

As Introduced

**127th General Assembly
Regular Session
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S. B. No. 220

Senator Schuring

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A B I L L

To amend sections 2907.01, 2907.22, 2907.23, 2907.24, 1
2907.241, and 2907.25 of the Revised Code to 2
provide increased penalties for the offenses of 3
promoting prostitution, procuring, soliciting, 4
loitering to engage in solicitation, and 5
prostitution if the offense occurs in a school 6
safety zone or within 1,000 feet of a school 7
building or the boundaries of school premises. 8

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

Section 1. That sections 2907.01, 2907.22, 2907.23, 2907.24, 9
2907.241, and 2907.25 of the Revised Code be amended to read as 10
follows: 11

Sec. 2907.01. As used in sections 2907.01 to 2907.38 of the 12
Revised Code: 13

(A) "Sexual conduct" means vaginal intercourse between a male 14
and female; anal intercourse, fellatio, and cunnilingus between 15
persons regardless of sex; and, without privilege to do so, the 16
insertion, however slight, of any part of the body or any 17
instrument, apparatus, or other object into the vaginal or anal 18
opening of another. Penetration, however slight, is sufficient to 19
complete vaginal or anal intercourse. 20

(B) "Sexual contact" means any touching of an erogenous zone 21
of another, including without limitation the thigh, genitals, 22
buttock, pubic region, or, if the person is a female, a breast, 23
for the purpose of sexually arousing or gratifying either person. 24

(C) "Sexual activity" means sexual conduct or sexual contact, 25
or both. 26

(D) "Prostitute" means a male or female who promiscuously 27
engages in sexual activity for hire, regardless of whether the 28
hire is paid to the prostitute or to another. 29

(E) "Harmful to juveniles" means that quality of any material 30
or performance describing or representing nudity, sexual conduct, 31
sexual excitement, or sado-masochistic abuse in any form to which 32
all of the following apply: 33

(1) The material or performance, when considered as a whole, 34
appeals to the prurient interest of juveniles in sex. 35

(2) The material or performance is patently offensive to 36
prevailing standards in the adult community as a whole with 37
respect to what is suitable for juveniles. 38

(3) The material or performance, when considered as a whole, 39
lacks serious literary, artistic, political, and scientific value 40
for juveniles. 41

(F) When considered as a whole, and judged with reference to 42
ordinary adults or, if it is designed for sexual deviates or other 43
specially susceptible group, judged with reference to that group, 44
any material or performance is "obscene" if any of the following 45
apply: 46

(1) Its dominant appeal is to prurient interest; 47

(2) Its dominant tendency is to arouse lust by displaying or 48
depicting sexual activity, masturbation, sexual excitement, or 49
nudity in a way that tends to represent human beings as mere 50

objects of sexual appetite;	51
(3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;	52 53 54
(4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose;	55 56 57 58 59
(5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.	60 61 62 63 64 65 66 67 68
(G) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.	69 70
(H) "Nudity" means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.	71 72 73 74 75 76
(I) "Juvenile" means an unmarried person under the age of eighteen.	77 78
(J) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing	79 80 81

capable of arousing interest through sight, sound, or touch and 82
includes an image or text appearing on a computer monitor, 83
television screen, liquid crystal display, or similar display 84
device or an image or text recorded on a computer hard disk, 85
computer floppy disk, compact disk, magnetic tape, or similar data 86
storage device. 87

(K) "Performance" means any motion picture, preview, trailer, 88
play, show, skit, dance, or other exhibition performed before an 89
audience. 90

(L) "Spouse" means a person married to an offender at the 91
time of an alleged offense, except that such person shall not be 92
considered the spouse when any of the following apply: 93

(1) When the parties have entered into a written separation 94
agreement authorized by section 3103.06 of the Revised Code; 95

(2) During the pendency of an action between the parties for 96
annulment, divorce, dissolution of marriage, or legal separation; 97

(3) In the case of an action for legal separation, after the 98
effective date of the judgment for legal separation. 99

(M) "Minor" means a person under the age of eighteen. 100

(N) "Mental health client or patient" has the same meaning as 101
in section 2305.51 of the Revised Code. 102

