

**As Reported by the House Judiciary Committee**

**136th General Assembly**

**Regular Session**

**2025-2026**

**Am. H. B. No. 528**

**Representative Williams**

**Cosponsor: Representative Mathews, A.**

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To amend sections 2907.01 and 2907.02 of the  
Revised Code to require a seven year mandatory  
minimum prison term for forcible rape and to  
expand the definition of sexual conduct to  
include anilingus.

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

**Section 1.** That sections 2907.01 and 2907.02 of the  
Revised Code be amended to read as follows:

**Sec. 2907.01.** As used in sections 2907.01 to 2907.38 and  
2917.211 of the Revised Code:

(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.

(B) "Sexual contact" means any touching of an erogenous  
zone of another, including without limitation the thigh,  
genitals, buttock, pubic region, or, if the person is a female,

a breast, for the purpose of sexually arousing or gratifying 20  
either person. 21

(C) "Sexual activity" means sexual conduct or sexual 22  
contact, or both. 23

(D) "Prostitute" means a male or female who promiscuously 24  
engages in sexual activity for hire, regardless of whether the 25  
hire is paid to the prostitute or to another. 26

(E) "Harmful to juveniles" means that quality of any 27  
material or performance describing or representing nudity, 28  
sexual conduct, sexual excitement, or sado-masochistic abuse in 29  
any form to which all of the following apply: 30

(1) The material or performance, when considered as a 31  
whole, appeals to the prurient interest of juveniles in sex. 32

(2) The material or performance is patently offensive to 33  
prevailing standards in the adult community as a whole with 34  
respect to what is suitable for juveniles. 35

(3) The material or performance, when considered as a 36  
whole, lacks serious literary, artistic, political, and 37  
scientific value for juveniles. 38

(F) When considered as a whole, and judged with reference 39  
to ordinary adults or, if it is designed for sexual deviates or 40  
other specially susceptible group, judged with reference to that 41  
group, any material or performance is "obscene" if any of the 42  
following apply: 43

(1) Its dominant appeal is to prurient interest; 44

(2) Its dominant tendency is to arouse lust by displaying 45  
or depicting sexual activity, masturbation, sexual excitement, 46  
or nudity in a way that tends to represent human beings as mere 47

objects of sexual appetite; 48

(3) Its dominant tendency is to arouse lust by displaying 49  
or depicting bestiality or extreme or bizarre violence, cruelty, 50  
or brutality; 51

(4) Its dominant tendency is to appeal to scatological 52  
interest by displaying or depicting human bodily functions of 53  
elimination in a way that inspires disgust or revulsion in 54  
persons with ordinary sensibilities, without serving any genuine 55  
scientific, educational, sociological, moral, or artistic 56  
purpose; 57

(5) It contains a series of displays or descriptions of 58  
sexual activity, masturbation, sexual excitement, nudity, 59  
bestiality, extreme or bizarre violence, cruelty, or brutality, 60  
or human bodily functions of elimination, the cumulative effect 61  
of which is a dominant tendency to appeal to prurient or 62  
scatological interest, when the appeal to such an interest is 63  
primarily for its own sake or for commercial exploitation, 64  
rather than primarily for a genuine scientific, educational, 65  
sociological, moral, or artistic purpose. 66

(G) "Sexual excitement" means the condition of human male 67  
or female genitals when in a state of sexual stimulation or 68  
arousal. 69

(H) "Nudity" means the showing, representation, or 70  
depiction of human male or female genitals, pubic area, or 71  
buttocks with less than a full, opaque covering, or of a female 72  
breast with less than a full, opaque covering of any portion 73  
thereof below the top of the nipple, or of covered male genitals 74  
in a discernibly turgid state. 75

