

As Introduced

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Regular Session

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H. B. No. 501

Representatives Williams, Rogers

Cosponsors: Representatives Brennan, Daniels, Synenberg, Upchurch

To amend sections 117.52, 2305.02, 2743.15,
2743.48, and 2743.49 of the Revised Code to
modify the wrongful imprisonment law and to
rename the provisions wrongful incarceration.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 117.52, 2305.02, 2743.15,
2743.48, and 2743.49 of the Revised Code be amended to read as
follows:

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Sec. 117.52. The auditor of state shall make the
adjustment, as described in section 2743.49 of the Revised Code,
of the amount that a wrongfully ~~imprisoned-incarcerated~~
individual, in an action brought in the court of claims pursuant
to section 2743.48 of the Revised Code, may receive for each
full year or part of a year of ~~imprisonment-incarceration~~ and
shall perform all of the functions relating to that adjustment
as specified in section 2743.49 of the Revised Code.

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Sec. 2305.02. The court of common pleas in the county
where the underlying criminal action was initiated has
exclusive, original jurisdiction to hear and determine an action
or proceeding that is commenced by an individual who satisfies

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divisions ~~(A)(1)~~ (A)(4)(a) to ~~(5)(e)~~ of section 2743.48 of the
Revised Code and that seeks a determination by the court that an
error in procedure of the type described in division (A)(5) of
that section occurred, that the offense of which the individual
was found guilty, including all lesser included offenses, was
not committed by the individual, or that no offense was
committed by any person. If the court enters the requested
determination, it shall comply with division (B) of that
section.

Sec. 2743.15. (A) The director or other administrative
chief, or the governing body, of any department, board, office,
commission, agency, institution, or other instrumentality of the
state:

(1) With the approval of the attorney general and the
court of claims, may settle or compromise any civil action
against the state insofar as the department, board, office,
commission, agency, institution, or other instrumentality is
named as a defendant;

(2) Shall notify the office of risk management in the
department of administrative services of any settlement or
compromise to allow for the proper reservation of funds.

(B) The acceptance by the claimant of any such compromise
or settlement shall be final and conclusive on the claimant and
is a complete release of the civil action against the state
insofar as the particular department, board, office, commission,
agency, institution, or other instrumentality is named, or could
be named, as a defendant. A compromise or settlement that
requires the payment of money by the state may be implemented
and enforced, insofar as the payment of money is concerned, only
through the procedure specified in section 2743.19 of the

Revised Code, which shall be commenced by the attorney general 50
forwarding a clerk's certified copy of the settlement instrument 51
to the director of budget and management. A copy of the 52
settlement instrument of actions involving the office of risk 53
management in the department of administrative services shall be 54
forwarded to the office of risk management for payment via the 55
risk management reserve fund created in section 9.823 of the 56
Revised Code. 57

No interest of any kind, including any kind set forth in 58
sections 2743.18 and 2743.19 of the Revised Code, is allowed on 59
any compromise or settlement of any civil action against the 60
state under this section. 61

The authority of the department of administrative services 62
to compromise claims does not extend to other statutory and 63
agency programs with direct settlement authority, including 64
activities by the department of transportation, inmate property 65
actions described in division (H) of section 2743.02 of the 66
Revised Code, and wrongful ~~imprisonment-incarceration~~ actions 67
provided for in section 2743.48 of the Revised Code. 68

Sec. 2743.48. ~~(A)(A)~~ As used in this section and section 69
~~2743.49 and section 2743.49~~ of the Revised Code, a "wrongfully 70
~~imprisoned~~:" 71

(1) "Brady Rule" means the rule established pursuant to 72
the decision of the United States supreme court in *Brady v.* 73
Maryland, 373 U.S. 83 (1963). 74

(2) "Qualifying monetary award or recovery" means a 75
monetary award won in, or a monetary recovery received through a 76
settlement in, a civil action under 42 U.S.C. 1983, as amended. 77

(3) "Detention facility" means any of the following: 78

(a) A state correctional institution as defined in section 79
2967.01 of the Revised Code; 80

(b) A local correctional facility as defined in section 81
2903.13 of the Revised Code; 82

