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Olman, T. Patton, Reinhard, Schaffer, Schmidt, Schneider, Setzer, Sferra,  
G. Smith, J. Stewart, Walcher, Young**

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**A B I L L**

To amend sections 9.87, 2743.01, and 2743.02 and to 1  
enact sections 341.27 and 753.06 of the Revised 2  
Code to provide sheriffs, deputy sheriffs, 3  
municipal police officers, county and municipal 4  
correctional officers, community-based 5  
correctional facility officers, and halfway house 6  
facility officers and counties, municipal 7  
corporations, and townships in which prisoners 8  
work on a work detail and that employ the officers 9  
supervising the work detail with qualified 10  
immunity from damages caused by outside work 11  
details consisting of prisoners or adult offenders 12  
imprisoned or residing in a halfway house facility 13  
for nonviolent offenses who volunteer for the work 14  
detail and to adopt the public duty rule for 15  
lawsuits against the state in the Court of Claims 16  
pursuant to which the state is generally immune 17  
from liability in any civil action or proceeding 18  
involving the performance or nonperformance of a 19

public duty. 20

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

**Section 1.** That sections 9.87, 2743.01, and 2743.02 be 21  
amended and sections 341.27 and 753.06 of the Revised Code be 22  
enacted to read as follows: 23

**Sec. 9.87.** (A) The state, except as provided in division (B) 24  
of this section, shall indemnify an officer or employee from 25  
liability incurred in the performance of ~~his~~ official duties by 26  
paying any judgment in, or amount negotiated in settlement of, any 27  
civil action arising under federal law, the law of another state, 28  
or the law of a foreign jurisdiction. The reasonableness of the 29  
amount of any consent judgment or settlement is subject to the 30  
review and approval of the attorney general and of the director, 31  
administrative chief, or governing body of the employer of the 32  
officer or employee who is to be indemnified. The maximum 33  
aggregate amount of indemnification paid directly from state funds 34  
to or on behalf of any officer or employee pursuant to this 35  
division shall be one million dollars per occurrence, regardless 36  
of the number of persons who suffer damage, injury, or death as a 37  
result of the occurrence. 38

(B) The state shall not indemnify an officer or employee 39  
under any of the following circumstances: 40

(1) To the extent the officer or employee is covered by a 41  
policy of insurance for civil liability purchased by the state; 42

(2) When the officer or employee acts manifestly outside the 43  
scope of ~~his~~ the officer's or employee's employment or official 44  
responsibilities, with malicious purpose, in bad faith, or in a 45  
wanton or reckless manner, as determined by the employer of the 46  
officer or employee or by the attorney general. 47

(3) For any portion of a judgment that represents punitive or 48  
exemplary damages, except that this prohibition does not apply if 49  
the employer of the officer or employee and the attorney general 50  
determine that the acts or omissions of the officer or employee 51  
were not within the terms of division (B)(2) of this section; 52

(4) For any portion of a consent judgment or settlement that 53  
is unreasonable. 54

(C) The director of administrative services may purchase a 55  
policy or policies of insurance on behalf of officers and 56  
employees of the state from an insurer or insurers licensed to do 57  
business in this state providing coverage for amounts in excess of 58  
one million dollars per occurrence incurred in connection with any 59  
civil action, demand, or claim against the officer or employee by 60  
reason of an act or omission by the officer or employee occurring 61  
in the performance of ~~his~~ the officer's or employee's duties and 62  
not coming within the terms of division (B)(2) of this section. 63

(D) This section does not affect any of the following: 64

(1) The waiver arising under division (A)(1) of section 65  
2743.02 of the Revised Code; 66

(2) Any defense that would otherwise be available in an 67  
action alleging personal liability of an officer or employee; 68

(3) The operation of section 9.83 of the Revised Code. 69

(E) The indemnification of officers or employees against 70  
judgments or settlements pursuant to this section shall be 71  
accomplished only through the following procedure: 72

(1) If the employer of the defendant officer or employee to 73  
be indemnified determines that the actions or omissions of its 74  
officer or employee giving rise to the claim were not within the 75  
terms of division (B)(2) of this section, an indemnity agreement 76  
shall be prepared by the attorney general, specifying that the 77

employer will indemnify the officer or employee from a particular 78  
judgment that has been rendered or a particular settlement amount 79  
that has been negotiated. The agreement shall name the person or 80  
entity to whom payment by the state of the judgment or settlement 81  
amount will be made, and the agreement shall not be effective 82  
until it is approved by the officer or employee to be indemnified, 83  
the director, administrative chief, or other governing body of the 84  
employer, and by the attorney general. The attorney general shall 85  
approve the indemnity agreement, unless ~~he~~ the attorney general 86  
finds that division (B) of this section prohibits the state from 87  
indemnifying the officer or employee, or prohibits the state from 88  
indemnifying the officer or employee for a portion of a judgment 89  
or settlement and the indemnity agreement would indemnify the 90  
officer or employee for all or a part of that portion. 91

