this section shall be separately calculated pursuant to divisions 331
(A)(1) to (8) and (B)(1) to (3) of this section for each of the 332
sexually oriented offenses and child-victim oriented offenses, and 333
the separately calculated periods of time shall be complied with 334
independently. 335

If a delinquent child has been adjudicated a delinquent child 336
for committing either a sexually oriented offense that is not a 337

registration-exempt sexually oriented offense or a child-victim 338
oriented offense, is classified a juvenile offender registrant or 339
is an out-of-state juvenile offender registrant relative to the 340
offense, and, after attaining eighteen years of age, subsequently 341
is convicted of or pleads guilty to another sexually oriented 342
offense or child-victim oriented offense, the subsequent 343
conviction or guilty plea does not limit, affect, or supersede the 344
duties imposed upon the delinquent child under this chapter 345
relative to the delinquent child's classification as a juvenile 346
offender registrant or as an out-of-state juvenile offender 347
registrant, and the delinquent child shall comply with both those 348
duties and the duties imposed under this chapter relative to the 349
subsequent conviction or guilty plea. 350

(2) If a delinquent child has been adjudicated a delinquent 351
child for committing on or after January 1, 2002, either a 352
sexually oriented offense that is not a registration-exempt 353
sexually oriented offense or a child-victim oriented offense and 354
is classified a juvenile offender registrant relative to the 355
offense, if the order containing the classification also contains 356
a determination by the juvenile judge that the child is a sexual 357
predator or a habitual sex offender or that the child is a 358
child-victim predator or a habitual child-victim offender, and if 359
the juvenile judge or the judge's successor in office subsequently 360
determines pursuant to section 2152.84 or 2152.85 of the Revised 361
Code that the delinquent child no longer is a sexual predator or 362
habitual sex offender or no longer is a child-victim predator or 363
habitual child-victim offender, whichever is applicable, the 364
judge's subsequent determination does not affect the date of 365
commencement of the delinquent child's duty to comply with 366
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 367
Code as determined under division (A) of this section. 368

(D) The duty of an offender or delinquent child to register 369

under this chapter is tolled for any period during which the 370
offender or delinquent child is returned to confinement in a 371
secure facility for any reason or imprisoned for an offense when 372
the confinement in a secure facility or imprisonment occurs 373
subsequent to the date determined pursuant to division (A) of this 374
section. The offender's or delinquent child's duty to register 375
under this chapter resumes upon the offender's or delinquent 376
child's release from confinement in a secure facility or 377
imprisonment. 378

(E) An offender or delinquent child who has been convicted or 379
pleaded guilty, or has been or is adjudicated a delinquent child, 380
in a court in another state, in a federal court, military court, 381
or Indian tribal court, or in a court of any nation other than the 382
United States for committing either a sexually oriented offense 383
that is not a registration-exempt sexually oriented offense or a 384
child-victim oriented offense may apply to the sheriff of the 385
county in which the offender or delinquent child resides or 386
temporarily is domiciled, or in which the offender attends a 387
school or institution of higher education or is employed, for 388
credit against the duty to register for the time that the offender 389
or delinquent child has complied with the sex offender or 390
child-victim offender registration requirements of another 391
jurisdiction. The sheriff shall grant the offender or delinquent 392
child credit against the duty to register for time for which the 393
offender or delinquent child provides adequate proof that the 394
offender or delinquent child has complied with the sex offender or 395
child-victim offender registration requirements of another 396
jurisdiction. If the offender or delinquent child disagrees with 397
the determination of the sheriff, the offender or delinquent child 398
may appeal the determination to the court of common pleas of the 399
county in which the offender or delinquent child resides or is 400
temporarily domiciled, or in which the offender attends a school 401
or institution of higher education or is employed. 402

Section 2. That existing sections 2907.08 and 2950.07 of the Revised Code are hereby repealed.

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