

1 AN ACT relating to civil rights.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔Section 1. KRS 344.450 is amended to read as follows:

4 **(1) Every**~~[Any]~~ person **who, under color of any statute, ordinance, regulation,**  
5 **custom, or usage of this state or any of its political subdivisions, subjects, or**  
6 **causes to be subjected, any person within the jurisdiction thereof to the**  
7 **deprivation of any rights, privileges, or immunities secured by the Constitution**  
8 **and laws of the Commonwealth of Kentucky, or by the United States Constitution**  
9 **or any statute of the United States, shall be liable to the party** injured~~[by any act~~  
10 ~~in violation of the provisions of this chapter].~~

11 **(2) The party injured under subsection (1) of this section** shall have a civil cause of  
12 action ~~[in Circuit Court ]~~to enjoin further violations, and to recover the actual  
13 damages sustained, **punitive damages, and**~~[together with]~~ the costs of the  
14 **lawsuit**~~[law suit]~~. The court's order or judgment shall include a reasonable fee for  
15 the plaintiff's attorney of record and any other remedies contained in this chapter.

16 **(3) If a peace officer is alleged to have interfered or attempted to have interfered with**  
17 **a person photographing, recording, or broadcasting peace officers in the public**  
18 **performance of their duties, there shall be a rebuttable presumption that the**  
19 **actions of the peace officer were in violation of the constitutional rights of the**  
20 **party injured, and it shall not be a defense or immunity to any action brought**  
21 **pursuant to this section:**

22 **(a) That the defendant was acting in good faith;**

23 **(b) That the defendant believed, reasonably or otherwise, that his or her**  
24 **conduct was lawful at the time when it was committed;**

25 **(c) That the rights, privileges, or immunities secured by the federal or state**  
26 **Constitution or laws were not clearly established at the time of their**  
27 **deprivation by the defendant; or**

1        (d) That the state of the law was otherwise such that the defendant could not  
2                    reasonably have been expected to know whether his or her conduct was  
3                    lawful.