

15.753 Indemnification from financial loss in legal actions for Attorney General, Commonwealth's attorneys, county attorneys, and their staffs.

- (1) This section shall apply to:
 - (a) The Attorney General and his or her staff;
 - (b) A county attorney and his or her staff; and
 - (c) A Commonwealth's attorney and his or her staff.
- (2) A person named in subsection (1) of this section who is sued for any act or omission in the course of his or her duties and who suffers actual financial loss, unreimbursed from any source, including any costs or attorney's fees awarded as a result of the action, or any costs or reasonable attorney's fees incurred in defending the action, shall be indemnified by the Commonwealth from funds appropriated to the Finance and Administration Cabinet for the payment of judgments, to the extent of his or her actual financial loss.
- (3) The indemnification shall be contingent upon an express determination by the Prosecutor's Advisory Council that the act or omission which resulted in liability or financial loss was within the scope and course of the officer's employment and occurred during the performance of duty and was committed or omitted in the good faith belief that the act or omission was lawful and proper.
- (4) If the officer seeking indemnification is the Attorney General, the determination referred to in subsection (3) of this section shall be made by the Governor.
- (5) The indemnification shall not be construed to abrogate or limit any privilege, immunity, or matter of defense otherwise available to the person claiming indemnification and shall not constitute a waiver of any privilege, immunity, or matter of defense including the sovereign immunity of the Commonwealth.
- (6) The indemnification shall not be the subject of comment, directly or indirectly, before any jury hearing any cause of action in which the Attorney General, a county or Commonwealth's attorney, or a member of their staff is a party, and any comment before the jury shall result in an immediate mistrial.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 131, sec. 1, effective June 29, 2021. -- Created 1994 Ky. Acts ch. 398, sec. 1, effective July 15, 1994.