(2) The attorney general shall forward a copy of the 92  
agreement to the director of budget and management. 93

(3) Any indemnification paid shall be charged by the director 94  
of budget and management against available unencumbered moneys in 95  
the appropriations of the employer of the officer or employee to 96  
be indemnified. The director of budget and management shall have 97  
sole discretion to determine whether or not unencumbered moneys in 98  
a particular appropriation are available for payment of the 99  
indemnification. 100

(4) The director of budget and management shall, upon receipt 101  
of the agreement from the attorney general pursuant to division 102  
(E)(2) of this section, provide for payment to the person or 103  
entity named in the agreement, in the amount specified in the 104  
agreement. 105

(5) If the director of budget and management determines that 106  
sufficient unencumbered moneys do not exist in the particular 107  
appropriations to pay the indemnification, ~~he~~ the director shall 108  
make application for payment of the indemnification out of the 109

emergency purposes account or any other appropriation for 110  
emergencies or contingencies, and payment out of this account or 111  
other appropriation shall be authorized if there are sufficient 112  
moneys greater than the sum total of then pending emergency 113  
purposes account requests, or requests for releases from the other 114  
appropriation. 115

(6) If sufficient moneys do not exist in the emergency 116  
purposes account or any other appropriation for emergencies or 117  
contingencies to pay the indemnification, the employer named in 118  
the agreement shall request the general assembly to make an 119  
appropriation sufficient to pay the indemnification, and no 120  
payment shall be made until the appropriation has been made. The 121  
employer shall make this appropriation request during the current 122  
biennium and during each succeeding biennium until a sufficient 123  
appropriation is made. 124

(7) If the indemnification is to be made by an employer whose 125  
funds are not handled by the director of budget and management, 126  
the employer shall pay the person or entity named in the 127  
agreement. 128

If the employer determines that sufficient unencumbered 129  
moneys do not exist to pay the indemnification, the employer shall 130  
make application for payment of the indemnification out of the 131  
emergency purposes account or any other appropriation for 132  
emergencies or contingencies, and payment out of this account or 133  
other appropriation shall be authorized if there are sufficient 134  
moneys greater than the sum total of then pending emergency 135  
purposes account requests, or requests for releases from the other 136  
appropriation. 137

If sufficient moneys do not exist in the emergency purposes 138  
account or any other appropriation for emergencies or 139  
contingencies to pay the indemnification, the employer named in 140  
the agreement shall request the general assembly to make an 141

appropriation sufficient to pay the indemnification, and no 142  
payment shall be made until such an appropriation has been made. 143  
The employer shall make this appropriation request during the 144  
current biennium and during each succeeding biennium until a 145  
sufficient appropriation is made. 146

(F)(1) Subject to division (F)(2) of this section, if an 147  
employer or the attorney general fails to approve indemnification 148  
or limits indemnification of an officer or employee of the 149  
employer, the officer or employee may commence an action against 150  
the employer in the court of claims pursuant to sections 2743.01 151  
to 2743.20 of the Revised Code to prove that ~~he~~ the officer or 152  
employee is entitled to indemnification pursuant to division (A) 153  
of this section and that division (B) of this section does not 154  
prohibit or limit ~~his~~ the officer's or employee's indemnification 155  
and seeking either a judgment against the employer for a sum of 156  
money that the officer or employee has paid to satisfy a judgment 157  
or settlement or an order directing the employer to pay a judgment 158  
or settlement against the officer or employee that has not been 159  
satisfied. Section 109.365 of the Revised Code does not prohibit 160  
any information obtained by the attorney general in ~~his~~ the 161  
attorney general's investigation conducted pursuant to division 162  
(A) of section 109.362 of the Revised Code to determine whether to 163  
defend the officer or employee from being admitted as evidence in 164  
any action brought pursuant to this section. 165

An action brought pursuant to division (F)(1) of this section 166  
shall be commenced no later than two years after the cause of 167  
action arising under division (F)(1) of this section accrues. A 168  
cause of action arising under this section accrues upon the entry 169  
of a money judgment against the officer or employee if the time 170  
for filing an appeal in the action lapses without the filing of an 171  
appeal, upon the conclusion of the final appeal in any action in 172  
which a money judgment is entered against the officer or employee 173

if an appeal is filed in the action, or upon execution of any settlement agreement requiring payment of money by the officer or employee.