(c) A department of youth services facility. 83

(4) "Wrongfully incarcerated individual" means an 84
individual who satisfies each of the following: 85

~~(1)~~ (a) The individual was charged with a violation of a 86
section of the Revised Code by an indictment or information, and 87
the violation charged was an aggravated felony, felony, or 88
misdemeanor. 89

~~(2)~~ The (b) Except in the case of an Alford plea, the 90
individual was found guilty of, but did not plead guilty to, or 91
was adjudicated a delinquent child for, but did not admit to, 92
the particular charge or a lesser-included offense by the court 93
or jury involved, and the offense of which the individual was 94
found guilty or adjudicated a delinquent child was an aggravated 95
felony, felony, or misdemeanor. 96

~~(3)~~ (c) The individual was sentenced to an indefinite or 97
definite term of ~~imprisonment~~ incarceration in a state- 98
~~correctional institution~~ detention facility for the offense of 99
which the individual was found guilty or was adjudicated a 100
delinquent child. 101

~~(4)~~ (d) The individual's conviction or adjudication was 102
vacated, dismissed, or reversed on appeal or the individual was 103
granted a pardon and all of the following apply: 104

~~(a)~~ (i) No criminal or delinquency proceeding is pending 105
against the individual for any act associated with that 106

conviction or adjudication or any act associated with that 107
pardon. 108

~~(b)~~ The (ii) If the individual's conviction or 109
adjudication was vacated, dismissed, or reversed on appeal, the 110
prosecuting attorney in the case, within one year after the date 111
of the vacating, dismissal, or reversal, has not sought any 112
further appeal of right or upon leave of court, provided that 113
this division does not limit or affect the seeking of any such 114
appeal after the expiration of that one-year period as described 115
in division (C) (3) of this section. 116

~~(c)~~ (iii) The prosecuting attorney, city director of law, 117
village solicitor, or other chief legal officer of a municipal 118
corporation, within one year after the date of the vacating, 119
dismissal, ~~or reversal,~~ or pardon, has not brought a criminal or 120
delinquency proceeding against the individual for any act 121
associated with that conviction or adjudication or for any act 122
associated with that pardon, provided that this division does 123
not limit or affect the bringing of any such proceeding after 124
the expiration of that one-year period as described in division 125
(C) (3) of this section. 126

~~(5)~~ (e) Subsequent to sentencing or during or subsequent to 127
~~imprisonment~~ incarceration, an error in procedure was discovered 128
that occurred prior to, during, or after sentencing, that 129
involved a violation of the Brady Rule which violated the 130
individual's rights to a fair trial under the Ohio Constitution 131
or the United States Constitution, and that resulted in the 132
individual's release, or it was determined by the court of 133
common pleas in the county where the underlying criminal or 134
delinquency action was initiated either that the offense of 135
which the individual was found guilty or was adjudicated a 136

delinquent child, including all lesser-included offenses, was 137
not committed by the individual or that no offense was committed 138
by any person. In addition to any other application of the 139
provisions of this division regarding an error in procedure that 140
occurred prior to, during, or after sentencing, as those 141
provisions exist on and after ~~the effective date of this~~ 142
~~amendment~~ March 22, 2019, if an individual had a claim 143
dismissed, has a claim pending, or did not file a claim because 144
the state of the law in effect prior to ~~the effective date of~~ 145
~~this amendment~~ March 22, 2019, barred the claim or made the 146
claim appear to be futile, those provisions apply with respect 147
to the individual and the claim and, on or after ~~that effective~~ 148
~~date~~ March 22, 2019, the individual may file a claim and obtain 149
the benefit of those provisions. 150

(B) (1) A person may file a civil action to be declared a 151
wrongfully ~~imprisoned-incarcerated~~ individual in the court of 152
common pleas in the county where the underlying criminal or 153
delinquency action was initiated. That civil action shall be 154
separate from the underlying finding of guilt or adjudication. 155
Upon the filing of a civil action to be determined a wrongfully 156
~~imprisoned-incarcerated~~ individual, the attorney general shall 157
be served with a copy of the complaint and shall be heard. 158

