



Ohio Legislative Service Commission

Bill Analysis

David M. Gold

Am. H.B. 92

131st General Assembly
(As Passed by the House)

Reps. Hagan, Grossman, Brenner, Maag, Hood, Becker, Slaby, Fedor, Rezabek, Thompson, Amstutz, Baker, Buchy, Butler DeVitis, Hackett, Hayes, Hill, T. Johnson, Koehler, Landis, LaTourette, S. O'Brien, Patterson, Retherford, Rogers, Schaffer, Schuring, R. Smith, Sweeney, Young

BILL SUMMARY

- Expands the offense of sexual battery to prohibit a public or nonpublic school employee, other than a teacher, administrator, coach, or person in authority, from engaging in sexual conduct with a student at the school who is at least four years younger than the employee.
- Expands the offense of sexual battery to prohibit an employee of an institution of higher education, other than a teacher, administrator, coach, or person in authority, from engaging in sexual conduct with a minor student at the institution who is at least four years younger than the employee.

CONTENT AND OPERATION

Sexual battery against students

The bill expands the offense of sexual battery to include certain prohibited conduct by an employee of a public or nonpublic school or by an employee of an institution of higher education against a student in that school or institution. Sexual battery is sexual conduct (intercourse and other sexual activity beyond touching¹) engaged in under specified circumstances such as coercion of the other person by the offender, incest, or a relationship in which the offender occupies a position of authority or trust with regard to the other person.²

¹ R.C. 2901.01(A), not in the bill.

² R.C. 2907.03(A).

Sexual battery against students in public or nonpublic schools

The bill adds to the list of school employees who can commit sexual battery by engaging in sexual conduct with students. Current law applies only to teachers, administrators, coaches, and other persons in authority. The bill adds any other employee of a public or nonpublic school who is at least four years older than the student and who is not enrolled in and does not attend the school.³

Sexual battery against students in institutions of higher education

Under current law, a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education can commit sexual battery against a minor who is a student at that institution. The bill adds any other employee of an institution of higher education who is at least four years older than the student.⁴

Degree of offense

Sexual battery is generally a felony of the third degree. The bill eliminates a provision that makes sexual battery a felony of the second degree if the victim is less than 13 years of age. Under another provision of continuing law, if the victim is under 13, the offense is rape.⁵

Definitions

Under current law, 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 pursuant to" R.C. 3301.07(D) commits sexual battery by engaging in sexual conduct with a person who is enrolled in or attends that school, if the offender is not enrolled in and does not attend that school. The bill eliminates the quoted language and refers instead to "any public or nonpublic school." The bill then defines "nonpublic school" as a school other than a public school for which the Board prescribes minimum standards and defines "public school" to cover various types of schools for which the Board also prescribes minimum standards.⁶ The definitional changes are therefore nonsubstantive.

³ R.C. 2907.03(A)(7).

⁴ R.C. 2907.03(A)(8).

⁵ R.C. 2907.03(B) and 2907.02(A)(1)(b), not in the bill.

⁶ R.C. 2907.03(A)(7)(a) and (C)(4) and (6).



HISTORY

ACTION	DATE
Introduced	03-02-15
Reported, H. Judiciary	05-06-15
Passed House (92-0)	09-30-15

H0092-PH-131.docx/ks