(2) Notwithstanding division (F)(1) of this section, an officer or employee may not commence an action against the employer in the court of claims or in any other court regarding a refusal of the employer or the attorney general to indemnify punitive or exemplary damages pursuant to this section.

**Sec. 341.27. (A) As used in this section:**

(1) "County correctional facility" has the same meaning as in section 341.42 of the Revised Code.

(2) "County correctional officer" has the same meaning as in section 341.41 of the Revised Code.

(3) "Community-based correctional facility" means a community-based correctional facility or a district community-based correctional facility established pursuant to sections 2301.51 to 2301.56 of the Revised Code.

(4) "Community-based correctional facility officer" means a person who is appointed by a judicial corrections board as the director or an employee of a community-based correctional facility pursuant to section 2301.55 of the Revised Code.

(5) "Halfway house facility" means a facility, including a community residential facility, licensed as a suitable facility for the care and treatment of adult offenders by the division of parole and community services of the department of rehabilitation and correction pursuant to section 2967.14 of the Revised Code.

(6) "Halfway house facility officer" means a person who is employed as the director or an employee of a halfway house facility.

(B) Whenever the officer having charge of a county

correctional facility, a community-based correctional facility, or 204  
a halfway house facility intends to have prisoners or adult 205  
offenders work outside the facility on a work detail, the officer 206  
shall give advance written notice or notice by electronic mail to 207  
the chief executive officer of any municipal corporation and the 208  
township clerk of any township in which the prisoners or adult 209  
offenders will be working on the work detail of the date or dates 210  
on which, and the approximate locations at which, the work will be 211  
performed, the nature of the work, and the approximate number of 212  
prisoners or adult offenders who will be working on the work 213  
detail. 214

(C) If all the prisoners or adult offenders working on a work 215  
detail administered by a county correctional facility, a 216  
community-based correctional facility, or a halfway house facility 217  
and outside the facility have volunteered for the work detail and 218  
are imprisoned or reside in that facility for an offense other 219  
than an offense of violence and if the applicable county 220  
correctional officer, community-based correctional officer, or 221  
halfway house facility officer complies with division (D) of this 222  
section, both of the following apply: 223

(1) No sheriff, deputy sheriff, county correctional officer, 224  
community-based correctional facility officer, or halfway house 225  
facility officer is liable for civil damages for injury, death, or 226  
loss to person or property caused or suffered by a prisoner or 227  
adult offender working on the work detail unless the injury, 228  
death, or loss results from malice or wanton or reckless 229  
misconduct of the sheriff, deputy sheriff, county correctional 230  
officer, community-based correctional facility officer, or halfway 231  
house facility officer. 232

(2) The county in which the prisoners or adult offenders work 233  
on the work detail and that employs the sheriff, deputy sheriff, 234  
county correctional officer, community-based correctional facility 235



officer, or halfway house facility officer is not liable for civil 236  
damages for injury, death, or loss to person or property caused or 237  
suffered by a prisoner or adult offender working on the work 238  
detail unless the injury, death, or loss results from malice or 239  
wanton or reckless misconduct of the sheriff or any deputy 240  
sheriff, county correctional officer, community-based correctional 241  
facility officer, or halfway house facility officer. 242

(D) To qualify for the immunity described in division (C)(1) 243  
of this section, a county correctional officer, a community-based 244  
correctional facility officer, or a halfway house facility officer 245  
shall do all of the following for each prisoner or adult offender 246  
on a work detail prior to having the prisoners or adult offenders 247  
of the county correctional facility, the community-based 248  
correctional facility, or the halfway house facility work outside 249  
the facility on a work detail: 250

(1) Determine, in good faith, that the prisoner or adult 251  
offender is mentally capable of volunteering for the work detail 252  
and is not subject to duress or under undue influence; 253