(I) "Juvenile" means an unmarried person under the age of 76

eighteen.	77
(J) "Material" means any book, magazine, newspaper,	78
pamphlet, poster, print, picture, figure, image, description,	79
motion picture film, phonographic record, or tape, or other	80
tangible thing capable of arousing interest through sight,	81
sound, or touch and includes an image or text appearing on a	82
computer monitor, television screen, liquid crystal display, or	83
similar display device or an image or text recorded on a	84
computer hard disk, computer floppy disk, compact disk, magnetic	85
tape, or similar data storage device.	86
(K) "Performance" means any motion picture, preview,	87
trailer, play, show, skit, dance, or other exhibition performed	88
before an audience.	89
(L) "Spouse" means a person married to an offender at the	90
time of an alleged offense, except that such person shall not be	91
considered the spouse when any of the following apply:	92
(1) When the parties have entered into a written	93
separation agreement authorized by section 3103.06 of the	94
Revised Code;	95
(2) During the pendency of an action between the parties	96
for annulment, divorce, dissolution of marriage, or legal	97
separation;	98
(3) In the case of an action for legal separation, after	99
the effective date of the judgment for legal separation.	100
(M) "Minor" means a person under the age of eighteen.	101
(N) "Mental health client or patient" has the same meaning	102
as in section 2305.51 of the Revised Code.	103
(O) "Mental health professional" has the same meaning as	104

in section 2305.115 of the Revised Code.	105
(P) "Sado-masochistic abuse" means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.	106 107 108
(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.	109 110 111
(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.	112 113 114
(S) "Licensed medical professional" means any of the following medical professionals:	115 116
(1) A physician assistant licensed under Chapter 4730. of the Revised Code;	117 118
(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;	119 120 121
(3) A massage therapist licensed under Chapter 4731. of the Revised Code.	122 123
<b>Sec. 2907.02.</b> (A) (1) No person shall engage in sexual conduct with another when any of the following applies:	124 125
(a) For the purpose of preventing resistance, the offender substantially impairs the other person's judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.	126 127 128 129 130
(b) The other person is less than thirteen years of age,	131

whether or not the offender knows the age of the other person. 132

(c) The other person's ability to resist or consent is 133  
substantially impaired because of a mental or physical condition 134  
or because of advanced age, and the offender knows or has 135  
reasonable cause to believe that the other person's ability to 136  
resist or consent is substantially impaired because of a mental 137  
or physical condition or because of advanced age. 138

(d) The offender knows that the judgment or control of the 139  
other person is substantially impaired as a result of the 140  
influence of any drug or intoxicant administered to the other 141  
person with the other person's consent for the purpose of any 142  
kind of medical or dental examination, treatment, or surgery. 143

(2) No person shall engage in sexual conduct with another 144  
when the offender purposely compels the other person to submit 145  
by force or threat of force. 146

(B) Whoever violates this section is guilty of rape, a 147  
felony of the first degree. Except as otherwise provided in this 148  
division, if an offender is convicted of violating division (A) 149  
(2) of this section, the court shall impose as the minimum 150  
prison term for the offense a mandatory prison term that is one 151  
of the minimum terms prescribed for a felony of the first degree 152  
in division (A) (1) (a) of section 2929.14 of the Revised Code 153  
that is not less than seven years. If the offender under 154  
division (A) (1) (a) of this section substantially impairs the 155  
other person's judgment or control by administering any 156  
controlled substance, as defined in section 3719.01 of the 157  
Revised Code, to the other person surreptitiously or by force, 158  
threat of force, or deception, the prison term imposed upon the 159  
offender shall be one of the definite prison terms prescribed 160  
for a felony of the first degree in division (A) (1) (b) of 161

section 2929.14 of the Revised Code that is not less than five 162  
years, except that if the violation is committed on or after 163  
March 22, 2019, the court shall impose as the minimum prison 164  
term for the offense a mandatory prison term that is one of the 165  
minimum terms prescribed for a felony of the first degree in 166  
division (A) (1) (a) of section 2929.14 of the Revised Code that 167  
is not less than five years. Except as otherwise provided in 168  
this division, notwithstanding sections 2929.11 to 2929.14 of 169  
the Revised Code, an offender under division (A) (1) (b) of this 170  
section shall be sentenced to a prison term or term of life 171  
imprisonment pursuant to section 2971.03 of the Revised Code. If 172  
an offender is convicted of or pleads guilty to a violation of 173  
division (A) (1) (b) of this section, if the offender was less 174  
than sixteen years of age at the time the offender committed the 175  
violation of that division, and if the offender during or 176  
immediately after the commission of the offense did not cause 177  
serious physical harm to the victim, the victim was ten years of 178  
age or older at the time of the commission of the violation, and 179  
the offender has not previously been convicted of or pleaded 180  
guilty to a violation of this section or a substantially similar 181  
existing or former law of this state, another state, or the 182  
United States, the court shall not sentence the offender to a 183  
prison term or term of life imprisonment pursuant to section 184  
2971.03 of the Revised Code, and instead the court shall 185  
sentence the offender as otherwise provided in this division. If 186  
an offender under division (A) (1) (b) of this section previously 187  
has been convicted of or pleaded guilty to violating division 188  
(A) (1) (b) of this section or to violating an existing or former 189  
law of this state, another state, or the United States that is 190  
substantially similar to division (A) (1) (b) of this section, if 191  
the offender during or immediately after the commission of the 192  
offense caused serious physical harm to the victim, or if the 193

