



Kentucky Sex Crimes & Related Crimes

Full texts of all Kentucky Revised Statutes (KRS) are available on line at <http://lrc.ky.gov/statrev/frontpg.htm>. For additional information about sexual victimization, visit www.kasap.org or call 502-226-2704.

<i>Sex Offenses</i>			
Crime	Elements	Classification	Penalty ⁱ
Rape 1st Degree KRS 510.040	<input type="checkbox"/> Sexual intercourse ⁱⁱ and <input type="checkbox"/> <i>Forcible compulsion</i> ⁱⁱⁱ OR <input type="checkbox"/> Sexual intercourse and <input type="checkbox"/> Victim (V) is <i>incapable of consent</i> because (s)he less than 12 OR <input type="checkbox"/> Sexual intercourse and <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is physical helpless .	Class B Felony or <i>Class A Felony if V is less than 12, or receives a serious physical injury</i>	Class B: 10-20 yrs <i>Class A: 20-50 yrs or life</i>
Rape 2nd Degree KRS 510.050	<input type="checkbox"/> Sexual intercourse and <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is less than 14 and <input type="checkbox"/> Perpetrator (P) is <i>18 or older</i> OR <input type="checkbox"/> Sexual intercourse and <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is mentally incapacitated .	Class C Felony	5-10 years
Rape 3rd Degree KRS 510.060	<input type="checkbox"/> Sexual intercourse and <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is mentally retarded OR <input type="checkbox"/> Sexual intercourse and <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is less than 16 and <input type="checkbox"/> P is <i>21 or older</i> OR <input type="checkbox"/> Sexual intercourse and <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is less than 16 and <input type="checkbox"/> P is a person in a <i>position of authority^{iv} or special trust^v</i> and <input type="checkbox"/> P came into contact with V as a result of that position OR <input type="checkbox"/> Sexual intercourse and <input type="checkbox"/> V is <i>less than 18 and</i> <input type="checkbox"/> P is <i>21 or older and provides a foster family home for V</i> .	Class D Felony	1-5 years
Sodomy 1st Degree KRS 510.070	<input type="checkbox"/> Deviate sexual intercourse ^{vi} and <input type="checkbox"/> <i>Forcible compulsion</i> OR <input type="checkbox"/> Deviate sexual intercourse and <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is physical helpless OR <input type="checkbox"/> Deviate sexual intercourse and <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is less than 12 .	Class B Felony or <i>Class A Felony if V is less than 12 or receives a serious physical injury</i>	Class B: 10-20 yrs <i>Class A: 20-50 yrs or life</i>
Sodomy 2nd Degree KRS 510.080	<input type="checkbox"/> Deviate sexual intercourse and <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is less than 14 and <input type="checkbox"/> P is <i>18 or older</i> OR <input type="checkbox"/> Deviate sexual intercourse and <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is mentally incapacitated .	Class C Felony	5-10 years
Sodomy 3rd Degree KRS 510.090	<input type="checkbox"/> Deviate sexual intercourse and <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is mentally retarded OR <input type="checkbox"/> Deviate sexual intercourse and <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is less than 16 and <input type="checkbox"/> P is <i>21 or older</i> OR <input type="checkbox"/> Deviate sexual intercourse and <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is less than 16 and <input type="checkbox"/> P is a person in a <i>position of authority or special trust</i> and <input type="checkbox"/> P came into contact with V as a result of that position OR <input type="checkbox"/> Deviate sexual intercourse and <input type="checkbox"/> V is <i>less than 18 and</i> <input type="checkbox"/> P is <i>21 or older and provides a foster family home for V</i> .	Class D Felony	1-5 years