(2) Inform the prisoner or adult offender of the provisions 254  
of this section, including notifying the prisoner or adult 255  
offender that, by volunteering for the work detail, the prisoner 256  
or adult offender cannot hold the sheriff, deputy sheriff, county 257  
correctional officer, community-based correctional facility 258  
officer, or halfway house facility officer or county liable for 259  
civil damages for injury, death, or loss to person or property 260  
unless the injury, death, or loss results from malice or wanton or 261  
reckless misconduct of the sheriff, deputy sheriff, county 262  
correctional officer, community-based correctional facility 263  
officer, or halfway house facility officer; 264

(3) Obtain a written waiver, signed by the prisoner or adult 265  
offender, that states that the prisoner or adult offender is 266  
mentally competent to volunteer for the work detail and is not 267

subject to duress or under undue influence. A written waiver under 268  
division (D)(3) of this section shall state clearly and in 269  
conspicuous type that the prisoner or adult offender who signs the 270  
waiver is signing it with full knowledge that, by volunteering for 271  
the work detail, the prisoner or adult offender cannot hold the 272  
sheriff, deputy sheriff, county correctional officer, 273  
community-based correctional facility officer, or halfway house 274  
facility officer or the county liable for civil damages for 275  
injury, death, or loss to person or property unless the injury, 276  
death, or loss results from malice or wanton or reckless 277  
misconduct of the sheriff, deputy sheriff, county correctional 278  
officer, community-based correctional facility officer, or halfway 279  
house facility officer. 280

Sec. 753.06. (A) As used in this section: 281

(1) "Municipal correctional facility" has the same meaning as 282  
in section 753.32 of the Revised Code. 283

(2) "Municipal correctional officer" has the same meaning as 284  
in section 753.31 of the Revised Code. 285

(B) Whenever the officer having charge of a municipal 286  
correctional facility intends to have prisoners work outside the 287  
facility on a work detail, the officer shall give advance written 288  
notice or notice by electronic mail to the chief executive officer 289  
of any municipal corporation and the township clerk of any 290  
township in which the prisoners will be working on the work detail 291  
of the date or dates on which, and the approximate locations at 292  
which, the work will be performed, the nature of the work, and the 293  
approximate number of prisoners who will be working on the work 294  
detail. 295

(C) If all the prisoners working on a work detail 296  
administered by a municipal correctional facility and outside the 297  
facility have volunteered for the work detail and are imprisoned 298

in that facility for an offense other than an offense of violence 299  
and if the applicable municipal correctional officer complies with 300  
division (D) of this section, both of the following apply: 301

(1) No member of the organized police department of the 302  
municipal corporation and no municipal correctional officer is 303  
liable for civil damages for injury, death, or loss to person or 304  
property caused or suffered by a prisoner working on the work 305  
detail unless the injury, death, or loss results from malice or 306  
wanton or reckless misconduct of the member of the organized 307  
police department of the municipal corporation or the municipal 308  
correctional officer. 309

(2) A municipal corporation or township in which the 310  
prisoners work on the work detail and that employs the member of 311  
the organized police department or the municipal corrections 312  
officer is not liable for civil damages for injury, death, or loss 313  
to person or property caused or suffered by a prisoner working on 314  
the work detail unless the injury results from malice or wanton or 315  
reckless misconduct of the member of the organized police 316  
department of the municipal corporation or a municipal 317  
correctional officer. 318

(D) To qualify for the immunity described in division (C)(1) 319  
of this section, a municipal correctional officer shall do all of 320  
the following for each prisoner on a work detail prior to having 321  
the prisoners of the municipal correctional facility work outside 322  
the facility on a work detail: 323

(1) Determine, in good faith, that the prisoner is mentally 324  
capable of volunteering for the work detail and is not subject to 325  
duress or under undue influence; 326

(2) Inform the prisoner of the provisions of this section, 327  
including notifying the prisoner that, by volunteering for the 328  
work detail, the prisoner cannot hold any member of the organized 329

police department of the municipal corporation or any municipal 330  
correctional officer or the municipal corporation or township 331  
liable for civil damages for injury, death, or loss to person or 332  
property unless the injury, death, or loss results from malice or 333  
wanton or reckless misconduct of the member of the organized 334  
police department of the municipal corporation or the municipal 335  
correctional officer; 336

(3) Obtain a written waiver, signed by the prisoner, that 337  
states that the prisoner is mentally competent to volunteer for 338  
the work detail and is not subject to duress or under undue 339  
influence. A written waiver under division (D)(3) of this section 340  
shall state clearly and in conspicuous type that the prisoner who 341  
signs the waiver is signing it with full knowledge that, by 342  
volunteering for the work detail, the prisoner cannot hold any 343  
member of the organized police department of a municipal 344  
corporation or a municipal correctional officer or the municipal 345  
corporation or township liable for civil damages for injury, 346  
death, or loss to person or property unless the injury, death, or 347  
loss results from malice or wanton or reckless misconduct of the 348  
member of the organized police department of the municipal 349  
corporation or the municipal correctional officer. 350