victim under division (A) (1) (b) of this section is less than ten 194  
years of age, in lieu of sentencing the offender to a prison 195  
term or term of life imprisonment pursuant to section 2971.03 of 196  
the Revised Code, except as otherwise provided in this division, 197  
the court may impose upon the offender a term of life without 198  
parole. If the court imposes a term of life without parole 199  
pursuant to this division, division (F) of section 2971.03 of 200  
the Revised Code applies, and the offender automatically is 201  
classified a tier III sex offender/child-victim offender, as 202  
described in that division. A court shall not impose a term of 203  
life without parole on an offender for rape if the offender was 204  
under eighteen years of age at the time of the offense. 205

(C) A victim need not prove physical resistance to the 206  
offender in prosecutions under this section. 207

(D) Evidence of specific instances of the victim's sexual 208  
activity, opinion evidence of the victim's sexual activity, and 209  
reputation evidence of the victim's sexual activity shall not be 210  
admitted under this section unless it involves evidence of the 211  
origin of semen, pregnancy, or sexually transmitted disease or 212  
infection, or the victim's past sexual activity with the 213  
offender, and only to the extent that the court finds that the 214  
evidence is material to a fact at issue in the case and that its 215  
inflammatory or prejudicial nature does not outweigh its 216  
probative value. 217

Evidence of specific instances of the defendant's sexual 218  
activity, opinion evidence of the defendant's sexual activity, 219  
and reputation evidence of the defendant's sexual activity shall 220  
not be admitted under this section unless it involves evidence 221  
of the origin of semen, pregnancy, or sexually transmitted 222  
disease or infection, the defendant's past sexual activity with 223

the victim, or is admissible against the defendant under section 224  
2945.59 of the Revised Code, and only to the extent that the 225  
court finds that the evidence is material to a fact at issue in 226  
the case and that its inflammatory or prejudicial nature does 227  
not outweigh its probative value. 228

(E) Prior to taking testimony or receiving evidence of any 229  
sexual activity of the victim or the defendant in a proceeding 230  
under this section, the court shall resolve the admissibility of 231  
the proposed evidence in a hearing in chambers, which shall be 232  
held at or before preliminary hearing and not less than three 233  
days before trial, or for good cause shown during the trial. 234

(F) Upon approval by the court, the victim may be 235  
represented by counsel in any hearing in chambers or other 236  
proceeding to resolve the admissibility of evidence. If the 237  
victim is indigent or otherwise is unable to obtain the services 238  
of counsel, the court, upon request, may appoint counsel to 239  
represent the victim without cost to the victim. 240

(G) It is not a defense to a charge under division (A) (2) 241  
of this section that the offender and the victim were married or 242  
were cohabiting at the time of the commission of the offense. 243

**Section 2.** That existing sections 2907.01 and 2907.02 of 244  
the Revised Code are hereby repealed. 245

**Section 3.** Section 2907.02 of the Revised Code is 246  
presented in this act as a composite of the section as amended 247  
by both H.B. 161 and S.B. 109 of the 135th General Assembly and 248  
H.B. 343 of the 134th General Assembly. The General Assembly, 249  
applying the principle stated in division (B) of section 1.52 of 250  
the Revised Code that amendments are to be harmonized if 251  
reasonably capable of simultaneous operation, finds that the 252

composite is the resulting version of the section in effect	253
prior to the effective date of the section as presented in this	254
act.	255