

COUNTY:

Allen

NUMBER:

00083

INITIATIVE PETITION

Amendment to the Constitution

Proposed by Initiative Petition

To be submitted directly to the electors

AMENDMENT

TITLE

Protecting Ohioans' Constitutional Rights

SUMMARY

This Amendment would add a new section 22 to Article I of the Ohio Constitution:

- "Employee" means an officer, agent, employee, who is authorized to act and is acting within the scope of the officer's, agent's, employee's employment by the State or a political subdivision.
- "Employee" also means an independent contractor who is authorized to act and is acting under the color of State law.
- The State, its political subdivisions, and their employees shall not cause any resident of Ohio or person within the State to be subjected to deprivation of any rights, privileges or immunities secured pursuant to the Constitution of Ohio.
- A person who claims to have suffered a deprivation of any rights, privileges or immunities guaranteed by the Constitution of Ohio, due to acts or omissions of the State, its political subdivisions, or their employees may maintain an action to establish liability, recover economic and non-economic damages, and obtain equitable or injunctive relief in any Ohio court of common pleas.
- There shall be no limits on the amount of economic and non-economic damages.
- Claims may be brought against the State, its political subdivisions, and their employees.
- In any action brought against the State and its subdivisions, they shall be held liable for the conduct of employees acting on behalf of, under color of, or within the course or scope of authority granted by the State or its political subdivisions.
- The remedies provided are not exclusive of, and are in addition to, any other remedies prescribed by State, federal or common law.
- In any claim for damages or relief, no political subdivision or any of its employees acting under color of authority granted by a political subdivision, shall enjoy any immunities under Chapter 2744 of the Revised Code, sovereign immunity, common-law immunity, statutory immunity, governmental immunity, prosecutorial immunity, or qualified immunity, for causing the deprivation of rights, privileges or immunities secured by the Constitution of Ohio.
- In any action brought hereunder, the court may allow a prevailing plaintiff reasonable attorney fees to be paid by the defendants.
- A plaintiff's claim prevails if the plaintiff obtains any relief the plaintiff seeks in its complaint in a judgment or settlement.
- In an action where the plaintiff's claim prevails, each defendant shall be liable for the plaintiff's reasonable attorney fees.
- Claims shall be commenced no later than six years from the date a claim can be brought for the deprivation of a right under the laws or Constitution of Ohio.
- In a bench trial, the court's decision shall be supported by findings of facts and conclusions of law.
- In a jury trial, any party may submit interrogatories to the jury asking for findings of fact and application of the court's instructions as to the law.
- In any proceeding in which a plaintiff's claim prevails, the court shall order each defendant to take reasonable measures to prevent a similar rights violation from re-occurring.

- A court's finding that an employee violated a right guaranteed by the laws or constitution of Ohio is just cause for terminating the employment or terminating the contract of the employee.
- Terminating an employee shall not affect the liability of the State or political subdivision.
- All documents including, but not limited to, complaints, judgments, settlements, and consent decrees, are subject to public disclosure.
- All provisions of this section shall be self-executing and severable.
- This section shall take effect on January 1, 2025.

CERTIFICATION OF THE ATTORNEY GENERAL

This certification of the Attorney General, pursuant to Ohio Revised Code §3519.01(A), will be inserted when it is provided. This initial petition must be submitted with at least one thousand (1,000) valid signatures of Ohio electors before the Attorney General will issue that certification.

COMMITTEE TO REPRESENT THE PETITIONERS

The following persons are designated as committee to represent the petitioners in all matters relating to the petition or its circulation:

Marcella Bailey	2417 Brentnell Ave, Columbus, Ohio 43211
Cynthia Brown	6191 Rossi Drive, Canal Winchester, Ohio 43110
Carlos Buford	2130 Della Drive, Dayton, Ohio 45417
Hamza Khabir	26 Gould Avenue, Bedford, Ohio 44146
Jenny Sue Rowe	3340 Peterson Road, Mansfield, Ohio 44903

FULL TEXT OF THE PROPOSED AMENDMENT

Be it Resolved by the People of the State of Ohio that Article I of the Ohio Constitution is hereby amended to add the following Section:

Section 22. Protecting Ohioans' Constitutional Rights

(A) Definitions

(1) "Employee" means:

- a. an officer, agent, employee, or servant, whether or not compensated or full time or part-time, who is authorized to act and is acting within the scope of the officer's, agent's, employee's, or servant's employment by the State or a political subdivision.
- b. an independent contractor who is authorized to act and is acting under the color of State law.

