

As Reported by the Senate Judiciary Committee

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Sub. H. B. No. 96

Representative Hughes

Cosponsors: Representatives Smith, R., Schaffer, Manning, Rezabek, Anielski, Antonio, Arndt, Ashford, Boccieri, Boggs, Boyd, Brenner, Brown, Butler, Clyde, Craig, Dever, Edwards, Fedor, Gavarone, Ginter, Gonzales, Hambley, Hill, Holmes, Ingram, Johnson, Kelly, Kent, Kick, Landis, Leland, Lepore-Hagan, McClain, Miller, O'Brien, Patmon, Patterson, Patton, Ramos, Riedel, Rogers, Romanchuk, Schuring, Slaby, Smith, K., Sprague, Stein, Strahorn, Sweeney, West, Young

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: 16

(1) The offender knows that the sexual contact is 17
offensive to the other person, or one of the other persons, or 18
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, or 2907.05, or former section 2907.12 of the Revised 46
Code, a violation of this section is a misdemeanor of the first 47
degree. If the offender previously has been convicted of or 48
pleaded guilty to three or more violations of this section or 49
section 2907.02, 2907.03, 2907.04, or 2907.05, or former section 50
2907.12 of the Revised Code, or of any combination of those 51
sections, a violation of this section is a misdemeanor of the 52
first degree and, notwithstanding the range of jail terms 53
prescribed in section 2929.24 of the Revised Code, the court may 54
impose on the offender a definite jail term of not more than one 55
year. 56

Sec. 2917.11. (A) No person shall recklessly cause 57
inconvenience, annoyance, or alarm to another by doing any of 58
the following: 59

(1) Engaging in fighting, in threatening harm to persons 60
or property, or in violent or turbulent behavior; 61

(2) Making unreasonable noise or an offensively coarse 62
utterance, gesture, or display or communicating unwarranted and 63
grossly abusive language to any person; 64

(3) Insulting, taunting, or challenging another, under 65
circumstances in which that conduct is likely to provoke a 66
violent response; 67

(4) Hindering or preventing the movement of persons on a 68
public street, road, highway, or right-of-way, or to, from, 69
within, or upon public or private property, so as to interfere 70
with the rights of others, and by any act that serves no lawful 71
and reasonable purpose of the offender; 72

(5) Creating a condition that is physically offensive to 73

persons or that presents a risk of physical harm to persons or 74
property, by any act that serves no lawful and reasonable 75
purpose of the offender. 76

(B) No person, while voluntarily intoxicated, shall do 77
either of the following: 78

(1) In a public place or in the presence of two or more 79
persons, engage in conduct likely to be offensive or to cause 80
inconvenience, annoyance, or alarm to persons of ordinary 81
sensibilities, which conduct the offender, if the offender were 82
not intoxicated, should know is likely to have that effect on 83
others; 84

(2) Engage in conduct or create a condition that presents 85
a risk of physical harm to the offender or another, or to the 86
property of another. 87

(C) Violation of any statute or ordinance of which an 88
element is operating a motor vehicle, locomotive, watercraft, 89
aircraft, or other vehicle while under the influence of alcohol 90
or any drug of abuse, is not a violation of division (B) of this 91
section. 92

(D) If a person appears to an ordinary observer to be 93
intoxicated, it is probable cause to believe that person is 94
voluntarily intoxicated for purposes of division (B) of this 95
section. 96

(E) (1) Whoever violates this section is guilty of 97
disorderly conduct. 98

(2) Except as otherwise provided in ~~division~~ divisions (E) 99

(3) and (4) of this section, disorderly conduct is a minor 100
misdemeanor. 101

(3) Disorderly conduct is a misdemeanor of the fourth degree if any of the following applies:	102 103
(a) The offender persists in disorderly conduct after reasonable warning or request to desist.	104 105
(b) The offense is committed in the vicinity of a school or in a school safety zone.	106 107
(c) The offense is committed in the presence of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person who is engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind.	108 109 110 111 112
(d) The offense is committed in the presence of any emergency facility person who is engaged in the person's duties in an emergency facility.	113 114 115
<u>(4) If an offender previously has been convicted of or pleaded guilty to three or more violations of division (B) of this section, a violation of division (B) of this section is a misdemeanor of the fourth degree.</u>	116 117 118 119
(F) As used in this section:	120
(1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in section 2133.21 of the Revised Code.	121 122 123
(2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in section 2909.04 of the Revised Code.	124 125 126
(3) "Emergency facility" has the same meaning as in section 2909.04 of the Revised Code.	127 128

(4) "Committed in the vicinity of a school" has the same	129
meaning as in section 2925.01 of the Revised Code.	130
Section 2. That existing sections 2907.06 and 2917.11 of	131
the Revised Code are hereby repealed.	132