(2) When the court of common pleas in the county where the 159
underlying criminal or delinquency action was initiated 160
determines that a person is a wrongfully ~~imprisoned-incarcerated~~ 161
individual, the court shall provide the person with a copy of 162
this section and orally inform the person and the person's 163
attorney of the person's rights under this section to commence a 164
civil action against the state in the court of claims because of 165
the person's wrongful ~~imprisonment-incarceration~~ and to be 166
represented in that civil action by counsel of the person's own 167

choice. 168

(3) The court described in division (B) (1) of this section 169
shall notify the clerk of the court of claims, in writing and 170
within seven days after the date of the entry of its 171
determination that the person is a wrongfully ~~imprisoned~~ 172
incarcerated individual, of the name and proposed mailing 173
address of the person and of the fact that the person has the 174
rights to commence a civil action and to have legal 175
representation as provided in this section. The clerk of the 176
court of claims shall maintain in the clerk's office a list of 177
wrongfully ~~imprisoned~~ incarcerated individuals for whom notices 178
are received under this section and shall create files in the 179
clerk's office for each such individual. 180

(4) Within sixty days after the date of the entry of the 181
determination by the court of common pleas in the county where 182
the underlying criminal or delinquency action was initiated that 183
a person is a wrongfully ~~imprisoned~~ incarcerated individual, the 184
clerk of the court of claims shall forward a preliminary 185
judgment to the president of the controlling board requesting 186
the payment of fifty per cent of the amount described in 187
division (E) (2) (b) of this section to the wrongfully ~~imprisoned~~ 188
incarcerated individual. The board shall take all actions 189
necessary to cause the payment of that amount out of the 190
emergency purposes special purpose account of the board. 191

(5) If an individual was serving, at the time of the 192
wrongful ~~imprisonment~~ incarceration, concurrent sentences on 193
other convictions or other adjudications that were not vacated, 194
dismissed, ~~or~~ reversed on appeal, or pardoned, the individual is 195
not eligible for compensation as described in this section for 196
any portion of that wrongful ~~imprisonment~~ incarceration that 197

occurred during a concurrent sentence of that nature. 198

(C) (1) In a civil action under this section, a wrongfully 199
~~imprisoned~~ incarcerated individual has the right to have counsel 200
of the individual's own choice. 201

(2) If a wrongfully ~~imprisoned~~ incarcerated individual who 202
is the subject of a court determination as described in division 203
(B) (2) of this section does not commence a civil action under 204
this section within six months after the entry of that 205
determination, the clerk of the court of claims shall send a 206
letter to the wrongfully ~~imprisoned~~ incarcerated individual, at 207
the address set forth in the notice received from the court of 208
common pleas pursuant to division (B) (3) of this section or to 209
any later address provided by the wrongfully ~~imprisoned~~ 210
incarcerated individual, that reminds the wrongfully ~~imprisoned~~ 211
incarcerated individual of the wrongfully ~~imprisoned~~ 212
incarcerated individual's rights under this section. Until the 213
statute of limitations provided in division (H) of this section 214
expires and unless the wrongfully ~~imprisoned~~ incarcerated 215
individual commences a civil action under this section, the 216
clerk of the court of claims shall send a similar letter in a 217
similar manner to the wrongfully ~~imprisoned~~ incarcerated 218
individual at least once each three months after the sending of 219
the first reminder. 220

(3) If an individual has been determined by the court of 221
common pleas in the county where the underlying criminal or 222
delinquency action was initiated to be a wrongfully ~~imprisoned~~ 223
incarcerated individual, as described in division (A) of this 224
section, both of the following apply: 225

(a) The finding under division ~~(A) (4) (b)~~ (A) (4) (d) (ii) of 226
this section does not affect or negate any right or authority 227

the prosecuting attorney in the case may have to seek, after the 228
expiration of the one-year period described in that division, a 229
further appeal of right or upon leave of court with respect to 230
the conviction or adjudication that was vacated, dismissed, or 231
reversed on appeal, and the prosecuting attorney may seek such a 232
further appeal after the expiration of that period. 233

