

I\_132\_0085-1

132nd General Assembly  
Regular Session  
2017-2018

Sub. H. B. No. 96

---

**A BILL**

To amend sections 2907.06 and 2917.11 of the  
Revised Code to increase the penalty for sexual  
imposition when the offender previously has been  
convicted or pleaded guilty three or more times  
of any of several specified sex offenses and to  
enhance the penalty for disorderly conduct  
involving voluntary intoxication when the  
offender has previously been convicted of the  
offense three or more times.

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

**Section 1.** That sections 2907.06 and 2917.11 of the  
Revised Code be amended to read as follows:

**Sec. 2907.06.** (A) No person shall have sexual contact with  
another, not the spouse of the offender; cause another, not the  
spouse of the offender, to have sexual contact with the  
offender; or cause two or more other persons to have sexual  
contact when any of the following applies:

(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. 19

(2) The offender knows that the other person's, or one of 20  
the other person's, ability to appraise the nature of or control 21  
the offender's or touching person's conduct is substantially 22  
impaired. 23

(3) The offender knows that the other person, or one of 24  
the other persons, submits because of being unaware of the 25  
sexual contact. 26

(4) The other person, or one of the other persons, is 27  
thirteen years of age or older but less than sixteen years of 28  
age, whether or not the offender knows the age of such person, 29  
and the offender is at least eighteen years of age and four or 30  
more years older than such other person. 31

(5) The offender is a mental health professional, the 32  
other person or one of the other persons is a mental health 33  
client or patient of the offender, and the offender induces the 34  
other person who is the client or patient to submit by falsely 35  
representing to the other person who is the client or patient 36  
that the sexual contact is necessary for mental health treatment 37  
purposes. 38

(B) No person shall be convicted of a violation of this 39  
section solely upon the victim's testimony unsupported by other 40  
evidence. 41

(C) Whoever violates this section is guilty of sexual 42  
imposition, a misdemeanor of the third degree. If the offender 43  
previously has been convicted of or pleaded guilty to a 44  
violation of this section or of section 2907.02, 2907.03, 45  
2907.04, 2907.05, or 2907.12 of the Revised Code, a violation of 46  
this section is a misdemeanor of the first degree. If the 47

offender previously has been convicted of or pleaded guilty to 48  
three or more violations of this section or section 2907.02, 49  
2907.03, 2907.04, or 2907.05, or former section 2907.12 of the 50  
Revised Code, or of any combination of those sections, a 51  
violation of this section is a misdemeanor of the first degree 52  
and, notwithstanding the range of jail terms prescribed in 53  
section 2929.24 of the Revised Code, the court may impose on the 54  
offender a definite jail term of not more than one year. 55

**Sec. 2917.11.** (A) No person shall recklessly cause 56  
inconvenience, annoyance, or alarm to another by doing any of 57  
the following: 58

(1) Engaging in fighting, in threatening harm to persons 59  
or property, or in violent or turbulent behavior; 60

(2) Making unreasonable noise or an offensively coarse 61  
utterance, gesture, or display or communicating unwarranted and 62  
grossly abusive language to any person; 63

(3) Insulting, taunting, or challenging another, under 64  
circumstances in which that conduct is likely to provoke a 65  
violent response; 66

(4) Hindering or preventing the movement of persons on a 67  
public street, road, highway, or right-of-way, or to, from, 68  
within, or upon public or private property, so as to interfere 69  
with the rights of others, and by any act that serves no lawful 70  
and reasonable purpose of the offender; 71

(5) Creating a condition that is physically offensive to 72  
persons or that presents a risk of physical harm to persons or 73  
property, by any act that serves no lawful and reasonable 74  
purpose of the offender. 75

(B) No person, while voluntarily intoxicated, shall do 76

either of the following: 77

(1) In a public place or in the presence of two or more 78  
persons, engage in conduct likely to be offensive or to cause 79  
inconvenience, annoyance, or alarm to persons of ordinary 80  
sensibilities, which conduct the offender, if the offender were 81  
not intoxicated, should know is likely to have that effect on 82  
others; 83

(2) Engage in conduct or create a condition that presents 84  
a risk of physical harm to the offender or another, or to the 85  
property of another. 86

(C) Violation of any statute or ordinance of which an 87  
element is operating a motor vehicle, locomotive, watercraft, 88  
aircraft, or other vehicle while under the influence of alcohol 89  
or any drug of abuse, is not a violation of division (B) of this 90  
section. 91

(D) If a person appears to an ordinary observer to be 92  
intoxicated, it is probable cause to believe that person is 93  
voluntarily intoxicated for purposes of division (B) of this 94  
section. 95

(E) (1) Whoever violates this section is guilty of 96  
disorderly conduct. 97

(2) Except as otherwise provided in ~~division~~ divisions (E) 98  
(3) and (4) of this section, disorderly conduct is a minor 99  
misdemeanor. 100

(3) Disorderly conduct is a misdemeanor of the fourth 101  
degree if any of the following applies: 102

(a) The offender persists in disorderly conduct after 103  
reasonable warning or request to desist. 104

(b) The offense is committed in the vicinity of a school 105  
or in a school safety zone. 106

(c) The offense is committed in the presence of any law 107  
enforcement officer, firefighter, rescuer, medical person, 108  
emergency medical services person, or other authorized person 109  
who is engaged in the person's duties at the scene of a fire, 110  
accident, disaster, riot, or emergency of any kind. 111

(d) The offense is committed in the presence of any 112  
emergency facility person who is engaged in the person's duties 113  
in an emergency facility. 114

(4) If an offender previously has been convicted of or 115  
pleaded guilty to three or more violations of division (B) of 116  
this section, a violation of division (B) of this section is a 117  
misdemeanor of the fourth degree. 118

(F) As used in this section: 119

(1) "Emergency medical services person" is the singular of 120  
"emergency medical services personnel" as defined in section 121  
2133.21 of the Revised Code. 122

(2) "Emergency facility person" is the singular of 123  
"emergency facility personnel" as defined in section 2909.04 of 124  
the Revised Code. 125

(3) "Emergency facility" has the same meaning as in 126  
section 2909.04 of the Revised Code. 127

(4) "Committed in the vicinity of a school" has the same 128  
meaning as in section 2925.01 of the Revised Code. 129

**Section 2.** That existing sections 2907.06 and 2917.11 of 130  
the Revised Code are hereby repealed. 131