

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**H. B. No. 380**

**Representative Coley**

**Cosponsors: Representatives Blessing, Lehner, Stebelton, Derickson,  
Harris, Combs, Murray, Phillips, Beck**

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**A B I L L**

To amend section 2907.06 of the Revised Code to 1  
increase the penalty for a first offense of sexual 2  
imposition to a misdemeanor of the first degree in 3  
specified circumstances. 4

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

**Section 1.** That section 2907.06 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 2907.06.** (A) No person shall have sexual contact with 7  
another, not the spouse of the offender; cause another, not the 8  
spouse of the offender, to have sexual contact with the offender; 9  
or cause two or more other persons to have sexual contact when any 10  
of the following applies: 11

(1) The offender knows that the sexual contact is offensive 12  
to the other person, or one of the other persons, or is reckless 13  
in that regard. 14

(2) The offender knows that the other person's, or one of the 15  
other person's, ability to appraise the nature of or control the 16  
offender's or touching person's conduct is substantially impaired. 17

(3) The offender knows that the other person, or one of the other persons, submits because of being unaware of the sexual contact.

(4) The other person, or one of the other persons, is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.

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

(B) No person shall be convicted of a violation of this section solely upon the victim's testimony unsupported by other evidence.

(C)(1) Whoever violates this section is guilty of sexual imposition.

(2) A violation of division (A)(1), (2), or (3) of this section is a misdemeanor of the third degree. If the offender previously has been convicted of a violation of this section or of section 2907.02, 2907.03, 2907.04, 2907.05, or 2907.12 of the Revised Code, a violation of division (A)(1), (2), or (3) of this section is a misdemeanor of the first degree.

(3) A violation of division (A)(4) or (5) of this section is a misdemeanor of the first degree.

**Section 2.** That existing section 2907.06 of the Revised Code is hereby repealed.