

As Introduced

**129th General Assembly
Regular Session
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H. B. No. 578

Representative Hagan, C.

**Cosponsors: Representatives Boyd, Fedor, Grossman, Lynch, Patmon,
Stebelton**

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A B I L L

To amend section 2907.03 of the Revised Code to 1
prohibit an employee of a public or nonpublic 2
school or institution of higher education from 3
engaging in sexual conduct with a minor who is 4
enrolled in or attends that public or nonpublic 5
school or who is enrolled in or attends that 6
institution of higher education and is also 7
enrolled in or attends a public or nonpublic 8
school. 9

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

Section 1. That section 2907.03 of the Revised Code be 10
amended to read as follows: 11

Sec. 2907.03. (A) No person shall engage in sexual conduct 12
with another, not the spouse of the offender, when any of the 13
following apply: 14

(1) The offender knowingly coerces the other person to submit 15
by any means that would prevent resistance by a person of ordinary 16
resolution. 17

(2) The offender knows that the other person's ability to 18

appraise the nature of or control the other person's own conduct 19
is substantially impaired. 20

(3) The offender knows that the other person submits because 21
the other person is unaware that the act is being committed. 22

(4) The offender knows that the other person submits because 23
the other person mistakenly identifies the offender as the other 24
person's spouse. 25

(5) The offender is the other person's natural or adoptive 26
parent, or a stepparent, or guardian, custodian, or person in loco 27
parentis of the other person. 28

(6) The other person is in custody of law or a patient in a 29
hospital or other institution, and the offender has supervisory or 30
disciplinary authority over the other person. 31

(7) The offender is a teacher, administrator, coach, or other 32
person in authority employed by or serving in ~~a~~ any public or 33
nonpublic school ~~for which the state board of education prescribes~~ 34
~~minimum standards pursuant to division (D) of section 3301.07 of~~ 35
~~the Revised Code~~ or is a person employed by any public or 36
nonpublic school, the other person is enrolled in or attends that 37
school, and the offender is not enrolled in and does not attend 38
that school. 39

(8) The other person is a minor, the offender is a teacher, 40
administrator, coach, or other person in authority employed by or 41
serving in an institution of higher education, and the other 42
person is enrolled in or attends that institution, or the offender 43
is a person employed by an institution of higher education, the 44
other person is a minor, and the other person is enrolled in or 45
attends that institution and is enrolled in or attends a public or 46
nonpublic school. 47

(9) The other person is a minor, and the offender is the 48
other person's athletic or other type of coach, is the other 49

person's instructor, is the leader of a scouting troop of which 50
the other person is a member, or is a person with temporary or 51
occasional disciplinary control over the other person. 52

(10) The offender is a mental health professional, the other 53
person is a mental health client or patient of the offender, and 54
the offender induces the other person to submit by falsely 55
representing to the other person that the sexual conduct is 56
necessary for mental health treatment purposes. 57

(11) The other person is confined in a detention facility, 58
and the offender is an employee of that detention facility. 59

(12) The other person is a minor, the offender is a cleric, 60
and the other person is a member of, or attends, the church or 61
congregation served by the cleric. 62

(13) The other person is a minor, the offender is a peace 63
officer, and the offender is more than two years older than the 64
other person. 65

(B) Whoever violates this section is guilty of sexual 66
battery. Except as otherwise provided in this division, sexual 67
battery is a felony of the third degree. If the other person is 68
less than thirteen years of age, sexual battery is a felony of the 69
second degree, and the court shall impose upon the offender a 70
mandatory prison term equal to one of the prison terms prescribed 71
in section 2929.14 of the Revised Code for a felony of the second 72
degree. 73

(C) As used in this section: 74

(1) "Cleric" has the same meaning as in section 2317.02 of 75
the Revised Code. 76

(2) "Detention facility" has the same meaning as in section 77
2921.01 of the Revised Code. 78

(3) "Institution of higher education" means a state 79

institution of higher education defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or a school certified under Chapter 3332. of the Revised Code.

(4) "Nonpublic school" means a school, other than a public school, for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code.

(5) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(6) "Public school" means a school operated by the board of education of a school district, a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

Section 2. That existing section 2907.03 of the Revised Code is hereby repealed.