

**440.040 Liability of officer for permitting escape of prisoner in custody.**

Any officer and his sureties shall be liable, in an action upon his official bond, for the use of the parties aggrieved, in any damages resulting from his voluntarily or negligently permitting the escape of a prisoner in custody. No judgment in such action shall be given unless the jury, by its verdict, finds "that the escape was with the consent of the officer, or by his negligence, or that the prisoner might have been retaken if the officer had, in good faith, made proper efforts to do so."

**Effective:** October 1, 1942

**History:** Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1604.