

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 426**

**Representative Hagan**

**Cosponsors: Representatives Becker, Dean, Riedel, Vitale, Thompson, Keller,  
Hood, Brenner, Fedor, Rezabek**

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**A BILL**

To amend section 2907.03 of the Revised Code to 1  
prohibit an employee of a school or institution 2  
of higher education who is not in a position of 3  
authority from engaging in sexual conduct with 4  
certain students. 5

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

**Section 1.** That section 2907.03 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 2907.03.** (A) No person shall engage in sexual conduct 8  
with another, not the spouse of the offender, when any of the 9  
following apply: 10

(1) The offender knowingly coerces the other person to 11  
submit by any means that would prevent resistance by a person of 12  
ordinary resolution. 13

(2) The offender knows that the other person's ability to 14  
appraise the nature of or control the other person's own conduct 15  
is substantially impaired. 16

(3) The offender knows that the other person submits 17  
because the other person is unaware that the act is being 18  
committed. 19

(4) The offender knows that the other person submits 20  
because the other person mistakenly identifies the offender as 21  
the other person's spouse. 22

(5) The offender is the other person's natural or adoptive 23  
parent, or a stepparent, or guardian, custodian, or person in 24  
loco parentis of the other person. 25

(6) The other person is in custody of law or a patient in 26  
a hospital or other institution, and the offender has 27  
supervisory or disciplinary authority over the other person. 28

(7) (a) The offender is a teacher, administrator, coach, or 29  
other person in authority employed by or serving in ~~a any public~~ 30  
~~or nonpublic school for which the state board of education~~ 31  
~~prescribes minimum standards pursuant to division (D) of section~~ 32  
~~3301.07 of the Revised Code~~, the other person is enrolled in or 33  
attends that school, and the offender is not enrolled in and 34  
does not attend that school. 35

(b) The offender is a person who is employed by any public 36  
or nonpublic school and is not described in division (A) (7) (a) 37  
of this section, the other person is enrolled in or attends that 38  
school and is at least four years younger than the offender, and 39  
the offender is not enrolled in and does not attend that school. 40

(8) (a) The other person is a minor, the offender is a 41  
teacher, administrator, coach, or other person in authority 42  
employed by or serving in an institution of higher education, 43  
and the other person is enrolled in or attends that institution. 44

(b) The offender is a person who is employed by an 45

institution of higher education and is not described in division 46  
(A) (8) (a) of this section, the other person is a minor who is at 47  
least four years younger than the offender, and the other person 48  
is enrolled in or attends that institution. 49

(9) The other person is a minor, and the offender is the 50  
other person's athletic or other type of coach, is the other 51  
person's instructor, is the leader of a scouting troop of which 52  
the other person is a member, or is a person with temporary or 53  
occasional disciplinary control over the other person. 54

(10) The offender is a mental health professional, the 55  
other person is a mental health client or patient of the 56  
offender, and the offender induces the other person to submit by 57  
falsely representing to the other person that the sexual conduct 58  
is necessary for mental health treatment purposes. 59

(11) The other person is confined in a detention facility, 60  
and the offender is an employee of that detention facility. 61

(12) The other person is a minor, the offender is a 62  
cleric, and the other person is a member of, or attends, the 63  
church or congregation served by the cleric. 64

(13) The other person is a minor, the offender is a peace 65  
officer, and the offender is more than two years older than the 66  
other person. 67

(B) Whoever violates this section is guilty of sexual 68  
~~battery. Except as otherwise provided in this division, sexual~~ 69  
~~battery is a felony of the third degree. If the other person is~~ 70  
~~less than thirteen years of age, sexual battery is a felony of~~ 71  
~~the second degree, and the court shall impose upon the offender~~ 72  
~~a mandatory prison term equal to one of the prison terms~~ 73  
~~prescribed in section 2929.14 of the Revised Code for a felony~~ 74

<del>of the second degree.</del>	75
(C) As used in this section:	76
(1) "Cleric" has the same meaning as in section 2317.02 of the Revised Code.	77 78
(2) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.	79 80
(3) "Institution of higher education" means a state institution of higher education defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or a school certified under Chapter 3332. of the Revised Code.	81 82 83 84 85 86 87
(4) <u>"Nonpublic school" means a school, other than a public school, for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code.</u>	88 89 90 91
(5) <u>"Peace officer" has the same meaning as in section 2935.01 of the Revised Code.</u>	92 93
(6) <u>"Public school" means a school operated by the board of education of a school district, a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.</u>	94 95 96 97 98 99
<b>Section 2.</b> That existing section 2907.03 of the Revised Code is hereby repealed.	100 101