(b) The finding under division ~~(A) (4) (c)~~ (A) (4) (d) (iii) of 234
this section does not affect or negate any right or authority 235
the prosecuting attorney in the case may have under any other 236
provision of law to bring, after the expiration of the one-year 237
period described in that division, a criminal or delinquency 238
proceeding against the individual for any act associated with 239
the conviction or adjudication that was vacated, dismissed, or 240
reversed on appeal or for any act associated with the pardon, 241
and the prosecuting attorney may bring such a proceeding after 242
the expiration of that period as provided under any other 243
provision of law. 244

(D) Notwithstanding any provisions of this chapter to the 245
contrary, a wrongfully ~~imprisoned~~ incarcerated individual has 246
and may file a civil action against the state, in the court of 247
claims, to recover a sum of money as described in this section, 248
because of the individual's wrongful ~~imprisonment~~ incarceration. 249
The court of claims shall have exclusive, original jurisdiction 250
over such a civil action. The civil action shall proceed, be 251
heard, and be determined as provided in sections 2743.01 to 252
2743.20 of the Revised Code, except that if a provision of this 253
section conflicts with a provision in any of those sections, the 254
provision in this section controls. 255

(E) (1) In a civil action as described in division (D) of 256
this section, the complainant may establish that the claimant is 257

a wrongfully ~~imprisoned-incarcerated~~ individual by submitting to 258
the court of claims a certified copy of the judgment entry of 259
the court of common pleas associated with the claimant's 260
conviction or adjudication and sentencing, and a certified copy 261
of the entry of the determination of the court of common pleas 262
that the claimant is a wrongfully ~~imprisoned-incarcerated~~ 263
individual under division (B) (2) of this section. No other 264
evidence shall be required of the complainant to establish that 265
the claimant is a wrongfully ~~imprisoned-incarcerated~~ individual, 266
and the claimant shall be irrebuttably presumed to be a 267
wrongfully ~~imprisoned-incarcerated~~ individual. 268

(2) In a civil action as described in division (D) of this 269
section, upon presentation of requisite proof to the court of 270
claims, a wrongfully ~~imprisoned-incarcerated~~ individual is 271
entitled to receive a sum of money that equals the total of each 272
of the following amounts: 273

(a) The amount of any fine or court costs imposed and 274
paid, and the reasonable attorney's fees and other expenses 275
incurred by the wrongfully ~~imprisoned-incarcerated~~ individual in 276
connection with all associated criminal or delinquency 277
proceedings and appeals, and, if applicable, in connection with 278
obtaining the wrongfully ~~imprisoned-incarcerated~~ individual's 279
discharge from confinement in the ~~state correctional institution~~ 280
detention facility; 281

(b) For each full year of ~~imprisonment-incarceration~~ in 282
the ~~state correctional institution~~ detention facility for the 283
offense of which the wrongfully ~~imprisoned-incarcerated~~ 284
individual was found guilty or was adjudicated a delinquent 285
child, forty thousand three hundred thirty dollars or the 286
adjusted amount determined by the auditor of state pursuant to 287

section 2743.49 of the Revised Code, and for each part of a year 288
of being so ~~imprisoned~~ incarcerated, a pro-rated share of forty 289
thousand three hundred thirty dollars or the adjusted amount 290
determined by the auditor of state pursuant to section 2743.49 291
of the Revised Code; 292

(c) Any loss of wages, salary, or other earned income that 293
directly resulted from the wrongfully ~~imprisoned~~ incarcerated 294
individual's arrest, prosecution, conviction or adjudication, 295
and wrongful ~~imprisonment~~ incarceration; 296

(d) The amount of the following cost debts the department 297
of rehabilitation and correction or the department of youth 298
services recovered from the wrongfully ~~imprisoned~~ incarcerated 299
individual who was in custody of the department or under the 300
department's supervision: 301

(i) Any user fee or copayment for services at a detention 302
facility, including, but not limited to, a fee or copayment for 303
sick call visits; 304

(ii) The cost of housing and feeding the wrongfully 305
~~imprisoned~~ incarcerated individual in a detention facility; 306

(iii) The cost of supervision of the wrongfully ~~imprisoned~~ 307
incarcerated individual; 308

(iv) The cost of any ancillary services provided to the 309
wrongfully ~~imprisoned~~ incarcerated individual. 310

