

Figure 1 | Conduct required for a punitive damages award

State	Conduct required	Exceptions
Alabama	Defendant acted deliberately or consciously with fraud, malice, oppression, or wantonness.	
Alaska	Defendant acted with malice or reckless indifference to the interest of the plaintiff.	
Arizona	Defendant intentionally harmed the plaintiff or acted with a willful and conscious disregard for the rights and safety of others.	Cannot be awarded against a public entity.
Arkansas	Defendant knowingly engaged in conduct that was likely to result in injury or damage, and continued the conduct with malice or a reckless disregard for the consequences.	
California	Defendant acted with malice (i.e., conduct intended by the defendant to cause injury to the plaintiff, or despicable conduct by the defendant with a willful and conscious disregard of others' rights or safety), oppression (i.e., despicable conduct subjecting a person to cruel and unjust hardship in conscious disregard for that person's rights), or fraud (i.e., intentional misrepresentation, deceit, or concealment of a material fact known to the defendant, made with defendant's intent to deprive the plaintiff of property or legal rights, or to otherwise cause injury).	Cannot be awarded against a public entity.
Colorado	Defendant acted with malice, fraud, or willful and wanton misconduct.	
Connecticut	The civil lawsuit or defense was without probable cause, or a suit was motivated by malicious intent to vex and trouble another person, or the defendant acted with indifference to the rights of others, or the defendant injured the plaintiff intentionally, or the defendant's conduct constituted a wanton violation of the plaintiff's rights.	
Delaware	Defendant acted with spite, hatred, malice, a conscious desire to cause injury, willful or outrageous conduct, intent, or reckless indifference to other people's rights.	
Florida	Defendant's conduct constituted gross negligence or intentional misconduct.	Cannot be awarded against a public entity.
Georgia	Defendant acted with willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences.	
Hawaii	Defendant's conduct was wanton, malicious, or oppressive, implying indifferent or harmful spirit, or willful misconduct acting with evil motive or reckless indifference to human life demonstrating conscious indifference.	
Idaho	Defendant acted with malice, fraud, oppression, or outrageous conduct.	
Illinois	Defendant acted with wanton and willful or outrageous conduct, or acted with deliberate violence, gross negligence, actual malice, or fraud.	
Indiana	Defendant acted with malice, fraud, or oppressiveness.	
Iowa	Defendant acted with wanton and willful disregard for the rights of another with the intent to cause injury.	
Kansas	Defendant's misconduct was willful, wanton, fraudulent, or malicious.	
Kentucky	Defendant's conduct was oppressive, fraudulent, or malicious.	
Louisiana	Defendant acted willfully and recklessly or maliciously.	
Maine	Defendant's conduct involved either express or implied malice.	

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Figure 1 | Conduct required for a punitive damages award (continued)

State	Conduct required	Exceptions
Maryland	Defendant engaged with intent to injure, fraud, or evil motive.	
Massachusetts	Defendant acted with malice, gross negligence, or willful or reckless conduct.	
Michigan	Not available.	
Minnesota	Defendant acted with deliberate disregard for the rights of others, or with intentional disregard or knowledge that his or her actions had a high probability of causing injury.	
Mississippi	Defendant's conduct showed actual malice, fraud, or gross negligence evidencing wanton, willful, or reckless disregard.	
Missouri	Defendant acted with evil motive or reckless indifference to human life.	
Montana	Defendant had knowledge of, or disregarded a high probability of, causing an injury.	
Nebraska	Not available.	
Nevada	Defendant's actions constituted fraud, malice, or oppression.	Cannot be awarded against government employees.
New Hampshire	Not awarded in New Hampshire unless provided by statute; however, "enhanced compensatory damages" may be awarded if the defendant's actions were wanton, oppressive, or malicious.	
New Jersey	Defendant's conduct was malicious or defendant acted in wanton and willful disregard of plaintiff's rights.	
New Mexico	Defendant's conduct was malicious, fraudulent, in bad faith, reckless, wanton, or willful.	Cannot be awarded against a public entity.
New York	Defendant acted with a reckless indifference equivalent to a willful or intentional misdoing.	
North Carolina	Defendant showed willful or wanton conduct, fraud, or malice.	
North Dakota	Defendant acted with oppression, fraud, or malice.	
Ohio	Defendant acted with malice, egregious or aggravated fraud, insult, or oppression.	
Oklahoma	Defendant engaged in reckless disregard or intentional and malicious conduct.	
Oregon	Defendant's behavior was so egregious that it was socially unacceptable, such as in cases involving criminal acts.	
Pennsylvania	Defendant acted with reckless indifference, willful conduct, or wanton conduct.	
Rhode Island	Defendant acted in a reckless, wicked, or willful manner that amounts to criminality.	Not recoverable in wrongful death cases.
South Carolina	Defendant acted with malice, ill will, conscious indifference, or reckless disregard.	
South Dakota	Defendant acted with willful, wanton, or malicious conduct, oppression, or fraud.	
Tennessee	Defendant acted with willful, malicious, or fraudulent conduct, or reckless indifference toward the rights of the plaintiff.	

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Figure 1 | Conduct required for a punitive damages award (continued)

State	Conduct required	Exceptions
Texas	Defendant acted with fraud, malice, willful conduct, omission, or gross negligence.	
Utah	Defendant's conduct was malicious, willful, intentionally fraudulent, or showed reckless indifference.	
Vermont	Defendant's conduct showed ill will that evidenced oppression or insult, or a reckless or wanton disregard for the plaintiff's rights.	
Virginia	Defendant's conduct demonstrated wanton and willful negligence, conscious disregard, or reckless indifference.	
West Virginia	Defendant engaged in extremely negligent conduct that is likely to result in harm.	
Washington	Not available.	
Wisconsin	Defendant intentionally disregarded the plaintiff's rights or displayed wanton, willful, or malicious conduct.	
Wyoming	Defendant acted or failed to act in reckless disregard of the consequences. Defendant's conduct must be that which causes outrage, similar to that involved in criminal conduct.	