**Sec. 2743.01.** As used in this chapter: 351

(A) "State" means the state of Ohio, including, but not 352  
limited to, the general assembly, the supreme court, the offices 353  
of all elected state officers, and all departments, boards, 354  
offices, commissions, agencies, institutions, and other 355  
instrumentalities of the state ~~of Ohio~~. "State" does not include 356  
political subdivisions. 357

(B) "Political subdivisions" means municipal corporations, 358  
townships, counties, school districts, and all other bodies 359  
corporate and politic responsible for governmental activities only 360

in geographic areas smaller than that of the state to which the 361  
sovereign immunity of the state attaches. 362

(C) "Claim for an award of reparations" or "claim" means a 363  
claim for an award of reparations made under sections 2743.51 to 364  
2743.72 of the Revised Code. 365

(D) "Award of reparations" or "award" means an award made 366  
under sections 2743.51 to 2743.72 of the Revised Code. 367

(E)(1) "Public duty" includes, but is not limited to, any 368  
statutory, regulatory, or assumed duty concerning any action or 369  
omission of the state involving any of the following: 370

(a) Permitting, certifying, licensing, inspecting, 371  
investigating, supervising, regulating, auditing, monitoring, law 372  
enforcement, or emergency response activity; 373

(b) Supervising, rehabilitating, or liquidating corporations 374  
or other business entities. 375

(2) "Public duty" does not include any action of the state 376  
under circumstances in which a special relationship can be 377  
established between the state and an injured party as provided in 378  
division (A)(3) of section 2743.02 of the Revised Code. 379

**Sec. 2743.02.** (A)(1) The state hereby waives its immunity 380  
from liability, except as provided for the office of the state 381  
fire marshal in division (G)(1) of section 9.60 and division (B) 382  
of section 3737.221 of the Revised Code and subject to division 383  
(H) of this section, and consents to be sued, and have its 384  
liability determined, in the court of claims created in this 385  
chapter in accordance with the same rules of law applicable to 386  
suits between private parties, except that the determination of 387  
liability is subject to the limitations set forth in this chapter 388  
and, in the case of state universities or colleges, in section 389  
3345.40 of the Revised Code, and except as provided in division 390

(A)(2) or (3) of this section. To the extent that the state has 391  
previously consented to be sued, this chapter has no 392  
applicability. 393

Except in the case of a civil action filed by the state, 394  
filing a civil action in the court of claims results in a complete 395  
waiver of any cause of action, based on the same act or omission, 396  
which the filing party has against any officer or employee, as 397  
defined in section 109.36 of the Revised Code. The waiver shall be 398  
void if the court determines that the act or omission was 399  
manifestly outside the scope of the officer's or employee's office 400  
or employment or that the officer or employee acted with malicious 401  
purpose, in bad faith, or in a wanton or reckless manner. 402

(2) If a claimant proves in the court of claims that an 403  
officer or employee, as defined in section 109.36 of the Revised 404  
Code, would have personal liability for the officer's or 405  
employee's acts or omissions but for the fact that the officer or 406  
employee has personal immunity under section 9.86 of the Revised 407  
Code, the state shall be held liable in the court of claims in any 408  
action that is timely filed pursuant to section 2743.16 of the 409  
Revised Code and that is based upon the acts or omissions. 410

(3)(a) Except as provided in division (A)(3)(b) of this 411  
section, the state is immune from liability in any civil action or 412  
proceeding involving the performance or nonperformance of a public 413  
duty, including the performance or nonperformance of a public duty 414  
that is owed by the state in relation to any action of an 415  
individual who is committed to the custody of the state. 416

(b) The state immunity provided in division (A)(3)(a) of this 417  
section does not apply to any action of the state under 418  
circumstances in which a special relationship can be established 419  
between the state and an injured party. A special relationship 420  
under this division is demonstrated if all of the following 421  
elements exist: 422

