

16.185 Indemnification of State Police officer sued for act or omission in line of duty who suffers financial loss -- Construction of indemnification.

- (1) Any officer or individual employed as a Trooper R Class who is sued for any act or omission in the line of duty and who has a judgment for monetary damages rendered against him or her in his or her individual capacity, and who personally suffers actual financial loss, unreimbursed from any source, by the enforcement and satisfaction of the judgment, including any costs or attorney fees awarded pursuant thereto, 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.
- (2) The indemnification shall be contingent upon an express determination by the commissioner that the act or omission which resulted in liability was within the scope and course of the officer's or the individual employed as a Trooper R Class'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.
- (3) If the officer seeking indemnification is the commissioner, the determination referred to in subsection (2) of this section shall be made by the Governor.
- (4) The indemnification shall not be construed to abrogate or limit any privilege, immunity, or matter of defense otherwise available to the officer or individual employed as a Trooper R Class and shall not constitute a waiver of any privilege, immunity, or matter of defense, including the sovereign immunity of the Commonwealth.
- (5) The indemnification shall not be the subject of comment, directly or indirectly, before any jury hearing any cause of action in which an officer or individual employed as a Trooper R Class is a party, and any comment before the jury shall result in an immediate mistrial.

Effective: June 25, 2009

History: Amended 2009 Ky. Acts ch. 59, sec. 10, effective June 25, 2009. -- Amended 2007 Ky. Acts ch. 85, sec. 68, effective June 26, 2007. -- Created 1990 Ky. Acts ch. 161, sec. 1, effective July 13, 1990.