(O) "Mental health professional" has the same meaning as in 103
section 2305.115 of the Revised Code. 104

(P) "Sado-masochistic abuse" means flagellation or torture by 105
or upon a person or the condition of being fettered, bound, or 106
otherwise physically restrained. 107

(Q) An offense is "committed in proximity to a school" if the 108
offender commits the offense in a school safety zone or within one 109
thousand feet of any school building or the boundaries of any 110
school premises, regardless of whether the offender knows the 111

offense is being committed in a school safety zone or within one 112
thousand feet of any school building or the boundaries of any 113
school premises. 114

Sec. 2907.22. (A) No person shall knowingly: 115

(1) Establish, maintain, operate, manage, supervise, control, 116
or have an interest in a brothel; 117

(2) Supervise, manage, or control the activities of a 118
prostitute in engaging in sexual activity for hire; 119

(3) Transport another, or cause another to be transported 120
across the boundary of this state or of any county in this state, 121
in order to facilitate the other person's engaging in sexual 122
activity for hire; 123

(4) For the purpose of violating or facilitating a violation 124
of this section, induce or procure another to engage in sexual 125
activity for hire. 126

(B)(1) Whoever violates this section is guilty of promoting 127
prostitution~~7~~. Except as otherwise provided in division (B)(2) or 128
(3) of this section, promoting prostitution is a felony of the 129
fourth degree. ~~If~~ 130

(2) If the offense is committed in proximity to a school, 131
except as otherwise provided in division (B)(3) of this section, 132
promoting prostitution is a felony of the third degree. 133

(3) If any prostitute in the brothel involved in the offense, 134
or the prostitute whose activities are supervised, managed, or 135
controlled by the offender, or the person transported, induced, or 136
procured by the offender to engage in sexual activity for hire, is 137
a minor, whether or not the offender knows the age of the minor, 138
~~then~~ promoting prostitution is one of the following: 139

(a) Except as otherwise provided in division (B)(3)(b) of 140
this section, it is a felony of the third degree. 141

(b) If the offense is committed in proximity to a school, it 142
is a felony of the second degree. 143

Sec. 2907.23. (A) No person, knowingly and for gain, shall do 144
either of the following: 145

(1) Entice or solicit another to patronize a prostitute or 146
brothel; 147

(2) Procure a prostitute for another to patronize, or take or 148
direct another at ~~his or her~~ the other's request to any place for 149
the purpose of patronizing a prostitute. 150

(B) No person, having authority or responsibility over the 151
use of premises, shall knowingly permit such premises to be used 152
for the purpose of engaging in sexual activity for hire. 153

(C) Whoever violates this section is guilty of procuring~~7.~~ 154
Except as otherwise provided in this division, procuring is a 155
misdemeanor of the first degree. If the offense is committed in 156
proximity to a school, and if the offender previously has been 157
convicted two or more times of a violation of this section in 158
circumstances in which the offense was committed in proximity to a 159
school, procuring is a felony of the third degree. 160

Sec. 2907.24. (A) No person shall solicit another to engage 161
with such other person in sexual activity for hire. 162

(B) No person, with knowledge that the person has tested 163
positive as a carrier of a virus that causes acquired 164
immunodeficiency syndrome, shall engage in conduct in violation of 165
division (A) of this section. 166

(C)(1) Whoever violates division (A) of this section is 167
guilty of soliciting~~7.~~ Except as otherwise provided in this 168
division, soliciting is a misdemeanor of the third degree. If the 169
offense is committed in proximity to a school, soliciting is one 170

