

Definitions and Grading of Sexual Offenses or Related Crimes Under Ohio Law

| Criminal Offense | Grade of Offense | Statutory Provision | Definition of Offense |
|------------------|-------------------------------|-------------------------------|--|
| Rape | 1 st Degree Felony | Ohio Rev. Code Ann. § 2907.02 | <p>(A)(1) No person shall engage in sexual conduct . . . when any of the following applies:</p> <p style="padding-left: 40px;">(a) For the purpose of preventing resistance, the offender substantially impairs the other person's judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.</p> <p style="padding-left: 40px;">(b) The other person is less than thirteen years of age, whether or not the offender knows the age of the other person.</p> <p style="padding-left: 40px;">(c) The other person's 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.</p> <p>(A)(2) No person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.</p> |

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| Sexual Battery | 3 rd Degree Felony | Ohio Rev. Code Ann. § 2907.03 | <p>(A) No person shall engage in sexual conduct with another. . .when any of the following apply:</p> <p style="padding-left: 40px;">(1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution.</p> <p style="padding-left: 40px;">(2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired.</p> <p style="padding-left: 40px;">(3) The offender knows that the other person submits because the other person is unaware that the act is being committed.</p> <p style="text-align: center;">. . .</p> <p style="padding-left: 40px;">(8) The other person 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.</p> <p style="text-align: center;">. . .</p> |
| Unlawful sexual conduct with minor | 3 rd ¹ or 4 th Degree Felony | Ohio Rev. Code Ann. § 2907.04 | <p>(A) No person who is eighteen years of age or older shall engage in sexual conduct with another . . . when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.</p> <p style="text-align: center;">. . .</p> |
| Gross Sexual Imposition | 3 rd ² or 4 th Degree Felony | Ohio Rev. Code Ann. § 2907.05 | <p>(A) No person shall have sexual contact with another; . . . cause another . . . to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:</p> <p style="padding-left: 40px;">(1) The offender purposely compels the other person, or one of</p> |

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| | | | <p>the other persons, to submit by force or threat of force.</p> <p>(2) For the purpose of preventing resistance, the offender substantially impairs the judgment or control of the other person or of one of the other persons by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.</p> <p>(3) The offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery.</p> <p>(4) The other person, or one of the other persons, is less than thirteen years of age, whether or not the offender knows the age of that person.</p> <p>(5) The ability of the other person to resist or consent or the ability of one of the other persons 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 ability to resist or consent of the other person or of one of the other persons is substantially impaired because of a mental or physical condition or because of advanced age.</p> <p align="center">. . .</p> |

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| Sexual Imposition | 3 rd Degree Misdemeanor | Ohio Rev. Code Ann. § 2907.06 | <p>(A) No person shall have sexual contact with another,...; cause another, ... to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:</p> <p>(1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.</p> <p>(2) The offender knows that the other person's, or one of the other person's, ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.</p> <p>(3) The offender knows that the other person, or one of the other persons, submits because of being unaware of the sexual contact.</p> <p>(4) The other person, or one of the other persons, is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.</p> <p>(5) 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 who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.</p> |

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| Voyeurism | 1 st – 3 rd Degree Misdemeanor ³ ; 5 th Degree Felony | Ohio Rev. Code Ann. § 2907.08 | <p>(A) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another, to spy or eavesdrop upon another.</p> <p>(B) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another to videotape, film, photograph, or otherwise record the other person in a state of nudity.</p> <p>(C) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another to videotape, film, photograph, otherwise record, or spy or eavesdrop upon the other person in a state of nudity if the other person is a minor.</p> <p>(D) No person shall secretly or surreptitiously videotape, film, photograph, or otherwise record another person under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person.</p> |
| Public Indecency | 2 nd – 4 th Degree Misdemeanor | Ohio Rev. Code Ann. § 2907.09 | <p>(A) No person shall recklessly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront others who are in the person's physical proximity and who are not members of the person's household:</p> <p style="padding-left: 40px;">(1) Expose the person's private parts; (2) Engage in sexual conduct or masturbation; (3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation.</p> |

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| <u>Pandering obscenity</u> | 5 th Degree Felony | Ohio Rev. Code Ann. § 2907.32 | <p>(A) No person, with knowledge of the character of the material or performance involved, shall do any of the following:</p> <p style="padding-left: 40px;">(1) Create, reproduce, or publish any obscene material, when the offender knows that the material is to be used for commercial exploitation or will be publicly disseminated or displayed, or when the offender is reckless in that regard;</p> <p style="padding-left: 40px;">(2) Promote or advertise for sale, delivery, or dissemination; sell, deliver, publicly disseminate, publicly display, exhibit, present, rent, or provide; or offer or agree to sell, deliver, publicly disseminate, publicly display, exhibit, present, rent, or provide, any obscene material;</p> <p style="padding-left: 40px;">(3) Create, direct, or produce an obscene performance, when the offender knows that it is to be used for commercial exploitation or will be publicly presented, or when the offender is reckless in that regard;</p> <p style="padding-left: 40px;">(4) Advertise or promote an obscene performance for presentation, or present or participate in presenting an obscene performance, when the performance is presented publicly, or when admission is charged;</p> <p style="padding-left: 40px;">(5) Buy, procure, possess, or control any obscene material with purpose to violate division (A)(2) or (4) of this section.</p> |

¹ Ohio Rev. Code Ann. § 2907.04 (B): Whoever violates this section is guilty of unlawful sexual conduct with a minor. . . (2) Except as otherwise provided . . . if the offender is less than four years older than the other person, unlawful sexual conduct with a minor is a misdemeanor of the first degree. (3) Except as otherwise provided . . . if the offender is ten or more years older than the other person, unlawful sexual conduct with a minor is a felony of the third degree.

Definitions and Grading of Sexual Offenses or Related Crimes Under Ohio Law

- ² If the offender under division (A)(2) of this section substantially impairs the judgment or control of the other person or one of the other persons by administering any controlled substance described in section 3719.41 of the Revised Code to the person surreptitiously or by force, threat of force, or deception, gross sexual imposition committed in violation of division (A)(2) of this section is a felony of the third degree.
- ³ (E)(1) Whoever violates this section is guilty of voyeurism; (2) A violation of division (A) of this section is a misdemeanor of the third degree; (3) A violation of division (B) of this section is a misdemeanor of the second degree; (4) A violation of division (D) of this section is a misdemeanor of the first degree; (5) A violation of division (C) of this section is a felony of the fifth degree.