

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**H. B. No. 528**

**Representative Williams**

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To amend section 2907.02 of the Revised Code to 1  
require a seven year mandatory minimum prison 2  
term for forcible rape. 3

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

**Section 1.** That section 2907.02 of the Revised Code be 4  
amended to read as follows: 5

**Sec. 2907.02.** (A) (1) No person shall engage in sexual 6  
conduct with another when any of the following applies: 7

(a) For the purpose of preventing resistance, the offender 8  
substantially impairs the other person's judgment or control by 9  
administering any drug, intoxicant, or controlled substance to 10  
the other person surreptitiously or by force, threat of force, 11  
or deception. 12

(b) The other person is less than thirteen years of age, 13  
whether or not the offender knows the age of the other person. 14

(c) The other person's ability to resist or consent is 15  
substantially impaired because of a mental or physical condition 16  
or because of advanced age, and the offender knows or has 17  
reasonable cause to believe that the other person's ability to 18  
resist or consent is substantially impaired because of a mental 19  
or physical condition or because of advanced age. 20

(d) The offender knows that the judgment or control of the other person is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery.

(2) No person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.

(B) Whoever violates this section is guilty of rape, a felony of the first degree. Except as otherwise provided in this division, if an offender is convicted of violating division (A) (2) of this section, the court shall impose as the minimum prison term for the offense a mandatory prison term that is one of the minimum terms prescribed for a felony of the first degree in division (A) (1) (a) of section 2929.14 of the Revised Code that is not less than seven years. If the offender under division (A) (1) (a) of this section substantially impairs the other person's judgment or control by administering any controlled substance, as defined in section 3719.01 of the Revised Code, to the other person surreptitiously or by force, threat of force, or deception, the prison term imposed upon the offender shall be one of the definite prison terms prescribed for a felony of the first degree in division (A) (1) (b) of section 2929.14 of the Revised Code that is not less than five years, except that if the violation is committed on or after March 22, 2019, the court shall impose as the minimum prison term for the offense a mandatory prison term that is one of the minimum terms prescribed for a felony of the first degree in division (A) (1) (a) of section 2929.14 of the Revised Code that is not less than five years. Except as otherwise provided in this division, notwithstanding sections 2929.11 to 2929.14 of

the Revised Code, an offender under division (A) (1) (b) of this 52  
section shall be sentenced to a prison term or term of life 53  
imprisonment pursuant to section 2971.03 of the Revised Code. If 54  
an offender is convicted of or pleads guilty to a violation of 55  
division (A) (1) (b) of this section, if the offender was less 56  
than sixteen years of age at the time the offender committed the 57  
violation of that division, and if the offender during or 58  
immediately after the commission of the offense did not cause 59  
serious physical harm to the victim, the victim was ten years of 60  
age or older at the time of the commission of the violation, and 61  
the offender has not previously been convicted of or pleaded 62  
guilty to a violation of this section or a substantially similar 63  
existing or former law of this state, another state, or the 64  
United States, the court shall not sentence the offender to a 65  
prison term or term of life imprisonment pursuant to section 66  
2971.03 of the Revised Code, and instead the court shall 67  
sentence the offender as otherwise provided in this division. If 68  
an offender under division (A) (1) (b) of this section previously 69  
has been convicted of or pleaded guilty to violating division 70  
(A) (1) (b) of this section or to violating an existing or former 71  
law of this state, another state, or the United States that is 72  
substantially similar to division (A) (1) (b) of this section, if 73  
the offender during or immediately after the commission of the 74  
offense caused serious physical harm to the victim, or if the 75  
victim under division (A) (1) (b) of this section is less than ten 76  
years of age, in lieu of sentencing the offender to a prison 77  
term or term of life imprisonment pursuant to section 2971.03 of 78  
the Revised Code, except as otherwise provided in this division, 79  
the court may impose upon the offender a term of life without 80  
parole. If the court imposes a term of life without parole 81  
pursuant to this division, division (F) of section 2971.03 of 82  
the Revised Code applies, and the offender automatically is 83

classified a tier III sex offender/child-victim offender, as 84  
described in that division. A court shall not impose a term of 85  
life without parole on an offender for rape if the offender was 86  
under eighteen years of age at the time of the offense. 87

(C) A victim need not prove physical resistance to the 88  
offender in prosecutions under this section. 89

(D) Evidence of specific instances of the victim's sexual 90  
activity, opinion evidence of the victim's sexual activity, and 91  
reputation evidence of the victim's sexual activity shall not be 92  
admitted under this section unless it involves evidence of the 93  
origin of semen, pregnancy, or sexually transmitted disease or 94  
infection, or the victim's past sexual activity with the 95  
offender, and only to the extent that the court finds that the 96  
evidence is material to a fact at issue in the case and that its 97  
inflammatory or prejudicial nature does not outweigh its 98  
probative value. 99

Evidence of specific instances of the defendant's sexual 100  
activity, opinion evidence of the defendant's sexual activity, 101  
and reputation evidence of the defendant's sexual activity shall 102  
not be admitted under this section unless it involves evidence 103  
of the origin of semen, pregnancy, or sexually transmitted 104  
disease or infection, the defendant's past sexual activity with 105  
the victim, or is admissible against the defendant under section 106  
2945.59 of the Revised Code, and only to the extent that the 107  
court finds that the evidence is material to a fact at issue in 108  
the case and that its inflammatory or prejudicial nature does 109  
not outweigh its probative value. 110

(E) Prior to taking testimony or receiving evidence of any 111  
sexual activity of the victim or the defendant in a proceeding 112  
under this section, the court shall resolve the admissibility of 113

the proposed evidence in a hearing in chambers, which shall be 114  
held at or before preliminary hearing and not less than three 115  
days before trial, or for good cause shown during the trial. 116

(F) Upon approval by the court, the victim may be 117  
represented by counsel in any hearing in chambers or other 118  
proceeding to resolve the admissibility of evidence. If the 119  
victim is indigent or otherwise is unable to obtain the services 120  
of counsel, the court, upon request, may appoint counsel to 121  
represent the victim without cost to the victim. 122

(G) It is not a defense to a charge under division (A) (2) 123  
of this section that the offender and the victim were married or 124  
were cohabiting at the time of the commission of the offense. 125

**Section 2.** That existing section 2907.02 of the Revised 126  
Code is hereby repealed. 127

**Section 3.** Section 2907.02 of the Revised Code is 128  
presented in this act as a composite of the section as amended 129  
by both H.B. 161 and S.B. 109 of the 135th General Assembly and 130  
H.B. 343 of the 134th General Assembly. The General Assembly, 131  
applying the principle stated in division (B) of section 1.52 of 132  
the Revised Code that amendments are to be harmonized if 133  
reasonably capable of simultaneous operation, finds that the 134  
composite is the resulting version of the section in effect 135  
prior to the effective date of the section as presented in this 136  
act. 137