

**SEXUAL ASSAULT IN OHIO: FACT SHEET OF LEGAL DEFINITIONS**

| Ohio Statute | Definition:  | Type of Offense:   |
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| §2907.01     | <p><b>Sexual conduct:</b></p> <ul style="list-style-type: none"> <li>• vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; AND</li> <li>• without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal opening of another.</li> <li>• Penetration, however slight, is sufficient to complete vaginal or anal intercourse.</li> </ul>  |  |
| §2907.01     | <p><b>Sexual contact:</b></p> <ul style="list-style-type: none"> <li>• touching of an erogenous zone of another, including the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast; AND</li> <li>• for the purpose of sexually arousing or gratifying either person.</li> </ul>  |  |
| §2907.02     | <p><b>Rape:</b></p> <ul style="list-style-type: none"> <li>• Offender has sexual conduct with another and               <ul style="list-style-type: none"> <li>○ The offender substantially impaired the other in order to prevent resistance (through drugs, intoxicant, or controlled substance) by force, threat of force, or deception; OR</li> <li>○ The other person is younger than 13 years old.; OR</li> <li>○ The other person's ability to resist or consent is impaired due to mental or physical condition or advanced age, and the offender knows this</li> </ul> </li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Sexual conduct where the offender uses force or threat of force</li> </ul>  | <p><b>Rape:</b></p> <ul style="list-style-type: none"> <li>• 1<sup>st</sup> degree felony</li> </ul>   |
| §2907.03     | <p><b>Sexual battery:</b></p> <ul style="list-style-type: none"> <li>• sexual conduct with another AND               <ul style="list-style-type: none"> <li>○ knowingly coercing someone to submit by any means that would prevent resistance by someone of ordinary resolution; OR</li> <li>○ knowing that someone's ability to appraise the nature of or control their own conduct is substantially impaired; OR</li> <li>○ knowing that someone submits because the other person is unaware that the act is being committed; OR</li> <li>○ knowing that someone submits because the other person mistakenly identifies the offender as the other person's spouse; OR</li> <li>○ offender has authority over someone (e.g. offender is a parent/guardian, has institutional authority, is a teacher, cleric, etc . . . See statute for full details.)</li> </ul> </li> </ul> | <p><b>Sexual battery:</b></p> <ul style="list-style-type: none"> <li>• 3<sup>rd</sup> degree felony</li> <li>• 2<sup>nd</sup> degree felony (<i>if the person is younger than 13</i>)</li> </ul>   |
| §2907.04     | <p><b>Unlawful sex with a minor:</b></p> <ul style="list-style-type: none"> <li>• An offender who is 18 years or older who engages in sexual conduct with someone who is thirteen, fourteen or fifteen years old.</li> </ul>   | <p><b>Unlawful sex with a minor:</b></p> <ul style="list-style-type: none"> <li>• 4<sup>th</sup> degree felony</li> <li>• 3<sup>rd</sup> degree felony (<i>offender is ten or more years older than the other person</i>)</li> <li>• 2<sup>nd</sup> degree felony (<i>offender previously convicted of this offense, sexual battery, or rape</i>)</li> </ul> |
| §2907.05     | <p><b>Gross sexual imposition:</b></p> <p>A. having, causing another to have, or causing two or more other persons to have sexual contact through</p> <ol style="list-style-type: none"> <li>1. forcible compulsion; OR</li> <li>2. incapacity through force or threat of force; OR</li> <li>3. knows the person is incapacitated; OR</li> <li>4. One of the victims is younger than 13 years old; OR</li> <li>5. the other person cannot consent due to mental or physical condition, advanced age, or substantial impairment</li> </ol>  | <p><b>Gross sexual imposition:</b></p> <ul style="list-style-type: none"> <li>• 4<sup>th</sup> degree felony (<i>for all "A" offenses at left, except A(4)</i>)</li> <li>• 3<sup>rd</sup> degree felony (<i>offense B at left, or offense A(4)</i>)</li> </ul>   |

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|                        |   |  |
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|                        | <p>B. touching genitalia, not through clothing, to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of someone less than 12 years of age (whether or not offender knows the age)</p>   |  |
| <p><b>§2907.06</b></p> | <p><b>Sexual imposition:</b></p> <ul style="list-style-type: none"> <li>• having, causing another to have, or causing two or more other persons to have sexual contact AND <ul style="list-style-type: none"> <li>○ knowing that the sexual contact is offensive to the other person, or is reckless in that regard; OR</li> <li>○ knowing that the other person's mental abilities are substantially impaired; OR</li> <li>○ knowing that the other person submits because of being unaware of the sexual contact; OR</li> <li>○ The other person, or one of the other persons is thirteen, fourteen or fifteen years old, and the offender is at least eighteen years old <u>and</u> is at least four more years older than the other person; OR</li> <li>○ Offender is a mental health professional and the other person(s) is a patient/client, who the offender has falsely represented that the sexual contact is necessary for mental health treatment purposes</li> </ul> </li> </ul> | <p><b>Sexual imposition:</b></p> <ul style="list-style-type: none"> <li>• 3<sup>rd</sup> degree misdemeanor</li> <li>• 1<sup>st</sup> degree misdemeanor if previously convicted under this offense</li> </ul> |

This document in its entirety was published by the Ohio Alliance to End Sexual Violence (OAESV) through a Victims of Crime Act grant award administered by the Ohio Attorney General's Office