(F) (1) If the court of claims determines in a civil action 311
as described in division (D) of this section that the 312
complainant is a wrongfully ~~imprisoned~~ incarcerated individual, 313
it shall enter judgment for the wrongfully ~~imprisoned~~ 314
incarcerated individual in the amount of the sum of money to 315
which the wrongfully ~~imprisoned~~ incarcerated individual is 316

entitled under division (E) (2) of this section. In determining 317
that sum, the court of claims shall not take into consideration 318
any expenses incurred by the state or any of its political 319
subdivisions in connection with the arrest, prosecution, and 320
~~imprisonment~~ incarceration of the wrongfully ~~imprisoned~~ 321
incarcerated individual, including, but not limited to, expenses 322
for food, clothing, shelter, and medical services. The court 323
shall reduce that sum by the amount of the payment to the 324
wrongfully ~~imprisoned~~ incarcerated individual described in 325
division (B) (4) of this section. 326

(2) If the wrongfully ~~imprisoned~~ incarcerated individual 327
was represented in the civil action under this section by 328
counsel of the wrongfully ~~imprisoned~~ incarcerated individual's 329
own choice, the court of claims shall include in the judgment 330
entry referred to in division (F) (1) of this section an award 331
for the reasonable attorney's fees of that counsel. These fees 332
shall be paid as provided in division (G) of this section. 333

(3) If the wrongfully ~~imprisoned~~ incarcerated individual 334
owes any debt to the state or any of its political subdivisions, 335
the court of claims, in the judgment entry referred to in 336
division (F) (1) of this section, shall deduct the amount of any 337
such debts that are known from the sum of money to which the 338
wrongfully ~~imprisoned~~ incarcerated individual is entitled under 339
division (E) (2) of this section. The court shall include in the 340
judgment entry an award to the state or a political subdivision, 341
whichever is applicable, of any amount deducted pursuant to this 342
division. These amounts shall be paid as provided in division 343
(G) of this section. 344

(4) (a) If, at the time of the judgment entry referred to 345
in division (F) (1) of this section, the wrongfully ~~imprisoned~~ 346

incarcerated individual has won or received a qualifying 347
monetary award or recovery that arose from any conduct that 348
resulted in or contributed to the person being determined to be 349
a wrongfully ~~imprisoned~~ incarcerated individual, all of the 350
following apply: 351

(i) The court of claims, in the judgment entry, shall 352
deduct the amount of the award or recovery in the action that 353
the wrongfully ~~imprisoned~~ incarcerated individual actually 354
collected prior to the time of the judgment entry, after the 355
payment of the individual's attorney's fees and costs related to 356
the litigation, from the sum of money to which the wrongfully 357
~~imprisoned~~ incarcerated individual is entitled under division 358
(E) (2) of this section. If the wrongfully ~~imprisoned~~ 359
incarcerated individual has won or received two or more 360
qualifying monetary awards or recoveries of the type described 361
in division (F) (4) (a) of this section, the court shall aggregate 362
the amounts of all of those awards or recoveries that the 363
individual actually collected prior to the date of the judgment 364
entry, and the aggregate amount shall be the amount deducted 365
under this division from the sum of money to which the 366
wrongfully ~~imprisoned~~ incarcerated individual is entitled under 367
division (E) (2) of this section. The court shall include in the 368
judgment entry an award to the state of any amount deducted 369
pursuant to this division. These amounts shall be paid as 370
provided in division (G) of this section. 371

(ii) If the wrongfully ~~imprisoned~~ incarcerated individual 372
actually collects any amount of the qualifying monetary award or 373
recovery after the date of the judgment entry referred to in 374
division (F) (1) of this section, the wrongfully ~~imprisoned~~ 375
incarcerated individual shall reimburse the state for the sum of 376
money paid under the judgment entry referred to in division (F) 377

(1) of this section, after the deduction of the individual's attorney's fees and costs related to the litigation, for the amount of the qualifying monetary award or recovery actually collected after that date. A reimbursement required under this division shall not exceed the amount that the wrongfully ~~imprisoned~~ incarcerated individual actually collects under the qualifying monetary award or recovery. If the wrongfully ~~imprisoned~~ incarcerated individual has won or received two or more qualifying monetary awards or recoveries of the type described in division (F)(4)(a) of this section and actually collects any amount of two or more of those qualifying monetary awards or recoveries after the date of the judgment entry referred to in division (F)(1) of this section, the court shall apply this division separately with respect to each such qualifying monetary award or recovery.

