

1 AN ACT relating to indemnification of prosecutors.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 15.753 is amended to read as follows:

- 4 (1) This section shall apply to:
- 5 (a) The Attorney General and his or her staff;
- 6 (b) A county attorney and his or her staff; and
- 7 (c) A Commonwealth's attorney and his or her staff.
- 8 (2) A person named in subsection (1) of this section who is sued for any act or omission
- 9 in the course of his or her duties and who has a judgment~~[for monetary damages]~~
- 10 rendered against him or her and who~~[personally]~~ suffers actual financial loss,
- 11 unreimbursed from any source, by the enforcement and satisfaction of the judgment,
- 12 including any costs or attorney's fees awarded pursuant thereto and any costs or
- 13 attorney's fees incurred in defending the action, shall be indemnified by the
- 14 Commonwealth from funds appropriated to the Finance and Administration Cabinet
- 15 for the payment of judgments, to the extent of the~~[his]~~ actual financial loss.
- 16 (3) The indemnification shall be contingent upon an express determination by the
- 17 Prosecutor's Advisory Council that the act or omission which resulted in liability
- 18 was within the scope and course of the officer's employment and occurred during
- 19 the performance of duty and was committed or omitted in the good faith belief that
- 20 the act or omission was lawful and proper.
- 21 (4) If the officer seeking indemnification is the Attorney General, the determination
- 22 referred to in subsection (3) of this section shall be made by the Governor.
- 23 (5) The indemnification shall not be construed to abrogate or limit any privilege,
- 24 immunity, or matter of defense otherwise available to the person claiming
- 25 indemnification and shall not constitute a waiver of any privilege, immunity, or
- 26 matter or defense including the sovereign immunity of the Commonwealth.
- 27 (6) The indemnification shall not be the subject of comment, directly or indirectly,

1 before any jury hearing any cause of action in which the Attorney General, a county
2 or Commonwealth's attorney, or a member of their staff is a party, and any comment
3 before the jury shall result in an immediate mistrial.