

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 and who personally~~ suffers actual financial loss,
- 11 unreimbursed from any source, ~~by the enforcement and satisfaction of the~~
- 12 ~~judgment,~~ including any costs or attorney's fees awarded ***as a result of the***
- 13 ***action*** ~~pursuant thereto~~, ***or any costs or reasonable attorney's fees incurred in***
- 14 ***defending the action***, shall be indemnified by the Commonwealth from funds
- 15 appropriated to the Finance and Administration Cabinet for the payment of
- 16 judgments, to the extent of his or her actual financial loss.
- 17 (3) The indemnification shall be contingent upon an express determination by the
- 18 Prosecutor's Advisory Council that the act or omission which resulted in liability or
- 19 ***financial loss*** was within the scope and course of the officer's employment and
- 20 occurred during the performance of duty and was committed or omitted in the good
- 21 faith belief that the act or omission was lawful and proper.
- 22 (4) If the officer seeking indemnification is the Attorney General, the determination
- 23 referred to in subsection (3) of this section shall be made by the Governor.
- 24 (5) The indemnification shall not be construed to abrogate or limit any privilege,
- 25 immunity, or matter of defense otherwise available to the person claiming
- 26 indemnification and shall not constitute a waiver of any privilege, immunity, or
- 27 matter or defense including the sovereign immunity of the Commonwealth.

- 1 (6) The indemnification shall not be the subject of comment, directly or indirectly,
- 2 before any jury hearing any cause of action in which the Attorney General, a county
- 3 or Commonwealth's attorney, or a member of their staff is a party, and any comment
- 4 before the jury shall result in an immediate mistrial.