

**411.010 Action for assault -- Battery -- Provocation as a defense or in mitigation of punitive damages.**

In any civil action for damages inflicted by an assault or by an assault and battery, the defendant may plead as a defense to the claim for punitive damages, and introduce in evidence in mitigation of punitive damages, any matter of provocation that preceded the assault or battery, if the provocation prompted the assault or battery and was of a nature to cause a person of ordinary prudence and judgment to take the action taken by the defendant.

**Effective:** October 1, 1942

**History:** Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 73a-1.