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H.B. 528
136th General Assembly

Bill Analysis

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Version: As Passed by the House

Primary Sponsor: Rep. Williams

Ashley F. Dean, Attorney

SUMMARY

- Imposes a minimum mandatory prison term on an offender who engages in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.
- Requires the minimum mandatory prison term to be at least seven years, but allows the minimum mandatory prison term to be seven, eight, nine, ten, or eleven years.
- Expands the definition of "sexual conduct" to include anilingus between persons regardless of sex.

DETAILED ANALYSIS

Mandatory prison term for rape – compel

The offense of "rape" contains several prohibitions.[1] One of the prohibitions precludes a person from engaging in "sexual conduct" with another when the offender purposely compels the other person to submit by force or threat of force.[2]

The general penalty for rape is a first degree felony. The bill provides that if the offender is convicted of violating the above prohibition, the court must impose a minimum mandatory prison term on the offender that is one of the minimum prison terms for a first degree felony, but the minimum mandatory prison term imposed must be at least seven years. The minimum

[1] R.C. 2907.02(A)(1) and (2).

[2] R.C. 2907.02(A)(2).

prison terms for a first degree felony are three, four, five, six, seven, eight, nine, ten, or eleven years.[3]

Definition of "sexual conduct"

"Sexual conduct" is defined for purposes of the Sexual Offense Law and is used in other sections of the Revised Code. The bill expands the definition of the term to include anilingus between persons regardless of sex. Under the expanded definition, sexual conduct means the following: (1) vaginal intercourse between a male and a female, (2) anal intercourse, fellatio, cunnilingus, and anilingus between persons regardless of sex, and (3) 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.[4]

HISTORY

Action	Date
Introduced	10-15-25
Reported, H. Judiciary	06-03-26
Passed House (89-0)	06-03-26

ANHB0528PH-136/sb

[3] R.C. 2907.02(B) and 2929.14(A)(1)(a), not in the bill.

[4] R.C. 2907.01(A).