



Sub. H.B. 442*
123rd General Assembly
(As Reported by S. Judiciary)

Reps. Winkler, Allen, Britton, Cates, Clancy, Evans, Harris, Hartnett, Jerse, Pringle, Schuring, Taylor, Tiberi, Trakas, Willamowski, DePiero, Robinson, Womer Benjamin, Calvert, Corbin, Roman, Widener, Mottley, Carey, Terwilleger, Williams, Grendell, Brading, Myers, Metzger, Hoops, Redfern, Ford, Stevens, Salerno, Jones, Aslanides, Krebs, Amstutz, Buehrer

BILL SUMMARY

- Renames the offense of "corruption of a minor" as "unlawful sexual conduct with a minor."
- Enhances to a felony of the second degree the penalty for committing unlawful sexual conduct with a minor if the offender previously has been convicted of or pleaded guilty to rape, sexual battery, or unlawful sexual conduct with a minor (corruption of a minor) or the former offense of felonious sexual penetration.
- Enhances to a felony of the third degree the penalty for committing unlawful sexual conduct with a minor if the offender is ten or more years older than the other person.

* *This analysis was prepared before the report of the Senate Judiciary Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

Corruption of a minor

Existing law prohibits a person who is 18 years of age or older from the offender, when the offender knows the other person is 13 years of age or older who violates this prohibition is guilty of corruption of a minor. The offense older than the other person, it is a misdemeanor of the first degree. (R.C.

As used in this provision, "sexual conduct" means vaginal intercourse persons regardless of sex; and, without privilege to do so, the insertion, however vaginal or anal cavity of another. Penetration, however slight, is sufficient to

Operation of the bill

a minor" (R.C. 2907.04(B) and 3319.311(E)).

minor. First, it specifies that, except as provided in the following paragraph, is ten or more years older than the other person. Thus, under the bill: (1) if the conduct with a minor is a misdemeanor of the first degree, (2) if the offender is the other person, unlawful sexual conduct with a minor is a felony of the fourth degree, and (3) if the offender is ten or more years older than the other person, 2907.04(B)(1), (2), and (3).)

The bill also enhances the penalty for committing unlawful sexual conduct rape, sexual battery, or unlawful sexual conduct with a minor (corruption of a minor) or the former offense of felonious sexual penetration. Under these degree. (R.C. 2907.04(B)(4).)

Technical changes

The following Revised Code provisions refer to a child alleged to be or adjudicated a delinquent child for violating R.C. 2907.04 (corruption of a minor

(1)
child is delinquent by reason of having committed an act that would constitute one of a list of specified sex offenses if committed by an adult and the arresting
the child caused to engage in sexual activity has a communicable disease, the arresting authority, court, or probation officer immediately must notify the victim

(2)
delinquent children for violating certain provisions in the Revised Code (R.C. 2151.315(D)).

A provision regarding videotaped depositions and televised and have violated certain provisions in the Revised Code (R.C. 2151.3511(A)(2)).

Operation of the bill

these provisions. Under existing law and the bill, R.C. 2907.04 can only be violated by a person 18 years of age or older; a child never can violate the section.

HISTORY

ACTION		JOURNAL ENTRY
Introduced		p. 1218
	03-15-00	p.
Passed House (94-0)	03-22-00	1701-1702
Reported, S. Judiciary	---	

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