

22-2523. Same; liability for unlawful search. (a) If liability is established in any civil action brought under the Kansas tort claims act for violation of subsections (a) or (b) of K.S.A. 22-2521, or K.S.A. 22-2522, the plaintiff shall be entitled to an amount equal to the sum of the following:

- (1) Actual damages sustained by the plaintiff;
- (2) punitive damages, if the violation was willful, wanton or malicious;
- (3) the costs of the action, at the discretion of the court; and
- (4) a civil penalty in an amount set by the court of not more than \$2,000 for each violation.

(b) At the time of the assessment of the costs of any action to which this section applies, if upon motion, the court finds that plaintiff brought or maintained the action frivolously or in bad faith the court may in its discretion assess against the plaintiff or plaintiffs the costs of the action, to be paid to the defendant or defendants.

History: L. 1981, ch. 149, § 4; July 1.