

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. B. No. 793

Representative Ramos

A BILL

To amend section 2907.03 of the Revised Code to 1
prohibit an offender from knowingly removing a 2
condom during sexual conduct with another person 3
without the other person's knowledge and consent 4
and to remove the spousal exception from the 5
offense of sexual battery. 6

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

Section 1. That section 2907.03 of the Revised Code be 7
amended to read as follows: 8

Sec. 2907.03. (A) No person shall engage in sexual conduct 9
with another, ~~not the spouse of the offender,~~ when any of the 10
following apply: 11

(1) The offender knowingly coerces the other person to 12
submit by any means that would prevent resistance by a person of 13
ordinary resolution. 14

(2) The offender knows that the other person's ability to 15
appraise the nature of or control the other person's own conduct 16
is substantially impaired. 17

(3) The offender knows that the other person submits 18

because the other person is unaware that the act is being 19
committed. 20

(4) The offender knows that the other person submits 21
because the other person mistakenly identifies the offender as 22
the other person's spouse. 23

(5) The offender is the other person's natural or adoptive 24
parent, or a stepparent, or guardian, custodian, or person in 25
loco parentis of the other person. 26

(6) The other person is in custody of law or a patient in 27
a hospital or other institution, and the offender has 28
supervisory or disciplinary authority over the other person. 29

(7) The offender is a teacher, administrator, coach, or 30
other person in authority employed by or serving in a school for 31
which the state board of education prescribes minimum standards 32
pursuant to division (D) of section 3301.07 of the Revised Code, 33
the other person is enrolled in or attends that school, and the 34
offender is not enrolled in and does not attend that school. 35

(8) The other person is a minor, the offender is a 36
teacher, administrator, coach, or other person in authority 37
employed by or serving in an institution of higher education, 38
and the other person is enrolled in or attends that institution. 39

(9) The other person is a minor, and the offender is the 40
other person's athletic or other type of coach, is the other 41
person's instructor, is the leader of a scouting troop of which 42
the other person is a member, or is a person with temporary or 43
occasional disciplinary control over the other person. 44

(10) The offender is a mental health professional, the 45
other person is a mental health client or patient of the 46
offender, and the offender induces the other person to submit by 47

falsely representing to the other person that the sexual conduct is necessary for mental health treatment purposes. 48
49

(11) The other person is confined in a detention facility, 50
and the offender is an employee of that detention facility. 51

(12) The other person is a minor, the offender is a 52
cleric, and the other person is a member of, or attends, the 53
church or congregation served by the cleric. 54

(13) The other person is a minor, the offender is a peace 55
officer, and the offender is more than two years older than the 56
other person. 57

(14) The offender knows that the other person consented to 58
the sexual conduct based on an understanding that the offender 59
will wear a condom and the offender knowingly removes a condom 60
while engaging in sexual conduct with the other person. 61

(B) Whoever violates this section is guilty of sexual 62
battery. Except as otherwise provided in this division, sexual 63
battery is a felony of the third degree. If the other person is 64
less than thirteen years of age, sexual battery is a felony of 65
the second degree, and the court shall impose upon the offender 66
a mandatory prison term equal to one of the prison terms 67
prescribed in section 2929.14 of the Revised Code for a felony 68
of the second degree. 69

(C) As used in this section: 70

(1) "Cleric" has the same meaning as in section 2317.02 of 71
the Revised Code. 72

(2) "Detention facility" has the same meaning as in 73
section 2921.01 of the Revised Code. 74

(3) "Institution of higher education" means a state 75

institution of higher education defined in section 3345.011 of 76
the Revised Code, a private nonprofit college or university 77
located in this state that possesses a certificate of 78
authorization issued by the Ohio board of regents pursuant to 79
Chapter 1713. of the Revised Code, or a school certified under 80
Chapter 3332. of the Revised Code. 81

(4) "Peace officer" has the same meaning as in section 82
2935.01 of the Revised Code. 83

Section 2. That existing section 2907.03 of the Revised 84
Code is hereby repealed. 85