

421.550 No cause of action created -- Immunity of jailers or chief administrator acting in good faith -- Indemnification -- Defense by Attorney General -- Immunity of attorney for state acting in good faith.

- (1) Nothing in KRS 421.500 to 421.575, 15.245, or 196.280 creates a cause of action for money damages against the state, a county, a municipality, or any of their agencies, public officials, or employees.
- (2) The jailer or chief administrator of a juvenile detention facility, regional jail, or county jail, or any of their respective designees who acts in good faith in making available the release information required by KRS 196.280, or in good faith fails or is unable to provide the release information required by KRS 196.280, shall be immune from any criminal liability.
- (3) The jailer or chief administrator of a juvenile detention facility, regional jail, or county jail, or any of their respective designees, who acts in good faith in making available the release information required by KRS 196.280, or in good faith fails or is unable to provide the release information required by KRS 196.280, and who is sued for any act or omission in relation to KRS 196.280, and who has a judgment rendered against him and who personally suffers actual financial loss, unreimbursed from any source, by the enforcement and satisfaction of the judgment, including any costs or attorney's 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 actual financial loss. The indemnification shall not be construed to abrogate or limit any privilege, immunity, or matter of defense otherwise available to the person claiming indemnification and shall not constitute a waiver of any privilege, immunity, or matter of defense, including the sovereign immunity of the Commonwealth.
- (4) The Attorney General shall defend the jailer, chief administrator, or designee upon request, in any suit related to the provision of information under KRS 196.280.
- (5) An attorney for the Commonwealth who acts in good faith in his or her ministerial duties under KRS 421.500 to 421.575 shall be immune from criminal or civil liability. The immunity shall not be construed to abrogate or limit any privilege, immunity, or matter of defense otherwise available and shall not constitute a waiver of any privilege, immunity, or matter of defense, including the sovereign immunity of the Commonwealth.

Effective: November 3, 2020

History: Amended 2020 Ky. Acts ch. 101, sec. 6, effective November 3, 2020. -- Amended 1996 Ky. Acts ch. 375, sec. 4, effective July 15, 1996. -- Created 1986 Ky. Acts ch. 212, sec. 9, effective July 15, 1986.

Legislative Research Commission Note (11/3/2020). 2020 Ky. Acts ch. 101, sec. 8, provides that the amendment of this statute in Section 6 of that Act "shall take effect only upon the ratification, in the general election of November 3, 2020, of a Constitutional amendment providing for the protection of crime victims' rights. If such an amendment is not ratified, this Act shall be void. The proposed amendment was ratified, effective November 3, 2020, becoming Kentucky Constitution Section 26A."

Legislative Research Commission Note (6/13/2019). 2018 Ky. Acts ch. 19, sec. 8,

provides that the repeal and reenactment of this statute in that Act "shall take effect only upon the ratification, in the general election of November 6, 2018, of a Constitutional amendment providing for the protection of crime victims' rights. If such an amendment is not ratified, this Act shall be void." On June 13, 2019, the Kentucky Supreme Court ruled that the language of the proposed amendment was not properly submitted to the voters at that election and, therefore, its ratification was void under Section 256 of the Kentucky Constitution. Consequently, the repeal and reenactment of this statute in 2019 Ky. Acts ch. 19, sec. 5, was not given effect.