



H.B. 209

127th General Assembly
(As Reported by H. Criminal Justice)

Reps. Core, J. McGregor, Bacon, Yuko, R. McGregor, Collier, Adams, Strahorn, Stebelton, Domenick, Fende, Luckie, Setzer, Seitz, Bulp, Dodd

BILL SUMMARY

- Expands the offense of sexual battery to prohibit a peace officer from engaging in sexual conduct with a minor who is not the officer's spouse.

CONTENT AND OPERATION

Sexual battery

The bill

The bill provides that it is a violation of the offense of sexual battery for a peace officer to engage in sexual conduct with a minor who is not the peace officer's spouse.¹ A violation of this new prohibition has the same penalty as other violations of sexual battery: a felony of the third degree or, if the minor is less than 13, a felony of the second degree with a mandatory prison term. (R.C. 2907.03(A)(13) and (B).)

Current law

Under current law, a person commits the offense of sexual battery if the person engages in sexual conduct with another, not the spouse of the offender, when any of the following apply (R.C. 2907.03(A)):

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

¹ For this prohibition, "peace officer" has the same meaning as in R.C. 2935.01 (R.C. 2907.03(C)(4)).

(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.

(3) The offender knows that the other person submits because the other person is unaware that the act is being committed.

(4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse.

(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.

(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.

(7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the State Board of Education prescribes minimum standards, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school.

(8) The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution.

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

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

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

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

HISTORY

| ACTION | DATE |
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| Introduced | 05-08-07 |
| Reported, H. Criminal Justice | 04-22-08 |

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