



Ohio Revised Code

Section 2907.321 Pandering obscenity involving a minor or impaired person.

Effective: March 22, 2019

Legislation: Senate Bill 201 - 132nd General Assembly

(A) No person, with knowledge of the character of the material or performance involved, shall do any of the following:

- (1) Create, reproduce, or publish any obscene material that has a minor or impaired person as one of its participants or portrayed observers;
- (2) Promote or advertise for sale or dissemination; sell, deliver, disseminate, display, exhibit, present, rent, or provide; or offer or agree to sell, deliver, disseminate, display, exhibit, present, rent, or provide, any obscene material that has a minor or impaired person as one of its participants or portrayed observers;
- (3) Create, direct, or produce an obscene performance that has a minor or impaired person as one of its participants;
- (4) Advertise or promote for presentation, present, or participate in presenting an obscene performance that has a minor or impaired person as one of its participants;
- (5) Buy, procure, possess, or control any obscene material, that has a minor or impaired person as one of its participants;
- (6) Bring or cause to be brought into this state any obscene material that has a minor or impaired person as one of its participants or portrayed observers.

(B)(1) This section does not apply to any material or performance that is sold, disseminated, displayed, possessed, controlled, brought or caused to be brought into this state, or presented for a bona fide medical, scientific, educational, religious, governmental, judicial, or other proper purpose, by or to a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies or research, librarian, member of the clergy, prosecutor, judge, or other person having a proper interest in the material or performance.

(2) Mistake of age is not a defense to a charge under this section.

(3) In a prosecution under this section, the trier of fact may infer that a person in the material or performance involved is a minor or impaired person if the material or performance, through its title, text, visual representation, or otherwise, represents or depicts the person as a minor or impaired person.



(C) Whoever violates this section is guilty of pandering obscenity involving a minor or impaired person. If the offense involves a minor, a violation of division (A)(1), (2), (3), (4), or (6) of this section is a felony of the second degree. If the offense involves an impaired person, a violation of division (A)(1), (2), (3), (4), or (6) of this section is a felony of the third degree. A violation of division (A)(5) of this section is a felony of the fourth degree. If the offender previously has been convicted of or pleaded guilty to a violation of this section or section 2907.322 or 2907.323 of the Revised Code, pandering obscenity involving a minor or impaired person in violation of division (A)(5) of this section is a felony of the third degree.

(D) As used in this section and sections 2907.322 and 2907.323 of the Revised Code, "impaired person" means a person whose ability 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 other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.