(2) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.

(3) "State" means the state of Ohio, including, but not limited to, the offices of all elected state officers and all departments and other instrumentalities of the state of Ohio.

(B) Claim for Violation of Rights Guaranteed by the Constitution of Ohio

(1) The State, its political subdivisions, and their employees shall not subject or cause any resident of Ohio or person within the State to be subjected to deprivation of any rights, privileges or immunities secured pursuant to the constitution of Ohio.

(2) A person who claims to have suffered a deprivation of any rights, privileges or immunities guaranteed by the Constitution of Ohio, due to acts or omissions of the State, its political subdivisions, or their employees may maintain an action to establish liability, recover economic and non-economic damages, and obtain equitable or injunctive relief in any Ohio court of common pleas. There shall be no limits on the amount of economic and non-economic damages.

(3) Claims brought hereunder may be brought against the State, its political subdivisions, and their employees. In any action brought against the State and its subdivisions, they shall be held liable for the conduct of employees acting on behalf of, under color of, or within the course or scope of authority granted by the State or its political subdivisions.

(4) The remedies provided hereunder are not exclusive of, and shall be in addition to,

any other remedies prescribed by State or federal law or available pursuant to common law.

(C) Immunity Defenses Prohibited

- (1) In any claim for damages or relief hereunder, the State, its political subdivisions, and their employees acting on behalf of, under color of, or within the course and scope of the authority granted by the State or a political subdivision shall not enjoy any immunities under Chapter 2744 of the Revised Code, sovereign immunity, common-law immunity, statutory immunity, governmental immunity, prosecutorial immunity, or qualified immunity for causing the deprivation of any rights, privileges or immunities secured by the Constitution of Ohio.

(D) Attorney Fees Allowed

- (1) In any action brought hereunder, the court may, in its discretion, allow a prevailing plaintiff or plaintiffs reasonable attorney fees to be paid by the defendant or defendants.
- (2) A plaintiff's claim prevails if the plaintiff obtains any relief the plaintiff seeks in its complaint, whether the relief is obtained by judgment or settlement.
- (3) In an action where the plaintiff's claim prevails, each defendant shall be liable for the plaintiff's reasonable attorney fees, regardless of whether the attorney provided services on an hourly, contingent, or pro bono basis.

(E) Statute of Limitations

- (1) A claim made hereunder shall be commenced no later than six years from the date a claim can be brought for the deprivation of a right under the laws or Constitution of Ohio.

(F) Judicial Process

- (1) In a bench trial, the court's decision on any claim brought hereunder shall be supported by findings of facts and conclusions of law.
- (2) In a jury trial, either the plaintiff or defendant may submit interrogatories to the jury asking for its findings of fact and application of the court's instructions as to the law.

(G) Rights Violation Prevention

- (1) In any proceeding in which a plaintiff's claim prevails, the court shall order each defendant to take reasonable measures to prevent a similar rights violation from re-occurring.

(H) Termination of Contract, Agreement, or Employment

(1) A court's finding that an employee violated a right guaranteed by the laws or constitution of Ohio is just cause for terminating the employment or terminating the contract of the employee.

(2) Terminating an employee shall not affect the liability of the State or political subdivision hereunder.

(I) Public information

(1) All documents including, but not limited to, complaints, judgments, settlements, and consent decrees, are subject to public disclosure.

(J) Severability Clause

(1) All provisions of this section shall be self-executing and severable.

(K) Effective Date

(1) This section shall take effect on January 1, 2025