

**As Reported by the House Criminal Justice Committee**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 96**

**Representative Hughes**

**Cosponsors: Representatives Smith, R., Schaffer, Manning, Rezabek**

---

**A BILL**

To amend sections 2907.06 and 2917.11 of the  
Revised Code to increase the penalty for sexual  
imposition when the offender previously has been  
convicted or pleaded guilty three or more times  
of any of several specified sex offenses and to  
enhance the penalty for disorderly conduct  
involving voluntary intoxication when the  
offender has previously been convicted of the  
offense three or more times.

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

**Section 1.** That sections 2907.06 and 2917.11 of the  
Revised Code be amended to read as follows:

**Sec. 2907.06.** (A) No person shall have sexual contact with  
another, not the spouse of the offender; cause another, not the  
spouse of the offender, to have sexual contact with the  
offender; or cause two or more other persons to have sexual  
contact when any of the following applies:

(1) The offender knows that the sexual contact is  
offensive to the other person, or one of the other persons, or

is reckless in that regard. 19

(2) The offender knows that the other person's, or one of 20  
the other person's, ability to appraise the nature of or control 21  
the offender's or touching person's conduct is substantially 22  
impaired. 23

(3) The offender knows that the other person, or one of 24  
the other persons, submits because of being unaware of the 25  
sexual contact. 26

(4) The other person, or one of the other persons, is 27  
thirteen years of age or older but less than sixteen years of 28  
age, whether or not the offender knows the age of such person, 29  
and the offender is at least eighteen years of age and four or 30  
more years older than such other person. 31

(5) The offender is a mental health professional, the 32  
other person or one of the other persons is a mental health 33  
client or patient of the offender, and the offender induces the 34  
other person who is the client or patient to submit by falsely 35  
representing to the other person who is the client or patient 36  
that the sexual contact is necessary for mental health treatment 37  
purposes. 38

(B) No person shall be convicted of a violation of this 39  
section solely upon the victim's testimony unsupported by other 40  
evidence. 41

(C) Whoever violates this section is guilty of sexual 42  
imposition, a misdemeanor of the third degree. If the offender 43  
previously has been convicted of or pleaded guilty to a 44  
violation of this section or of section 2907.02, 2907.03, 45  
2907.04, or 2907.05, or former section 2907.12 of the Revised 46  
Code, a violation of this section is a misdemeanor of the first 47

degree. If the offender previously has been convicted of or 48  
pleaded guilty to three or more violations of this section or 49  
section 2907.02, 2907.03, 2907.04, or 2907.05, or former section 50  
2907.12 of the Revised Code, or of any combination of those 51  
sections, a violation of this section is a misdemeanor of the 52  
first degree and, notwithstanding the range of jail terms 53  
prescribed in section 2929.24 of the Revised Code, the court may 54  
impose on the offender a definite jail term of not more than one 55  
year. 56

**Sec. 2917.11.** (A) No person shall recklessly cause 57  
inconvenience, annoyance, or alarm to another by doing any of 58  
the following: 59

(1) Engaging in fighting, in threatening harm to persons 60  
or property, or in violent or turbulent behavior; 61

(2) Making unreasonable noise or an offensively coarse 62  
utterance, gesture, or display or communicating unwarranted and 63  
grossly abusive language to any person; 64

(3) Insulting, taunting, or challenging another, under 65  
circumstances in which that conduct is likely to provoke a 66  
violent response; 67

(4) Hindering or preventing the movement of persons on a 68  
public street, road, highway, or right-of-way, or to, from, 69  
within, or upon public or private property, so as to interfere 70  
with the rights of others, and by any act that serves no lawful 71  
and reasonable purpose of the offender; 72

(5) Creating a condition that is physically offensive to 73  
persons or that presents a risk of physical harm to persons or 74  
property, by any act that serves no lawful and reasonable 75  
purpose of the offender. 76

(B) No person, while voluntarily intoxicated, shall do	77
either of the following:	78
(1) In a public place or in the presence of two or more	79
persons, engage in conduct likely to be offensive or to cause	80
inconvenience, annoyance, or alarm to persons of ordinary	81
sensibilities, which conduct the offender, if the offender were	82
not intoxicated, should know is likely to have that effect on	83
others;	84
(2) Engage in conduct or create a condition that presents	85
a risk of physical harm to the offender or another, or to the	86
property of another.	87
(C) Violation of any statute or ordinance of which an	88
element is operating a motor vehicle, locomotive, watercraft,	89
aircraft, or other vehicle while under the influence of alcohol	90
or any drug of abuse, is not a violation of division (B) of this	91
section.	92
(D) If a person appears to an ordinary observer to be	93
intoxicated, it is probable cause to believe that person is	94
voluntarily intoxicated for purposes of division (B) of this	95
section.	96
(E) (1) Whoever violates this section is guilty of	97
disorderly conduct.	98
(2) Except as otherwise provided in <del>division</del> <u>divisions</u> (E)	99
(3) <u>and</u> (4) of this section, disorderly conduct is a minor	100
misdemeanor.	101
(3) Disorderly conduct is a misdemeanor of the fourth	102
degree if any of the following applies:	103
(a) The offender persists in disorderly conduct after	104

reasonable warning or request to desist.	105
(b) The offense is committed in the vicinity of a school or in a school safety zone.	106 107
(c) The offense is committed in the presence of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person who is engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind.	108 109 110 111 112
(d) The offense is committed in the presence of any emergency facility person who is engaged in the person's duties in an emergency facility.	113 114 115
<u>(4) If an offender previously has been convicted of or</u> <u>pleaded guilty to three or more violations of division (B) of</u> <u>this section, a violation of division (B) of this section is a</u> <u>misdemeanor of the fourth degree.</u>	116 117 118 119
(F) As used in this section:	120
(1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in section 2133.21 of the Revised Code.	121 122 123
(2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in section 2909.04 of the Revised Code.	124 125 126
(3) "Emergency facility" has the same meaning as in section 2909.04 of the Revised Code.	127 128
(4) "Committed in the vicinity of a school" has the same meaning as in section 2925.01 of the Revised Code.	129 130
<b>Section 2.</b> That existing sections 2907.06 and 2917.11 of	131

the Revised Code are hereby repealed.

132