(iii) The total amount a court deducts under division (F)(4)(a)(i) of this section with respect to a qualifying monetary award or recovery plus the total amount of a reimbursement required under division (F)(4)(a)(ii) of this section with respect to that same qualifying monetary award or recovery shall not exceed the amount that the wrongfully ~~imprisoned~~ incarcerated individual actually collects under that qualifying monetary award or recovery.

(b) If division (F)(4)(a) of this section does not apply and if, after the time of the judgment entry referred to in division (F)(1) of this section, the wrongfully ~~imprisoned~~ incarcerated individual wins a qualifying monetary award or recovery that arose from any conduct that resulted in or contributed to the person being determined to be a wrongfully ~~imprisoned~~ incarcerated individual, the wrongfully ~~imprisoned~~ incarcerated individual shall reimburse the state for the sum of

money paid under the judgment entry referred to in division (F) 409
(1) of this section, after the deduction of the individual's 410
attorney's fees and costs related to the litigation. A 411
reimbursement required under this division shall not exceed the 412
amount that the wrongfully ~~imprisoned~~-incarcerated individual 413
actually collects under the qualifying monetary award or 414
recovery. If the wrongfully ~~imprisoned~~-incarcerated individual 415
has won or received two or more such qualifying monetary awards 416
or recoveries, the court shall apply this division separately 417
with respect to each such qualifying monetary award or recovery. 418

(c) Divisions (F)(4)(a) and (b) of this section apply only 419
with respect to judgment entries referred to in division (F)(1) 420
of this section that are entered on or after ~~the effective date~~ 421
~~of divisions (F)(4)(a) and (b) of this section~~ March 22, 2019. 422

(5) If, after the time of the judgment entry referred to 423
in division (F)(1) of this section, the wrongfully ~~imprisoned~~- 424
incarcerated individual is convicted of or pleads guilty to an 425
offense that is based on any act associated with the conviction 426
that was vacated, reversed, or dismissed on appeal or any act 427
associated with the pardon and that was the basis of the person 428
being determined to be a wrongfully ~~imprisoned~~-incarcerated 429
individual, the wrongfully ~~imprisoned~~-incarcerated individual 430
shall reimburse the state for the entire sum of money paid under 431
the judgment entry referred to in division (F)(1) of this 432
section. 433

(6) The state consents to be sued by a wrongfully 434
~~imprisoned~~-incarcerated individual because the ~~imprisonment~~- 435
incarceration was wrongful, and to liability on its part because 436
of that fact, only as provided in this section. However, this 437
section does not affect any liability of the state or of its 438

employees to a wrongfully ~~imprisoned-incarcerated~~ individual on 439
a claim for relief that is not based on the fact of the wrongful 440
~~imprisonment incarceration~~, including, but not limited to, a 441
claim for relief that arises out of circumstances occurring 442
during the wrongfully ~~imprisoned-incarcerated~~ individual's 443
confinement in the ~~state correctional institution~~detention 444
facility. 445

(G) The clerk of the court of claims shall forward a 446
certified copy of a judgment under division (F) of this section 447
to the president of the controlling board. The board shall take 448
all actions necessary to cause the payment of the judgment out 449
of the emergency purposes special purpose account of the board. 450

(H) To be eligible to recover a sum of money as described 451
in this section because of wrongful ~~imprisonment incarceration~~, 452
both of the following shall apply to a wrongfully ~~imprisoned-~~ 453
~~incarcerated~~ individual: 454

(1) The wrongfully ~~imprisoned-incarcerated~~ individual 455
shall not have been, prior to September 24, 1986, the subject of 456
an act of the general assembly that authorized an award of 457
compensation for the wrongful ~~imprisonment-incarceration~~ or have 458
been the subject of an action before the former sundry claims 459
board that resulted in an award of compensation for the wrongful 460
~~imprisonment incarceration~~. 461