(i) An assumption by the state, by means of promises or actions, of an affirmative duty to act on behalf of the party who was allegedly injured; 423  
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(ii) Knowledge on the part of the state's agents that inaction of the state could lead to harm; 426  
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(iii) Some form of direct contact between the state's agents and the injured party; 428  
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(iv) The injured party's justifiable reliance on the state's affirmative undertaking. 430  
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(B) The state hereby waives the immunity from liability of all hospitals owned or operated by one or more political subdivisions and consents for them to be sued, and to have their liability determined, in the court of common pleas, in accordance with the same rules of law applicable to suits between private parties, subject to the limitations set forth in this chapter. This division is also applicable to hospitals owned or operated by political subdivisions which have been determined by the supreme court to be subject to suit prior to July 28, 1975. 432  
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(C) Any hospital, as defined in section 2305.113 of the Revised Code, may purchase liability insurance covering its operations and activities and its agents, employees, nurses, interns, residents, staff, and members of the governing board and committees, and, whether or not such insurance is purchased, may, to such extent as its governing board considers appropriate, indemnify or agree to indemnify and hold harmless any such person against expense, including attorney's fees, damage, loss, or other liability arising out of, or claimed to have arisen out of, the death, disease, or injury of any person as a result of the negligence, malpractice, or other action or inaction of the indemnified person while acting within the scope of the indemnified person's duties or engaged in activities at the 441  
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request or direction, or for the benefit, of the hospital. Any 454  
hospital electing to indemnify such persons, or to agree to so 455  
indemnify, shall reserve such funds as are necessary, in the 456  
exercise of sound and prudent actuarial judgment, to cover the 457  
potential expense, fees, damage, loss, or other liability. The 458  
superintendent of insurance may recommend, or, if such hospital 459  
requests the superintendent to do so, the superintendent shall 460  
recommend, a specific amount for any period that, in the 461  
superintendent's opinion, represents such a judgment. This 462  
authority is in addition to any authorization otherwise provided 463  
or permitted by law. 464

(D) Recoveries against the state shall be reduced by the 465  
aggregate of insurance proceeds, disability award, or other 466  
collateral recovery received by the claimant. This division does 467  
not apply to civil actions in the court of claims against a state 468  
university or college under the circumstances described in section 469  
3345.40 of the Revised Code. The collateral benefits provisions of 470  
division (B)(2) of that section apply under those circumstances. 471

(E) The only defendant in original actions in the court of 472  
claims is the state. The state may file a third-party complaint or 473  
counterclaim in any civil action, except a civil action for two 474  
thousand five hundred dollars or less, that is filed in the court 475  
of claims. 476

(F) A civil action against an officer or employee, as defined 477  
in section 109.36 of the Revised Code, that alleges that the 478  
officer's or employee's conduct was manifestly outside the scope 479  
of the officer's or employee's employment or official 480  
responsibilities, or that the officer or employee acted with 481  
malicious purpose, in bad faith, or in a wanton or reckless manner 482  
shall first be filed against the state in the court of claims, 483  
which has exclusive, original jurisdiction to determine, 484  
initially, whether the officer or employee is entitled to personal 485



immunity under section 9.86 of the Revised Code and whether the courts of common pleas have jurisdiction over the civil action.

The filing of a claim against an officer or employee under this division tolls the running of the applicable statute of limitations until the court of claims determines whether the officer or employee is entitled to personal immunity under section 9.86 of the Revised Code.

(G) Whenever a claim lies against an officer or employee who is a member of the Ohio national guard, and the officer or employee was, at the time of the act or omission complained of, subject to the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 U.S.C. 2671, et seq., then the Federal Tort Claims Act is the exclusive remedy of the claimant and the state has no liability under this section.

(H) If an inmate of a state correctional institution has a claim against the state for the loss of or damage to property and the amount claimed does not exceed three hundred dollars, before commencing an action against the state in the court of claims, the inmate shall file a claim for the loss or damage under the rules adopted by the director of rehabilitation and correction pursuant to this division. The inmate shall file the claim within the time allowed for commencement of a civil action under section 2743.16 of the Revised Code. If the state admits or compromises the claim, the director shall make payment from a fund designated by the director for that purpose. If the state denies the claim or does not compromise the claim at least sixty days prior to expiration of the time allowed for commencement of a civil action based upon the loss or damage under section 2743.16 of the Revised Code, the inmate may commence an action in the court of claims under this chapter to recover damages for the loss or damage.

The director of rehabilitation and correction shall adopt rules pursuant to Chapter 119. of the Revised Code to implement

this division. 518

**Section 2.** That existing sections 9.87, 2743.01, and 2743.02 519

of the Revised Code are hereby repealed. 520