

H. B. No. 528
As Introduced

_____ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections 2907.01 and" 1
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In line 3 of the title, after "rape" insert "and to expand the definition of sexual conduct to include anilingus" 3
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In line 4, delete "section" and insert "sections 2907.01 and" 5

After line 5, insert: 6

"Sec. 2907.01. As used in sections 2907.01 to 2907.38 and 2917.211 of the Revised Code: 7
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(A) "Sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio, ~~and~~ cunnilingus, and anilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse. 9
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(B) "Sexual contact" means any touching of an erogenous 16



zone of another, including without limitation the thigh, 17
genitals, buttock, pubic region, or, if the person is a female, 18
a breast, for the purpose of sexually arousing or gratifying 19
either person. 20

(C) "Sexual activity" means sexual conduct or sexual 21
contact, or both. 22

(D) "Prostitute" means a male or female who promiscuously 23
engages in sexual activity for hire, regardless of whether the 24
hire is paid to the prostitute or to another. 25

(E) "Harmful to juveniles" means that quality of any 26
material or performance describing or representing nudity, 27
sexual conduct, sexual excitement, or sado-masochistic abuse in 28
any form to which all of the following apply: 29

(1) The material or performance, when considered as a 30
whole, appeals to the prurient interest of juveniles in sex. 31

(2) The material or performance is patently offensive to 32
prevailing standards in the adult community as a whole with 33
respect to what is suitable for juveniles. 34

(3) The material or performance, when considered as a 35
whole, lacks serious literary, artistic, political, and 36
scientific value for juveniles. 37

(F) When considered as a whole, and judged with reference 38
to ordinary adults or, if it is designed for sexual deviates or 39
other specially susceptible group, judged with reference to that 40
group, any material or performance is "obscene" if any of the 41
following apply: 42

(1) Its dominant appeal is to prurient interest; 43

(2) Its dominant tendency is to arouse lust by displaying 44

or depicting sexual activity, masturbation, sexual excitement, 45
or nudity in a way that tends to represent human beings as mere 46
objects of sexual appetite; 47

(3) Its dominant tendency is to arouse lust by displaying 48
or depicting bestiality or extreme or bizarre violence, cruelty, 49
or brutality; 50

(4) Its dominant tendency is to appeal to scatological 51
interest by displaying or depicting human bodily functions of 52
elimination in a way that inspires disgust or revulsion in 53
persons with ordinary sensibilities, without serving any genuine 54
scientific, educational, sociological, moral, or artistic 55
purpose; 56

(5) It contains a series of displays or descriptions of 57
sexual activity, masturbation, sexual excitement, nudity, 58
bestiality, extreme or bizarre violence, cruelty, or brutality, 59
or human bodily functions of elimination, the cumulative effect 60
of which is a dominant tendency to appeal to prurient or 61
scatological interest, when the appeal to such an interest is 62
primarily for its own sake or for commercial exploitation, 63
rather than primarily for a genuine scientific, educational, 64
sociological, moral, or artistic purpose. 65

(G) "Sexual excitement" means the condition of human male 66
or female genitals when in a state of sexual stimulation or 67
arousal. 68

(H) "Nudity" means the showing, representation, or 69
depiction of human male or female genitals, pubic area, or 70
buttocks with less than a full, opaque covering, or of a female 71
breast with less than a full, opaque covering of any portion 72
thereof below the top of the nipple, or of covered male genitals 73

in a discernibly turgid state.	74
(I) "Juvenile" means an unmarried person under the age of eighteen.	75 76
(J) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape, or similar data storage device.	77 78 79 80 81 82 83 84 85
(K) "Performance" means any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.	86 87 88
(L) "Spouse" means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:	89 90 91
(1) When the parties have entered into a written separation agreement authorized by section 3103.06 of the Revised Code;	92 93 94
(2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage, or legal separation;	95 96 97
(3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.	98 99
(M) "Minor" means a person under the age of eighteen.	100
(N) "Mental health client or patient" has the same meaning	101

as in section 2305.51 of the Revised Code.	102
(O) "Mental health professional" has the same meaning as in section 2305.115 of the Revised Code.	103 104
(P) "Sado-masochistic abuse" means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.	105 106 107
(Q) "Place where a person has a reasonable expectation of privacy" means a place where a reasonable person would believe that the person could fully disrobe in private.	108 109 110
(R) "Private area" means the genitals, pubic area, buttocks, or female breast below the top of the areola, where nude or covered by an undergarment.	111 112 113
(S) "Licensed medical professional" means any of the following medical professionals:	114 115
(1) A physician assistant licensed under Chapter 4730. of the Revised Code;	116 117
(2) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	118 119 120
(3) A massage therapist licensed under Chapter 4731. of the Revised Code."	121 122
In line 126, delete "section" and insert "sections 2907.01 and"	123
In line 127, delete "is" and insert "are"	124

The motion was _____ agreed to.

<u>SYNOPSIS</u>	125
Definition of sexual conduct - anilingus	126
R.C. 2907.01	127
Expands the definition of "sexual conduct" to include anilingus between persons regardless of sex.	128 129