



Ohio Revised Code Section 2907.03 Sexual battery.

Effective: March 21, 2025

Legislation: House Bill 161 (GA 135), House Bill 33 (GA 135), Senate Bill 109 (GA 135)

(A) No person shall engage in sexual activity with another; cause another to engage in sexual activity with the offender; or cause two or more other persons to engage in sexual activity when any of the following apply:

- (1) The offender knowingly coerces the other person, or one of the other persons, to submit by any means that would prevent resistance by a person of ordinary resolution.
- (2) The offender knows that the other person's, or one of the other persons', 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, or one of the other persons, submits because the other person is unaware that the act is being committed.
- (4) The offender knows that the other person, or one of the other persons, submits because the other person mistakenly identifies the offender as the other person's spouse.
- (5) The offender is the other person's, or one of the other persons', natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person.
- (6) The other person, or one of the other persons, 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 director of education and workforce prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the other person, or one of the other persons, is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school.



(8) The other person, or one of the other persons, 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, or one of the other persons, 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, or one of the other persons, 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 activity is necessary for mental health treatment purposes.

(11) The offender is a licensed medical professional, the other person, or one of the other persons, is a patient of the offender, and the sexual activity occurs in the course of medical treatment.

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

(13) The other person, or one of the other persons, 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.

(14) The other person, or one of the other persons, is a minor, the offender is a peace officer, and the offender is more than two years older than the other person.

(B) Whoever violates this section is guilty of sexual battery.

(1) If the sexual activity involved is sexual conduct, except as otherwise provided in this division, sexual battery is a felony of the third degree. If the other person, or one of the other persons, is thirteen years of age or over and less than eighteen years of age, sexual battery is a felony of the second degree, and the court shall impose upon the offender a mandatory prison term equal to one of the definite prison terms prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for



a felony of the second degree, except that if the violation is committed on or after March 22, 2019, the court shall impose as the minimum prison term for the offense a mandatory prison term that is one of the minimum terms prescribed in division (A)(2)(a) of that section for a felony of the second degree.

(2) If the sexual activity involved is sexual contact, except as otherwise provided in this division, sexual battery is a felony of the fifth degree. If the other person, or one of the other persons, is less than eighteen years of age, sexual battery is a felony of the fourth degree.

(C) As used in this section:

(1) "Cleric" has the same meaning as in section 2317.02 of the Revised Code.

(2) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.

(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 chancellor of higher education pursuant to Chapter 1713. of the Revised Code, or a school certified under Chapter 3332. of the Revised Code.

(4) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(5) "Medical treatment" means in-person medical services provided by a licensed medical professional under the legal authority conferred by a license or certificate, including in-person examination, consultation, health care, treatment, procedure, surgery, or other in-person procedures.

The Legislative Service Commission presents the text of this section as a composite of the section as amended by multiple acts of the General Assembly. This presentation recognizes the principle stated in R.C. 1.52(B) that amendments are to be harmonized if reasonably capable of simultaneous operation.