



Representative Marlene Anielski
Ohio House District 6

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Senate Criminal Justice Committee
Sponsor Testimony-HB 439

Thank you Chair Eklund, Vice-Chair Hughes, ranking member Thomas and members of the Senate Criminal Justice Committee for the opportunity to speak today on behalf of House Bill 439. The goal of the legislation is to better protect those Ohioans who may not be able to protect themselves.

House Bill 439 alters the revised code to include an impaired person as a victim of voyeurism and to include any conduct involving an impaired person equally with the following offenses: pandering obscenity involving a minor, pandering sexually oriented matter involving a minor and illegal use of a minor in a nudity-oriented material or performance.

Impaired person means a person whose ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age. The offender must know or have reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.

The legislation is drafted so that impaired person holds the same meaning for Ohio Revised Code section 2907.321, which is pandering obscenity involving a minor. Those who violate this section are guilty of pandering obscenity involving a minor, and an impaired person, under HB 439. The section would be a felony of the second degree, unless in the cases of those who buy, procure, possess, or control any obscene material that has a minor as one of its participants, in which the violation is a felony of the fourth degree.

The bill stemmed from a case in which the victims of voyeurism could not be properly protected due to age limitations with the language and definition of minor in the Ohio Revised Code. House Bill 439 will remove that limit and allow those innocent victims to be properly protected.

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www.ohiohouse.gov

77 S. High Street, 12th Floor
Columbus, Ohio 43215-6111

Contact Information:

Office: 614-644-6041
Toll-Free: 1-800-282-0253
FAX: 614-719-6956
Email: Repo6@ohiohouse.gov

Chairman Eklund and members of the Senate Criminal Justice Committee, I am happy to answer any questions that you may have. Thank you very much for your consideration.

