

As Reported by the House Judiciary Committee

131st General Assembly

Regular Session

2015-2016

Am. H. B. No. 92

Representative Hagan

**Cosponsors: Representatives Grossman, Brenner, Maag, Hood, Becker, Slaby,
Fedor, Rezabek, Thompson**

A BILL

To amend section 2907.03 of the Revised Code to
prohibit an employee of a public or nonpublic
school or institution of higher education who is
not in a position of authority from engaging in
sexual conduct with a minor at least four years
younger than the employee who is enrolled in or
attends that public or nonpublic school or who
is enrolled in or attends that institution of
higher education.

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

Section 1. That section 2907.03 of the Revised Code be
amended to read as follows:

Sec. 2907.03. (A) No person shall engage in sexual conduct
with another, not the spouse of the offender, when any of the
following apply:

(1) The offender knowingly coerces the other person to
submit by any means that would prevent resistance by a person of
ordinary resolution.

(2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired. 18
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(3) The offender knows that the other person submits because the other person is unaware that the act is being committed. 21
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(4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse. 24
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(5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person. 27
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(6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person. 30
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(7) (a) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in any public or nonpublic school ~~for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code~~, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school. 33
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(b) The offender is a person who is employed by any public or nonpublic school and is not described in division (A) (7) (a) of this section, the other person is enrolled in or attends that school and is at least four years younger than the offender, and the offender is not enrolled in and does not attend that school. 40
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(8) (a) The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority 45
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employed by or serving in an institution of higher education, 47
and the other person is enrolled in or attends that institution. 48

(b) The offender is a person who is employed by an 49
institution of higher education and is not described in division 50
(A) (8) (a) of this section, the other person is a minor who is at 51
least four years younger than the offender, and the other person 52
is enrolled in or attends that institution. 53

(9) The other person is a minor, and the offender is the 54
other person's athletic or other type of coach, is the other 55
person's instructor, is the leader of a scouting troop of which 56
the other person is a member, or is a person with temporary or 57
occasional disciplinary control over the other person. 58

(10) The offender is a mental health professional, the 59
other person is a mental health client or patient of the 60
offender, and the offender induces the other person to submit by 61
falsely representing to the other person that the sexual conduct 62
is necessary for mental health treatment purposes. 63

(11) The other person is confined in a detention facility, 64
and the offender is an employee of that detention facility. 65

(12) The other person is a minor, the offender is a 66
cleric, and the other person is a member of, or attends, the 67
church or congregation served by the cleric. 68

(13) The other person is a minor, the offender is a peace 69
officer, and the offender is more than two years older than the 70
other person. 71

(B) Whoever violates this section is guilty of sexual 72
battery. ~~Except as otherwise provided in this division, sexual~~ 73
~~battery is a felony of the third degree. If the other person is~~ 74
~~less than thirteen years of age, sexual battery is a felony of~~ 75

~~the second degree, and the court shall impose upon the offender~~ 76
~~a mandatory prison term equal to one of the prison terms~~ 77
~~prescribed in section 2929.14 of the Revised Code for a felony~~ 78
~~of the second degree.~~ 79

(C) As used in this section: 80

(1) "Cleric" has the same meaning as in section 2317.02 of 81
the Revised Code. 82

(2) "Detention facility" has the same meaning as in 83
section 2921.01 of the Revised Code. 84

(3) "Institution of higher education" means a state 85
institution of higher education defined in section 3345.011 of 86
the Revised Code, a private nonprofit college or university 87
located in this state that possesses a certificate of 88
authorization issued by the Ohio board of regents pursuant to 89
Chapter 1713. of the Revised Code, or a school certified under 90
Chapter 3332. of the Revised Code. 91

(4) "Nonpublic school" means a school, other than a public 92
school, for which the state board of education prescribes 93
minimum standards pursuant to division (D) of section 3301.07 of 94
the Revised Code. 95

(5) "Peace officer" has the same meaning as in section 96
2935.01 of the Revised Code. 97

(6) "Public school" means a school operated by the board 98
of education of a school district, a community school 99
established under Chapter 3314. of the Revised Code, a STEM 100
school established under Chapter 3326. of the Revised Code, or a 101
college-preparatory boarding school established under Chapter 102
3328. of the Revised Code. 103

Section 2. That existing section 2907.03 of the Revised Code is hereby repealed. 104
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