

~~section is a misdemeanor of the second degree misdemeanor. If the offender previously has been convicted of or pleaded found guilty to of one violation of this section, a violation of division (B) (1), or (2), or (3) of this section is a misdemeanor of the first degree misdemeanor. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, a violation of division (B) (1), (2), or (3) of this section is a felony of the fifth degree.~~

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~~(5) Except as otherwise provided in division (C) (5) of this section, a A violation of division (B) (4) of this section (3) is a misdemeanor of the first degree misdemeanor. If the offender previously has been convicted of or pleaded guilty to any violation of this section, a violation of division (B) (4) of this section is a felony of the fifth degree.~~

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Sec. 2907.10. (A) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall purposefully transmit that virus to another person, with or without sexual conduct, without that person's consent.

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(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall knowingly engage in sexual conduct with another without disclosing that the person is a carrier of such a virus to the other person prior to engaging in the sexual conduct, and, as a result of that sexual conduct, actually transmit or cause the other person to become infected with a virus that causes acquired immunodeficiency syndrome.

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(C) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall knowingly engage in sexual conduct with another person if both of the following apply:

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(1) Prior to engaging in the sexual conduct, the person 11462
failed to disclose to the other person that the person has tested 11463
positive as a carrier of a virus that causes acquired 11464
immunodeficiency syndrome; 11465

(2) The person recklessly failed to take reasonable 11466
precautions to prevent the transmission of the virus. For purposes 11467
of this division, reasonable precautions include, but are not 11468
limited to, either of the following: 11469

(a) Using a condom or other device or substance designed to 11470
prevent the transmission of the virus; 11471

(b) Actively taking antiretroviral medication sufficiently in 11472
advance of the sexual conduct to reasonably prevent transmission 11473
in accordance with the instructions of the prescribing medical 11474
professional. 11475

(D) Notwithstanding R.C. 2923.01, 2923.02, and 2923.03, no 11476
person shall be found guilty of conspiracy, complicity, or attempt 11477
to commit a violation of division (B) without actual transmission 11478
of the virus occurring. 11479

(E) Whoever violates this section is guilty of dangerous 11480
sexual conduct. A violation of division (A) or (B) is a second 11481
degree felony. A violation of division (C) is a first degree 11482
misdemeanor. 11483

Sec. 2907.10 2907.11. (A) ~~(1)~~ A Consistent with division (B), 11484
a peace officer, prosecutor, or other public official shall not 11485
may ask or require a victim of an alleged sex offense violation of 11486
R.C. 2907.01 to 2907.10 or a municipal ordinance that is 11487
substantially similar to those sections to submit to a polygraph 11488
truth verification examination as a condition for proceeding with 11489
the part of an investigation of the alleged sex offense violation. 11490
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