



Ohio Legislative Service Commission

Bill Analysis

Andrea Holmes

H.B. 380

128th General Assembly
(As Introduced)

Reps. Coley, Blessing, Lehner, Stebelton, Derickson, Harris, Combs, Murray, Phillips, Beck

BILL SUMMARY

- Increases the penalty for a first offense of sexual imposition to a first degree misdemeanor in specified circumstances.

CONTENT AND OPERATION

Existing law prohibits a person from having sexual contact with another, not the spouse of the offender, causing another, not the spouse of the offender, to have sexual contact with the offender, or causing two or more other persons to have sexual contact when: (1) the offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard, (2) the offender knows that the other person's, or one of the other person's, ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired, (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 13 years of age or older but less than 16 years of age, whether or not the offender knows the age of such person, and the offender is at least 18 years of age and four or more years older than such other person, or (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. A person cannot be convicted of a violation of this prohibition solely upon the victim's testimony unsupported by other evidence. A violation of the prohibition is the offense of "sexual imposition." Under existing law, sexual imposition generally is a third degree misdemeanor, but if the offender previously has been convicted of sexual imposition, rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, or

the former offense of felonious sexual penetration, sexual imposition is a misdemeanor of the first degree. (R.C. 2907.06.)

The bill increases the penalty for the offense of "sexual imposition" to a first degree misdemeanor on the first offense if the offender commits the offense under the circumstances described in clause (4) or (5) of the prior paragraph (R.C. 2907.06(C)(3)).

HISTORY

ACTION	DATE
Introduced	11-24-09

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