

49.390 Reduction of award -- Basis of denial, reconsideration, or reduction of award.

- (1) Any award made pursuant to KRS 49.270 to 49.490 shall be reduced by the amount of any payments received or to be received by the claimant as a result of the injury from the following sources:
 - (a) From or on behalf of the person who committed the crime;
 - (b) Under insurance programs mandated by law;
 - (c) From public funds;
 - (d) Under any contract of insurance wherein the claimant is the insured or beneficiary;
 - (e) As an emergency award pursuant to KRS 49.360; and
 - (f) From donations made on behalf of the victim or claimant toward expenses incurred as a result of the crime.
- (2) The board may deny, reconsider, or reduce an award if the board finds that, in relation to the criminally injurious conduct alleged in the claim, the victim or claimant:
 - (a) Has been charged with a criminal offense;
 - (b) Has been offered immunity from prosecution in exchange for testimony;
 - (c) Knowingly participated in the conduct; or
 - (d) Engaged in conduct which may constitute mutual aggression with another person.

Effective: July 15, 2024

History: Amended 2024 Ky. Acts ch. 67, sec. 9, effective July 15, 2024. -- Amended 2021 Ky. Acts ch. 185, sec. 46, effective June 29, 2021. -- Repealed, reenacted, renumbered, and amended 2017 Ky. Acts ch. 74, sec. 39, effective June 29, 2017. -- Amended 2013 Ky. Acts ch. 69, sec. 5, effective June 25, 2013. -- Amended 1980 Ky. Acts ch. 172, sec. 5, effective July 15, 1980. -- Created 1976 Ky. Acts ch. 263, sec. 14.

Formerly codified as KRS 346.140.