

As Passed by the House

**130th General Assembly
Regular Session
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Am. H. B. No. 241

Representative Hagan, C.

**Cosponsors: Representatives Becker, Buchy, Grossman, Hood, Stebelton,
Amstutz, Anielski, Barborak, Barnes, Bishoff, Boyce, Brenner, Brown,
Burkley, Butler, Carney, Celebrezze, Cera, DeVitis, Driehaus, Gerberry, Hall,
Hayes, Hottinger, Landis, McClain, Milkovich, O'Brien, Patterson, Pelanda,
Perales, Phillips, Pillich, Rogers, Rosenberger, Scherer, Schuring, Sears,
Sheehy, Slaby, Strahorn, Thompson, Winburn Speaker Batchelder**

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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 who is 3
not in a position of authority from engaging in 4
sexual conduct with a minor at least four years 5
younger than the employee who is enrolled in or 6
attends that public or nonpublic school or who is 7
enrolled in or attends that institution of higher 8
education and is also enrolled in or attends a 9
public or nonpublic school. 10

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

Section 1. That section 2907.03 of the Revised Code be 11
amended to read as follows: 12

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

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| following apply: | 15 |
| (1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution. | 16 17 18 |
| (2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired. | 19 20 21 |
| (3) The offender knows that the other person submits because the other person is unaware that the act is being committed. | 22 23 |
| (4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse. | 24 25 26 |
| (5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person. | 27 28 29 |
| (6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person. | 30 31 32 |
| (7)(a) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a <u>any public or nonpublic</u> school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code , the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school; | 33 34 35 36 37 38 39 |
| <u>(b) The offender is a person who is employed by any public or nonpublic school and is not described in division (A)(7)(a) of this section, the other person is enrolled in or attends that school and is at least four years younger than the offender, and the offender is not enrolled in and does not attend that school.</u> | 40 41 42 43 44 |

(8)(a) The other person is a minor, the offender is a 45
teacher, administrator, coach, or other person in authority 46
employed by or serving in an institution of higher education, and 47
the other person is enrolled in or attends that institution. 48

(b) The offender is a person who is employed by an 49
institution of higher education and is not described in division 50
(A)(8)(a) of this section, the other person is a minor who is at 51
least four years younger than the offender, and the other person 52
is enrolled in or attends that institution, regardless of whether 53
that person also is enrolled in or attends a public or nonpublic 54
school. 55

(9) The other person is a minor, and the offender is the 56
other person's athletic or other type of coach, is the other 57
person's instructor, is the leader of a scouting troop of which 58
the other person is a member, or is a person with temporary or 59
occasional disciplinary control over the other person. 60

(10) The offender is a mental health professional, the other 61
person is a mental health client or patient of the offender, and 62
the offender induces the other person to submit by falsely 63
representing to the other person that the sexual conduct is 64
necessary for mental health treatment purposes. 65

(11) The other person is confined in a detention facility, 66
and the offender is an employee of that detention facility. 67

(12) The other person is a minor, the offender is a cleric, 68
and the other person is a member of, or attends, the church or 69
congregation served by the cleric. 70

(13) The other person is a minor, the offender is a peace 71
officer, and the offender is more than two years older than the 72
other person. 73

(B) Whoever violates this section is guilty of sexual 74
battery. Except as otherwise provided in this division, sexual 75

battery is a felony of the third degree. If the other person is 76
less than thirteen years of age, sexual battery is a felony of the 77
second degree, and the court shall impose upon the offender a 78
mandatory prison term equal to one of the prison terms prescribed 79
in section 2929.14 of the Revised Code for a felony of the second 80
degree. 81

(C) As used in this section: 82

(1) "Cleric" has the same meaning as in section 2317.02 of 83
the Revised Code. 84

(2) "Detention facility" has the same meaning as in section 85
2921.01 of the Revised Code. 86

(3) "Institution of higher education" means a state 87
institution of higher education defined in section 3345.011 of the 88
Revised Code, a private nonprofit college or university located in 89
this state that possesses a certificate of authorization issued by 90
the Ohio board of regents pursuant to Chapter 1713. of the Revised 91
Code, or a school certified under Chapter 3332. of the Revised 92
Code. 93

(4) "Nonpublic school" means a school, other than a public 94
school, for which the state board of education prescribes minimum 95
standards pursuant to division (D) of section 3301.07 of the 96
Revised Code. 97

(5) "Peace officer" has the same meaning as in section 98
2935.01 of the Revised Code. 99

(6) "Public school" means a school operated by the board of 100
education of a school district, a community school established 101
under Chapter 3314. of the Revised Code, a STEM school established 102
under Chapter 3326. of the Revised Code, or a college-preparatory 103
boarding school established under Chapter 3328. of the Revised 104
Code. 105

Section 2. That existing section 2907.03 of the Revised Code 106
is hereby repealed. 107