Crime	Elements	Classification	Penalty
Sexual Abuse 1st Degree KRS 510.110	<input type="checkbox"/> Sexual contact ^{vii} and <input type="checkbox"/> <i>Forcible compulsion</i> OR	Class C Felony where V is less than 12 years old Class D Felony if V is 12 years old or older	5-10 years 1-5 years
	<input type="checkbox"/> Sexual contact and <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <i>less than 12</i> OR		
	<input type="checkbox"/> Sexual contact and <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is less than 16 and <input type="checkbox"/> P is a person in a position of authority or special trust and <input type="checkbox"/> P came into contact with V as a result of that position OR		
	<input type="checkbox"/> Sexual contact and <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <i>physical helpless</i> OR		
	<input type="checkbox"/> Sexual contact and <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <i>mentally incapacitated</i> .		
	<input type="checkbox"/> Sexual contact and <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <i>less than 14</i> OR		
	<input type="checkbox"/> Sexual contact and <input type="checkbox"/> V is <i>incapable of consent</i> because (s)he is <i>mentally retarded</i> OR		
Sexual Abuse 2nd Degree KRS 510.120	<input type="checkbox"/> Sexual contact and <input type="checkbox"/> V is an offender who is <i>incarcerated, supervised, evaluated, or treated</i> <input type="checkbox"/> P is an <i>employee/contractor/volunteer/contractor</i> of <i>Dept. of Corrections or a detention facility</i> OR	Class A Misdemeanor ^{viii}	12 months
	<input type="checkbox"/> Sexual contact and <input type="checkbox"/> V is <i>less than 18 and</i> <input type="checkbox"/> P is <i>21 or older and provides a foster family home for V</i> .		
	<input type="checkbox"/> Sexual contact and <input type="checkbox"/> Without V's consent.		
	<input type="checkbox"/> Sexual contact and <input type="checkbox"/> V is <i>less than 18 and</i> <input type="checkbox"/> P is <i>21 or older and provides a foster family home for V</i> .		
Sexual Abuse 3rd Degree KRS 510.140	<input type="checkbox"/> Sexual contact and <input type="checkbox"/> Without V's consent.	Class B Misdemeanor ^{vi}	90 days
Sexual Misconduct KRS 510.140	<input type="checkbox"/> Sexual intercourse or deviate sexual intercourse and <input type="checkbox"/> Without V's consent	Class A Misdemeanor ^{vi}	12 months
Indecent Exposure 1st Degree KRS 510.148	<input type="checkbox"/> Intentional exposure of genitals	1 st offense - Class B Misd. 2 nd w/in 3 yrs. - Class A Misd. 3 rd & others - Class D Felony	90 days 12 months 1-5 years
	<input type="checkbox"/> Under circumstances likely to cause affront or alarm		
	<input type="checkbox"/> To a <i>person under the age of 18 years</i>		
Indecent Exposure 2nd Degree KRS 510.150	<input type="checkbox"/> Intentional exposure of genitals and <input type="checkbox"/> Under circumstances likely to cause affront or alarm and <input type="checkbox"/> To a <i>person 18 years of age or older</i>	Class B Misdemeanor	90 days
	<input type="checkbox"/> Knowingly using a communications system (including computers, computer networks, computer bulletin boards, cellular telephones or other electronics)		
	<input type="checkbox"/> For the purpose of procuring or promoting the use of a minor, or a peace officer posing as a minor <input type="checkbox"/> For any activity in violation of KRS 510.040 - 510.090, 529.030, or 530.064(1)(a), or KRS 531 (any sexual intercourse, deviate sexual intercourse, or other sexual or illegal activity)		
Electronic solicitation of a minor for sex or other illegal activity KRS 510.155	<input type="checkbox"/> Knowingly using a communications system (including computers, computer networks, computer bulletin boards, cellular telephones or other electronics) <input type="checkbox"/> For the purpose of procuring or promoting the use of a minor, or a peace officer posing as a minor <input type="checkbox"/> For any activity in violation of KRS 510.040 - 510.090, 529.030, or 530.064(1)(a), or KRS 531 (any sexual intercourse, deviate sexual intercourse, or other sexual or illegal activity)	Class D Felony	1-5 years
Voyeurism KRS 531.090	<input type="checkbox"/> Intentional use of the eye or any vision enhancing device..... OR <input type="checkbox"/> Intentional use or causing use of a camera, videotape, or other image recording device OR	Class A Misdemeanor	12 months
	<input type="checkbox"/> Intentionally entering or remaining unlawfully in or upon the premises of another person and <input type="checkbox"/> For the purpose of observing, viewing, photographing, filming, or videotaping the sexual conduct, genitals, or female nipple of another person without that person's consent and <input type="checkbox"/> The other person is in a place where a reasonable person would believe the conduct or body parts would not be observed or videotaped without his or her knowledge.....		
	<input type="checkbox"/> Intentionally entering or remaining unlawfully in or upon the premises of another person and <input type="checkbox"/> For the purpose of observing, viewing, photographing, filming, or videotaping the sexual conduct, genitals, or female nipple of another person without that person's consent and <input type="checkbox"/> The other person is in a place where a reasonable person would believe the conduct or body parts would not be observed or videotaped without his or her knowledge.....		
	<input type="checkbox"/> Intentionally entering or remaining unlawfully in or upon the premises of another person and <input type="checkbox"/> For the purpose of observing, viewing, photographing, filming, or videotaping the sexual conduct, genitals, or female nipple of another person without that person's consent and <input type="checkbox"/> The other person is in a place where a reasonable person would believe the conduct or body parts would not be observed or videotaped without his or her knowledge.....		
	<input type="checkbox"/> Intentionally entering or remaining unlawfully in or upon the premises of another person and <input type="checkbox"/> For the purpose of observing, viewing, photographing, filming, or videotaping the sexual conduct, genitals, or female nipple of another person without that person's consent and <input type="checkbox"/> The other person is in a place where a reasonable person would believe the conduct or body parts would not be observed or videotaped without his or her knowledge.....		