of the following: 171

(a) Except as otherwise provided in division (C)(1)(b) of this section, it is a misdemeanor of the first degree. 172
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(b) If the offender previously has been convicted two or more times of a violation of division (A) or (B) of this section in circumstances in which the offense was committed in proximity to a school, it is a felony of the fifth degree. 174
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(2) Whoever violates division (B) of this section is guilty of engaging in solicitation after a positive HIV test. If the offender commits the violation prior to July 1, 1996, engaging in solicitation after a positive HIV test is a felony of the second degree. If the offender commits the violation on or after July 1, 1996, engaging in solicitation after a positive HIV test is a felony of the third degree. 178
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(D) If a person is convicted of or pleads guilty to a violation of any provision of this section, an attempt to commit a violation of any provision of this section, or a violation of or an attempt to commit a violation of a municipal ordinance that is substantially equivalent to any provision of this section and if the person, in committing or attempting to commit the violation, was in, was on, or used a motor vehicle, the court, in addition to or independent of all other penalties imposed for the violation, shall impose upon the offender a class six suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of section 4510.02 of the Revised Code. 185
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Sec. 2907.241. (A) No person, with purpose to solicit another to engage in sexual activity for hire and while in or near a public place, shall do any of the following: 198
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(1) Beckon to, stop, or attempt to stop another;	201
(2) Engage or attempt to engage another in conversation;	202
(3) Stop or attempt to stop the operator of a vehicle or approach a stationary vehicle;	203 204
(4) If the offender is the operator of or a passenger in a vehicle, stop, attempt to stop, beckon to, attempt to beckon to, or entice another to approach or enter the vehicle of which the offender is the operator or in which the offender is the passenger;	205 206 207 208 209
(5) Interfere with the free passage of another.	210
(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall engage in conduct in violation of division (A) of this section.	211 212 213 214
(C) As used in this section:	215
(1) "Vehicle" has the same meaning as in section 4501.01 of the Revised Code.	216 217
(2) "Public place" means any of the following:	218
(a) A street, road, highway, thoroughfare, bikeway, walkway, sidewalk, bridge, alley, alleyway, plaza, park, driveway, parking lot, or transportation facility;	219 220 221
(b) A doorway or entrance way to a building that fronts on a place described in division (C)(2)(a) of this section;	222 223
(c) A place not described in division (C)(2)(a) or (b) of this section that is open to the public.	224 225
(D)(1) Whoever violates division (A) of this section is guilty of loitering to engage in solicitation 7 . <u>Except as otherwise provided in this division, loitering to engage in solicitation is</u> a misdemeanor of the third degree. <u>If the offense</u>	226 227 228 229

is committed in proximity to a school, and if the offender 230
previously has been convicted two or more times of a violation of 231
division (A) or (B) of this section in circumstances in which the 232
offense was committed in proximity to a school, loitering to 233
engage in solicitation is a misdemeanor of the first degree. 234

(2) Whoever violates division (B) of this section is guilty 235
of loitering to engage in solicitation after a positive HIV test. 236
If the offender commits the violation prior to July 1, 1996, 237
loitering to engage in solicitation after a positive HIV test is a 238
felony of the fourth degree. If the offender commits the violation 239
on or after July 1, 1996, loitering to engage in solicitation 240
after a positive HIV test is a felony of the fifth degree. 241

Sec. 2907.25. (A) No person shall engage in sexual activity 242
for hire. 243

(B) No person, with knowledge that the person has tested 244
positive as a carrier of a virus that causes acquired 245
immunodeficiency syndrome, shall engage in sexual activity for 246
hire. 247

(C)(1) Whoever violates division (A) of this section is 248
guilty of prostitution⁷. Except as otherwise provided in this 249
division, prostitution is a misdemeanor of the third degree. If 250
the offense is committed in proximity to a school, prostitution is 251
one of the following: 252

(a) Except as otherwise provided in division (C)(1)(b) of 253
this section, it is a misdemeanor of the first degree. 254

(b) If the offender previously has been convicted two or more 255
times of a violation of division (A) or (B) of this section in 256
circumstances in which the offense was committed in proximity to a 257
school, it is a felony of the fifth degree. 258

(2) Whoever violates division (B) of this section is guilty 259

of engaging in prostitution after a positive HIV test. If the 260
offender commits the violation prior to July 1, 1996, engaging in 261
prostitution after a positive HIV test is a felony of the second 262
degree. If the offender commits the violation on or after July 1, 263
1996, engaging in prostitution after a positive HIV test is a 264
felony of the third degree. 265

Section 2. That existing sections 2907.01, 2907.22, 2907.23, 266
2907.24, 2907.241, and 2907.25 of the Revised Code are hereby 267
repealed. 268

Section 3. Sections 1 and 2 of this act shall take effect on 269
the earliest date permitted by law or January 1, 2008, whichever 270
is later. 271