(2) The wrongfully ~~imprisoned-incarcerated~~ individual 462
shall commence a civil action under this section in the court of 463
claims no later than two years after the date of the entry of 464
the determination of the court of common pleas that the 465
individual is a wrongfully ~~imprisoned-incarcerated~~ individual 466
under division (B)(2) of this section. 467

(I) No determination of a court of common pleas as 468
specified in division (B) of this section or of the court of 469
claims as described in division (D) of this section that a 470
person is a wrongfully ~~imprisoned~~ incarcerated individual, and 471
no finding in the civil action that results in either of those 472
determinations, is admissible as evidence in any criminal or 473
delinquency proceeding that is pending at the time of, or is 474
commenced subsequent to, that civil action. 475

~~(J) (1) As used in division (A) of this section, "Brady-~~ 476
~~Rule" means the rule established pursuant to the decision of the~~ 477
~~United States supreme court in Brady v. Maryland (1963), 373-~~ 478
~~U.S. 83.~~ 479

~~(2) As used in divisions (F) (3) to (5) of this section:~~ 480

~~(a) "State" and "political subdivisions" have the same~~ 481
~~meanings as in section 2743.01 of the Revised Code.~~ 482

~~(b) "Qualifying monetary award or recovery" means a~~ 483
~~monetary award won in, or a monetary recovery received through a~~ 484
~~settlement in, a civil action under section 1983 of Title 42 of~~ 485
~~the United States Code, 93 Stat. 1284 (1979), 42 U.S.C. 1983, as~~ 486
~~amended.~~ 487

Sec. 2743.49. (A) (1) In January of each odd-numbered year, 488
the auditor of state, in accordance with this division and 489
division (A) (2) of this section, shall adjust the actual dollar 490
figure specified in division (E) (2) (b) of section 2743.48 of the 491
Revised Code or the actual dollar amount determined pursuant to 492
this section. The adjustment shall be based on the yearly 493
average of the previous two years of the consumer price index 494
for all urban consumers or its successive equivalent, as 495
determined by the United States department of labor, bureau of 496

labor statistics, or its successor in responsibility, for all 497
items, Series A. 498

Using the yearly average for the immediately preceding 499
even-numbered year as the base year, the auditor of state shall 500
compare the most current average consumer price index with that 501
determined in the preceding odd-numbered year and shall 502
determine the percentage increase or decrease. The auditor of 503
state shall multiply the percentage increase or decrease by the 504
actual dollar figure specified in division (E) (2) (b) of section 505
2743.48 of the Revised Code or the actual dollar figure 506
determined under this section for the previous odd-numbered year 507
and shall add the product to or subtract the product from its 508
corresponding actual dollar figure, as applicable, for the 509
previous odd-numbered year. 510

(2) The auditor of state shall calculate the adjustment 511
under division (A) (1) of this section on or before the thirty- 512
first day of January of each odd-numbered year. The auditor of 513
state shall base the adjustment on the most current consumer 514
price index that is described in division (A) (1) of this section 515
and that is in effect as of the first day of January of each 516
odd-numbered year. 517

(B) (1) The auditor of state shall certify the calculations 518
made under division (A) of this section on or before the thirty- 519
first day of January of each odd-numbered year. 520

(2) On or before the fifteenth day of February of each 521
odd-numbered year, the auditor of state shall prepare a report 522
setting forth the amount that a wrongfully ~~imprisoned~~ 523
incarcerated individual is entitled to for each full year of 524
~~imprisonment~~ incarceration in the ~~state correctional institution~~ 525
detention facility for the offense of which the wrongfully 526

~~imprisoned~~ incarcerated individual was found guilty as provided 527
in division (E) (2) (b) of section 2743.48 of the Revised Code and 528
as calculated in accordance with this section. The report and 529
all documents relating to the calculations contained in the 530
report are public records. The report shall contain an 531
indication of the period in which the calculated amount applies, 532
a summary of how the amount was calculated, and a statement that 533
the report and all related documents are available for 534
inspection and copying at the office of the auditor of state. 535

(3) On or before the fifteenth day of February of each 536
odd-numbered year, the auditor of state shall transmit the 537
report to the general assembly and to the court of claims. 538

Section 2. That existing sections 117.52, 2305.02, 539
2743.15, 2743.48, and 2743.49 of the Revised Code are hereby 540
repealed. 541