

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.