

COUNTY: CHAMPAIGN

NUMBER: 0001

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:

(A) Within this Section, the following terms would have the following meanings:

- "State" means the State of Ohio, including but not limited to all departments, instrumentalities, and offices of elected officers thereof;
- "Political subdivision" means anybody corporate or politic responsible for governmental activities within a geographic subsection of the State, such as but not limited to a municipal corporation, township, county, or school district; and
- "Public Employee" means (1) an officer, agent, employee, or servant, of the State or any of political subdivision who is authorized to act and is acting within the scope of his or her employment; or (2) an independent contractor acting under the color of State law.
- "Government actor" means the State, any political subdivision thereof, or any public employee of the State or of any political subdivision thereof.
- "Person" means any individual resident of Ohio or individual within the State.
- "Constitutional right" means any right, privilege or immunity secured pursuant to the constitution of Ohio

(B) No government actor shall cause any person to be subjected to the deprivation of any Constitutional right. A person who claims to have been subjected to the deprivation of any Constitutional right due to the acts or omissions of a government actor may bring a cause of action against that government actor. A cause of action under this Section may be brought against the State or a political subdivision in any Court of Common Pleas, or against a public employee in the Court of Common Pleas for the County in which that public employee resided or worked at the time of filing.

(C) In any action pursuant to this Section, no government actor shall enjoy or may rely upon any immunities or defenses which are only available to government actors or any subset thereof, including but not limited to: Qualified immunity; Sovereign immunity; Prosecutorial immunity; or any immunity provided to the State, political subdivisions, or public employees by statute.

(D) A government actor is liable under this Section if it is proven by a preponderance of evidence that the actor's acts or omissions caused a person to be deprived of any constitutional right. The State or political subdivision shall also 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 political subdivision. Terminating a public employee shall not affect the liability of the State or political subdivision. The person bringing the action may decide whether the action will be tried in a bench trial or jury trial. 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 its findings of fact and application of the court's instructions as to the law.

- (E) If a government actor is found liable for the deprivation of a person's constitutional rights, the court shall order the government actor to take reasonable measures to prevent a similar rights violation from re-occurring, and furthermore the person shall be entitled to any or all of the following relief:
 - o Compensatory economic and non-economic damages, without limitation;
 - o Equitable or injunctive relief;
 - o Recovery of reasonable attorney's fees; and
 - o Any other remedies provided by State, federal, or common law
- (F) A claim made under this Section shall be commenced no later than six years from the date that the deprivation of a constitutional right is alleged to have occurred.
- (G) A finding of liability against a public employee pursuant to this Section is just cause for termination of the employment, agreement, or contract giving rise to the public employee's status as a public employee.
- (H) All provisions of this section are self-executing and severable.
- (I) This section takes 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 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	2692 Arcola Road, Columbus, Ohio 43207
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

ARTICLE I, SECTION 22

(A) Definitions

- (1) "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.
- (2) "Political subdivision" means any body corporate or politic responsible for governmental activities within a geographic subsection of the State, including but not limited to a municipal corporation, township, county, or school district.
- (3) "Public employee" means any entity who is:
 - (a) an officer, agent, employee, or servant, of the State or a political subdivision, 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 political subdivision; or
 - (b) an independent contractor of the State or a political subdivision who is authorized to act and is acting under the color of law.
- (4) "Government actor" means the State, any political subdivision thereof, or any public employee of the State or of any political subdivision thereof.
- (5) "Person" means any individual resident of Ohio or individual within the State.
- (6) "Constitutional right" means any right, privilege or immunity secured pursuant to the constitution of Ohio.

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

- (1) No government actor shall cause any person to be subjected to deprivation of any constitutional right.
- (2) A person who claims to have suffered a deprivation of any constitutional right due to acts or omissions of any government actor or actors may bring a civil action against said government actor or actors.
- (3) A civil action pursuant to this Section may be brought in the following jurisdictions:
 - (a) An action naming a public employee as a defendant may be brought in any Court of Common Pleas for a county in which that public employee resided or worked at the time the action was filed.
 - (b) An action naming the State or a political subdivision as a defendant may be brought in the Court of Common Pleas for any county in the State. However, if a public employee is also named as a defendant to the same action, then the action may only be brought in a Court of Common Pleas for a county in which that public employee resided or worked at the time the action was filed.

(C) Immunity Defenses Prohibited

- (1) In any action pursuant to this Section, no government actor shall enjoy or may rely upon any immunities or defenses which are only available to government actors or any subset thereof, including but not limited to:
 - (a) Qualified immunity;
 - (b) Sovereign immunity;
 - (c) Prosecutorial immunity; or
 - (d) Any immunity provided to the State, political subdivisions, or public employees by statute.

(D) Determination Of Liability

- (1) The person bringing an action pursuant to this Section may elect whether the action will be tried in a bench trial or jury trial.
 - (a) In a bench trial, the court's decision on any claim brought hereunder shall be supported by findings of facts and conclusions of law.
 - (b) In a jury trial, any party may submit interrogatories to the jury asking for its findings of fact and application of the court's instructions as to the law.
- (2) Any government actor is liable for the deprivation of a person's constitutional rights if it is proven by a preponderance of evidence that the government actor's acts or omissions caused the person to be deprived of any constitutional right.
- (3) In addition, if a public employee is found liable for the deprivation of a person's constitutional rights pursuant to subsection (D)(2), and it is proven by a preponderance of evidence that the public employee was acting on behalf of, under color of, or within the course or scope of authority granted by the State or political subdivision, then the State or political subdivision shall be held liable to that person for the conduct of the public employee.
- (4) Terminating a public employee shall not affect the liability of the State or political subdivision for the terminated public employee's conduct.

(E) Remedies Upon A Determination Of Liability

- (1) If a government actor is found liable for the deprivation of a person's constitutional rights, that person shall be entitled to any or all of the following relief:
 - (a) Compensation for economic and non-economic damages, without limitation;
 - (b) Equitable or injunctive relief;
 - (c) Recovery of reasonable attorney's fees, regardless of whether the attorney provided services on an hourly, contingent, or pro bono basis; and
 - (d) Any other remedies prescribed by State or federal law or available pursuant to common law.
- (2) In addition to the relief awarded to the person, the court shall order any government actor found liable for the deprivation of a person's constitutional rights to take reasonable measures to prevent a similar rights violation from re-occurring.

(F) Statute of Limitations

- (1) A claim made under this Section shall be commenced no later than six years from the date that the deprivation of a constitutional right is alleged to have occurred.

(G) Termination of Contract, Agreement, or Employment

- (1) A finding of liability against a public employee pursuant to this Section is just cause for termination of the employment, agreement, or contract giving rise to the public employee's status as a public employee.

(H) Severability Clause

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

(I) Effective Date

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