OHIO LEGISLATIVE SERVICE COMMISSION

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Office of Research and Drafting

Legislative Budget Office

S.B. 278*
136th General Assembly

Bill Analysis

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Version: As Reported by Senate Local Government

Primary Sponsor: Sen. Johnson

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SUMMARY

- Expands the nature of damages an individual may seek against a municipal corporation, which enacts or enforces gun control measures, to include punitive or exemplary damages.

DETAILED ANALYSIS

Regulation of arms prohibited

The bill expands the nature of damages an individual may seek against a municipal corporation, which enacts or enforces gun control measures, to include punitive or exemplary damages. Under current Ohio law, the state preempts, supersedes, and declares null and void any such ordinance, rule, regulation, resolution, practice or other action enacted or enforced by a political subdivision. A person, group, or entity adversely affected by any manner of ordinance, rule, regulation, resolution, practice, or other action enacted or enforced by a political subdivision in conflict the U.S. Constitution, Ohio Constitution, state law, or federal law, may bring a civil action against the political subdivision seeking damages from the political subdivision, declaratory relief, injunctive relief, or a combination of those remedies. The bill specifies that damages sought may include punitive or exemplary damages.[1]

Definition

The bill does not define punitive or exemplary damages. *Black's Law Dictionary* defines exemplary damages as follows:

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* This analysis was prepared before the report of the Senate Local Government Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

[1] R.C. 9.68.

> Exemplary damages are damages on an increased scale, awarded to the plaintiff over and above what will barely compensate him for his property loss, where the wrong done to him was aggravated by circumstances of violence, oppression, malice, fraud, or wanton and wicked conduct on the part of the defendant, and are intended to solace the plaintiff for mental anguish, laceration of his feelings, shame, degradation, or other aggravations of the original wrong, or else to punish the defendant for his evil behavior or to make an example of him, for which reason they are also called "punitive" or "punitory" damages or "vindictive" damages . . .[2]

HISTORY

Action	Date
Introduced	10-07-25
Reported, S. Local Government	---

ANSB0278RS-136/ts

[2] *Black's Law Dictionary*, Revised Fourth Edition, pages 467-468.