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INITIATIVE PETITION

Law proposed by initiative petition first to be submitted to the General Assembly.

AMENDMENT

TITLE

The Ohio Civil Liberties Restoration Act

SUMMARY

Existing R.C. 2744.03 would be amended by deleting paragraphs (A)(6)(a), (A)(6)(b) and (A)(6)(c), thereby ending qualified immunity in Ohio for employees of political subdivisions. Paragraph (A)(7) would be renumbered (A)(6) and the reference to "paragraph 7" in existing paragraph (B) would be deleted.

CERTIFICATION OF THE ATTORNEY GENERAL

The certification of the Attorney General, pursuant to R.C. 3519.01(A), will be inserted when it is provided. This initial petition must be submitted with at least one thousand signatures of Ohio electors before the Attorney General will issue that certification.

COMMITTEE TO REPRESENT THE PETITIONERS

- Cynthia Brown, 6191 Rossi Drive, Canal Winchester, OH 43110
- Hamza Khabir, 26 Gould Avenue, Bedford, Ohio 44146
- Jenny Sue Rowe, 3340 Peterson Road, Mansfield, OH 44903
- Alicia Kirkman, 7820 Eve Avenue, Cleveland, OH 44102
- Brenda Bickerstaff, 9909 Garfield Avenue, Cleveland, OH 44108

TEXT OF PROPOSED AMENDMENT

Be it Enacted by the People of the State of Ohio.

(A) In a civil action brought against a political subdivision or an employee of a political subdivision to recover damages for injury, death, or loss to person or property allegedly caused by any act or omission in connection with a governmental or proprietary function, the following defenses or immunities may be asserted to establish nonliability:

- (1) The political subdivision is immune from liability if the employee involved was engaged in the performance of a judicial, quasi-judicial, prosecutorial, legislative, or quasi-legislative function.
- (2) The political subdivision is immune from liability if the conduct of the employee involved, other than negligent conduct, that gave rise to the claim of liability was required by law or authorized by law, or if the conduct of the employee involved that gave rise to the claim of liability was necessary or essential to the exercise of powers of the political subdivision or employee.

(3) The political subdivision is immune from liability if the action or failure to act by the employee involved that gave rise to the claim of liability was within the discretion of the employee with respect to policy-making, planning, or enforcement powers by virtue of the duties and responsibilities of the office or position of the employee.

(4) The political subdivision is immune from liability if the action or failure to act by the political subdivision or employee involved that gave rise to the claim of liability resulted in injury or death to a person who had been convicted of or pleaded guilty to a criminal offense and who, at the time of the injury or death, was serving any portion of the person's sentence by performing community service work for or in the political subdivision whether pursuant to section 2951.02 of the Revised Code or otherwise, or resulted in injury or death to a child who was found to be a delinquent child and who, at the time of the injury or death, was performing community service or community work for or in a political subdivision in accordance with the order of a juvenile court entered pursuant to section 2152.19 or 2152.20 of the Revised Code, and if, at the time of the person's or child's injury or death, the person or child was covered for purposes of Chapter 4123. of the Revised Code in connection with the community service or community work for or in the political subdivision.

(5) The political subdivision is immune from liability if the injury, death, or loss to person or property resulted from the exercise of judgment or discretion in determining whether to acquire, or how to use, equipment, supplies, materials, personnel, facilities, and other resources unless the judgment or discretion was exercised with malicious purpose, in bad faith, or in a wanton or reckless manner.

(6) The political subdivision, and an employee who is a county prosecuting attorney, city director of law, village solicitor, or similar chief legal officer of a political subdivision, an assistant of any such person, or a judge of a court of this state is entitled to any defense or immunity available at common law or established by the Revised Code.

(B) Any immunity or defense conferred upon, or referred to in connection with, an employee by division (A)(6) of this section does not affect or limit any liability of a political subdivision for an act or omission of the employee as provided in section 2744.02 of the Revised Code.

I, Gyathia Brown, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of 1 electors, that the signatures appended hereto were made and appended in my presence on the date set opposite each respective name, and are the signatures of the persons whose names they purport to be or of attorneys in fact acting pursuant to section 3501.382 of the Revised Code, and that the electors signing this petition did so with knowledge of the contents of same.

Gyathia Brown 6017 Ross Rd (and Winchester, OH 43110 11/12/2022
Signature/Address/Date

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE