

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 241**

**Representative Hagan, C.**

**Cosponsors: Representatives Becker, Buchy, Grossman, Hood, Stebelton**

—

**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 80

Revised Code, a private nonprofit college or university located in 81  
this state that possesses a certificate of authorization issued by 82  
the Ohio board of regents pursuant to Chapter 1713. of the Revised 83  
Code, or a school certified under Chapter 3332. of the Revised 84  
Code. 85

(4) "Nonpublic school" means a school, other than a public 86  
school, for which the state board of education prescribes minimum 87  
standards pursuant to division (D) of section 3301.07 of the 88  
Revised Code. 89

(5) "Peace officer" has the same meaning as in section 90  
2935.01 of the Revised Code. 91

(6) "Public school" means a school operated by the board of 92  
education of a school district, a community school established 93  
under Chapter 3314. of the Revised Code, a STEM school established 94  
under Chapter 3326. of the Revised Code, or a college-preparatory 95  
boarding school established under Chapter 3328. of the Revised 96  
Code. 97

**Section 2.** That existing section 2907.03 of the Revised Code 98  
is hereby repealed. 99