

As Passed by the Senate

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

Representative Schlichter

**Cosponsors: Representatives McGregor, J., Bacon, Wagoner, Setzer, Fende,
Dodd, Combs, Adams, Collier, Aslanides, Batchelder, Boyd, Daniels,
DeBose, Domenick, Dyer, Evans, Flowers, Gibbs, Goyal, Hagan, J., Harwood,
Heard, Hughes, Luckie, Mandel, Patton, Schindel, Szollosi, Williams, B.
Senators Schaffer, Stivers, Fedor, Turner, Carey, Cates, Harris, Padgett**

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A B I L L

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

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

Section 1. That section 2907.08 of the Revised Code be 6
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, or spy or eavesdrop upon~~ the 20
other person in a 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 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

Section 2. That existing section 2907.08 of the Revised Code 82
is hereby repealed. 83