

**As Reported by the House Criminal Justice Committee**

**127th General Assembly**

**Regular Session**

**2007-2008**

**Sub. H. B. No. 74**

**Representative Schlichter**

**Cosponsors: Representatives McGregor, J., Bacon, Wagoner, Setzer, Fende,**

**Dodd, Combs, Adams, Collier**

—

**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 fourth 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 to 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~~ fourth 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