



Ohio Revised Code

Section 2907.322 Pandering sexually oriented matter 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, record, photograph, film, develop, reproduce, or publish any material that shows a minor or impaired person participating or engaging in sexual activity, masturbation, or bestiality;
- (2) Advertise for sale or dissemination, sell, distribute, transport, disseminate, exhibit, or display any material that shows a minor or impaired person participating or engaging in sexual activity, masturbation, or bestiality;
- (3) Create, direct, or produce a performance that shows a minor or impaired person participating or engaging in sexual activity, masturbation, or bestiality;
- (4) Advertise for presentation, present, or participate in presenting a performance that shows a minor or impaired person participating or engaging in sexual activity, masturbation, or bestiality;
- (5) Knowingly solicit, receive, purchase, exchange, possess, or control any material that shows a minor or impaired person participating or engaging in sexual activity, masturbation, or bestiality;
- (6) Bring or cause to be brought into this state any material that shows a minor or impaired person participating or engaging in sexual activity, masturbation, or bestiality ;
- (7) Bring, cause to be brought, or finance the bringing of any minor or impaired person into or across this state with the intent that the minor or impaired person engage in sexual activity, masturbation, or bestiality in a performance or for the purpose of producing material containing a visual representation depicting the minor or impaired person engaged in sexual activity, masturbation, or bestiality.

(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 sexually oriented matter involving a minor or impaired person. If the offense involves a minor, a violation of division (A)(1), (2), (3), (4), (6), or (7) 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), (6), or (7) of this section is a felony of the third degree. 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 2907.321 or 2907.323 of the Revised Code, pandering sexually oriented matter involving a minor or impaired person in violation of division (A)(5) of this section is a felony of the third degree.
