



Ohio Legislative Service Commission

Bill Analysis

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H.B. 241

130th General Assembly
(As Introduced)

Reps. C. Hagan, Becker, Buchy, Grossman, Hood, Stebelton

BILL SUMMARY

- Prohibits any public or nonpublic school employee (in addition to a teacher, administrator, coach, or other person in authority employed by or serving in the school, as under current law) from engaging in sexual conduct with a student of the school.
- Prohibits any employee of an institution of higher education from engaging in sexual conduct with a minor who is dually enrolled in both the institution and a public or nonpublic school.

CONTENT AND OPERATION

Overview

The criminal code prohibits "sexual battery," which is sexual conduct with another person who is not the spouse of the offender when certain prescribed other circumstances exist and even if the sexual conduct was consensual. Two of the 13 prescribed circumstances specifically involve sexual conduct between a person in authority at a public or nonpublic school or at an institution of higher education and a student at the school or institution. The bill revises the sexual battery statute to apply the prohibition to all employees of a public or nonpublic school. It also revises the statute to apply the prohibition to the situation in which the offender is any employee of an institution of higher education and the other person is a minor who is dually enrolled in both the institution and a public or nonpublic school.

Sexual battery by employees of public or nonpublic schools

Current law prohibits a person from engaging in sexual conduct with another person who is not the spouse of the offender where (1) the offender is a teacher,

administrator, coach, or other person in authority employed by or serving in a public or nonpublic school, (2) the other person is enrolled in or attends that school, and (3) the offender is not enrolled in and does not attend that school. The bill adds to the specifications of the sexual battery statute so that it also applies if the offender is *any* employee of the public or nonpublic school.¹

Definitional changes

The bill also clarifies that all public and nonpublic schools fall under the purview of the statute. For purposes of the bill, "nonpublic school" means a school, other than a public school, for which the State Board of Education prescribes minimum education standards, which means all chartered and nonchartered nonpublic schools (same as current law). The bill defines "public school" as a school district, a community school, a STEM school, or a college-preparatory boarding school.² The bill's definitional changes are largely nonsubstantive.

Sexual battery by employees of institutions of higher education

Under continuing law, a person is prohibited from engaging in sexual conduct with another person who is not the spouse of the offender when the other person is a minor enrolled or attending an institution of higher education and the offender is a teacher, administrator, coach, or other person in authority employed by or serving in that institution of higher education. The bill adds a specification prohibiting any person who is employed by an institution of higher education from engaging in sexual conduct with a minor who is enrolled in or attends *both* that institution of higher education and a public or nonpublic school.³ In other words, it applies the sexual battery prohibition to the situation where the offender is *any* employee of an institution of higher education (not just a person in authority) and the other person is a minor who is dually enrolled in both the institution and a public or nonpublic school.

Background on penalties and other consequences of committing sexual battery

Generally, sexual battery is a felony of the third degree, punishable by a prison term of 12, 18, 24, 30, 36, 42, 48, 54, or 60 months.⁴ If the other person is less than 13

¹ R.C. 2907.03(A)(7).

² R.C. 2907.03(C)(4) and (6).

³ R.C. 2907.03(A)(8).

⁴ R.C. 2907.03(B). See R.C. 2929.14(A)(3)(a), not in the bill.

years of age, sexual battery is a felony of the second degree and the court must impose a prison term of two, three, four, five, six, seven, or eight years.⁵

Separate law provides that violation of the sexual battery statute under the specific conditions involving a student at a public or nonpublic school under both current law and the bill as described above (see "**Sexual battery by employees of public or nonpublic schools**") is expressly grounds for termination of a teacher by a school district.⁶ In addition, a conviction or plea of guilty for any type of sexual battery by a teacher, or any other licensee of the State Board of Education, is among several criminal offenses that expressly require automatic revocation of that person's license.⁷

HISTORY

ACTION	DATE
Introduced	08-06-13

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⁵ R.C. 2907.03(B). See R.C. 2929.14(A)(2).

⁶ R.C. 3319.16, not in the bill.

⁷ R.C. 3319.31(C), not in the bill.

