

506.180 Cause of action by victim of criminal gang incident against defendant for damages.

- (1) If a person alleges that he or she was a victim of a criminal act by:
 - (a) An organization, which at the time the incident or incidents were alleged to take place was a criminal gang as defined in KRS 506.135; or
 - (b) A person, who at time the incident or incidents were alleged to take place was a member of a criminal gang as defined in KRS 506.135;that person may bring a cause of action against the defendant or defendants for damages.
- (2) In an action brought under this section:
 - (a) If the plaintiff prevails, he or she shall be entitled to reasonable costs and attorney's fees;
 - (b) Any award of nominal damages to the plaintiff shall support an award of attorney's fees and costs; and
 - (c) Punitive damages as well as compensatory damages shall be awardable.
- (3) This section shall not be construed as repealing any provision of KRS 431.080 or any other applicable statute or any statutory or common law right of action, but shall be construed as ancillary and supplemental thereto.

Effective: April 26, 2018

History: Created 2018 Ky. Acts ch. 202, sec. 7, effective April 26, 2018.