

1 AN ACT relating to legal liability for local governments and declaring an  
2 emergency.

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

4 ➔Section 1. KRS 411.100 is amended to read as follows:

5 (1) As used in this section, "local government" means any city, county, charter  
6 county government, urban-county government, consolidated local government, or  
7 unified local government.

8 (2) If, within any local government<sub>[city]</sub>, any church, convent, chapel, dwelling house,  
9 house used or designed for the transaction of lawful business, vessel or shipyard,  
10 railroad or property of any kind belonging to any street or other railroad company,  
11 or any article of personal property is damaged, or if any property is taken away or  
12 damaged by any riotous or tumultuous assemblage of people, the full amount of the  
13 damage done may be recovered by the person injured by action against the local  
14 government<sub>[city]</sub>, if the local government<sub>[city]</sub> authorities themselves, or with the  
15 aid of their own citizens, could have prevented the damage.

16 (3) However, no such liability shall be incurred by the local government<sub>[city]</sub> unless  
17 the local government<sub>[city]</sub> authorities had notice or good reason to believe that a  
18 riot or tumultuous assemblage was about to take place in time to prevent the  
19 destruction, either by their own force or by the aid of the citizens of the city.

20 (4) No person may maintain an action under this section if he or she has unlawfully  
21 contributed by word or deed toward exciting or inflaming the tumult or riot, or if he  
22 or she failed to do what he or she reasonably could toward preventing, allaying, or  
23 suppressing it.

24 ➔Section 2. Whereas the safety of citizens within the boundaries of a local  
25 government is paramount during any riotous or tumultuous assemblage of people, an  
26 emergency is declared to exist, and this Act takes effect upon its passage and approval by  
27 the Governor or upon its otherwise becoming a law.