



**H.B. 356**

127th General Assembly  
(As Introduced)

Reps. Hottinger, Latta, Wagoner, Combs, J. McGregor, Jones, Fende, Bulp,  
Bacon

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**BILL SUMMARY**

- Expands the offense of gross sexual imposition to prohibit a person from having sexual contact with another, not the spouse of the offender; causing another, not the spouse of the offender, to have sexual contact with the offender; or causing two or more persons to have sexual contact when the other person, or one of the other persons, is a minor, and the offender is the other person's natural or adoptive parent or is a stepparent, guardian, custodian, or person in loco parentis of the other person.
- Provides that a violation of this new gross sexual imposition prohibition is a felony of the fourth degree.
- Classifies an offender who violates this prohibition as a "tier II sex offender/child-victim offender" for purposes of the SORN Law.

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**CONTENT AND OPERATION**

**Gross sexual imposition**

**The bill**

The bill expands the offense of gross sexual imposition to prohibit a person from having sexual contact with another, not the spouse of the offender; causing another, not the spouse of the offender, to have sexual contact with the offender; or causing two or more persons to have sexual contact when the other person, or one of the other persons, is a minor, and the offender is the other person's natural or adoptive parent or is a stepparent, guardian, custodian, or person in loco parentis of the other person. A violation of this new prohibition is a felony of the fourth degree. (R.C. 2907.05(A)(6) and (C)(1).)

For purposes of the Sex Offender Registration and Notification Law ("SORN Law"), the bill classifies an offender who commits gross sexual imposition by violating this new prohibition as a "tier II sex offender/child-victim offender" (see **COMMENT**) (R.C. 2950.01(F)(1)(c)).

### **Current law**

Current law prohibits a person from having sexual contact with another, not the spouse of the offender; causing another, not the spouse of the offender, to have sexual contact with the offender; or causing two or more other persons to have sexual contact when any of the following applies (the SORN Law classification is indicated in parentheses) (R.C. 2907.05(A) and 2950.01(E), (F), and (G)):

(1) The offender purposely compels the other person, or one of the other persons, to submit by force or threat of force ("tier I sex offender/child-victim offender").

(2) For the purpose of preventing resistance, the offender substantially impairs the judgment or control of the other person or of one of the other persons by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception ("tier I sex offender/child-victim offender").

(3) The offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery ("tier I sex offender/child-victim offender").

(4) The other person, or one of the other persons, is less than 13 years of age, whether or not the offender knows the age of that person ("tier II sex offender/child-victim offender").

(5) The ability of the other person to resist or consent or the ability of one of the other persons to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the ability to resist or consent of the other person or of one of the other persons is substantially impaired because of a mental or physical condition or because of advanced age ("tier I sex offender/child-victim offender").

Current law also prohibits a person from knowingly touching the genitalia of another, when the touching is not through clothing, the other person is less than 12 years of age, whether or not the offender knows the age of that person, and the

touching is done with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person ("tier III sex offender/child-victim offender").

A violation of any of these prohibitions is the offense of gross sexual imposition, which is either a felony of the fourth or third degree depending on the prohibition violated and the circumstances of the violation. (R.C. 2907.05(A), (B), and (C).)

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## COMMENT

Am. Sub. S.B. 10 of the 127th General Assembly substantially rewrote the SORN Law. One of the key provisions of the act was to repeal the former classifications of sex offenders and child-victim offenders and replace those former classifications with three classifications based on the offense committed: tier I sex offender/child-victim offender, tier II sex offender/child-victim offender, and tier III sex offender/child-victim offender. The following chart is a very brief description of the differences in registration and verification duties among the tiers of sex offenders/child-victim offenders. For more information on SORN Law duties, please refer to R.C. Chapter 2950. or the LSC bill analysis for Am. Sub. S.B. 10.

	<b>Tier I sex offender/child-victim offender</b>	<b>Tier II sex offender/child-victim offender</b>	<b>Tier III sex offender/child-victim offender</b>
<b>Duration of registration duties</b> <i>(R.C. 2950.07(B))</i>	15 years (may apply for termination after 10 years) for an offender; 10 years for a delinquent child unless judicially declassified	25 years for an offender; 20 years for a delinquent child unless judicially reclassified	Until the offender's death (certain delinquent children may apply for termination after 25 years and others may be judicially reclassified)
<b>Frequency of registration verification</b> <i>(R.C. 2950.06)</i>	On each anniversary of the offender's initial registration date during the period of required registration	Every 180 days after the initial registration	Every 90 days after the initial registration

A tier III sex offender/child-victim offender is also subject to, among other requirements, victim notification (R.C. 2950.10) and community notification (R.C. 2950.11).

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	10-18-07

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