Crime	Elements	Classification	Penalty
Video voyeurism KRS 531.100	<ul style="list-style-type: none"> <input type="checkbox"/> Intentional use or causing use of a camera, videotape, or other image recording device and <input type="checkbox"/> For the purpose of observing, viewing, photographing, filming, or videotaping the sexual conduct, genitals, or female nipple of another person without that person's consent and <input type="checkbox"/> Uses or divulges any image so obtained for consideration.....OR <input type="checkbox"/> Distributes any images so obtained by live or recorded visual medium, electronic mail, Internet, or commercial on-line service. 	Class D Felony	1-5 years
Human Trafficking KRS 529 (effective 7/1/07)	<ul style="list-style-type: none"> <input type="checkbox"/> Intentionally subjecting one or more person to <input type="checkbox"/> Commercial sexual activity^{ix} <input type="checkbox"/> Through the use of force, fraud, or coercion <input type="checkbox"/> Except that if the trafficked person is under 18, force, fraud, or coercion is not needed 	<u>If V is 18 or older</u> Class C Felony or <i>Class B Felony if serious physical injury</i>	5-10 years 10-20 yrs
	<ul style="list-style-type: none"> <input type="checkbox"/> Intentionally subjecting one or more person to <input type="checkbox"/> Forced labor or services 	<u>If V is under 18</u> Class B Felony or <i>Class A Felony if serious physical injury</i>	10-20 yrs 20-50 yrs or life
Promoting Human Trafficking KRS 529 (effective 7/1/07)	<ul style="list-style-type: none"> <input type="checkbox"/> Intentionally benefits financially or receives anything of value from knowing participation in human trafficking ... OR <input type="checkbox"/> Intentionally recruits, entices, harbors, transports, provides, or obtains by any means another person knowing that the person will be subject to human trafficking, or attempts to do so 	<u>If V is 18 or older</u> Class D Felony <u>If V is under 18</u> <i>Class c Felony</i>	5-10 years 10-20 yrs

Sexual Exploitation of Minors

Crime	Elements	Classification	Penalty
Incest KRS 530.020	<ul style="list-style-type: none"> <input type="checkbox"/> Sexual intercourse or deviate sexual intercourse and <input type="checkbox"/> With an ancestor, descendant, brother, or sister^x 	Class A felony if V < 12 or serious physical injury <i>Class B felony if by forcible compulsion; or if V > 18; or if V is physically helpless or mentally incapacitate</i> Class C Felony if "acts committed by consenting adults"	Class A: 20-50 yrs <i>Class B:</i> 10-20 yrs Class C: 5-10 yrs
Unlawful transaction with a minor - 1st degree KRS 530.064(a)	<ul style="list-style-type: none"> <input type="checkbox"/> Knowingly induces, assists, or causes and <input type="checkbox"/> A minor to engage in illegal sexual activity, or in illegal controlled substance activity other than activity involving marijuana <input type="checkbox"/> Except those offenses involving minors in KRS 531 & 529.030 	Class C Felony if minor < 18 <i>Class B Felony if minor < 16</i> Class A Felony if minor is physically injured	5-10 yrs 10-20 yrs 20-50 yrs or life
Use of minor in a sexual performance KRS 531.310	<ul style="list-style-type: none"> <input type="checkbox"/> Employs, consents to, authorizes, or induces and <input type="checkbox"/> A minor to engage in a sexual performance 	Class C Felony if minor < 18 <i>Class B Felony if minor < 16</i> Class A Felony if minor is physically injured	5-10 years 10-20 yrs 20-50 yrs or life
Promoting a sexual performance by a minor	KRS 531.320	Class A - C Felony (depending on age of V & physical injury)	5-50 years or life
Possession of matter portraying a sexual performance by a minor	KRS 531.335	Class D Felony	1-5 years
Distribution of matter portraying a sexual performance by a minor	KRS 531.340	Class D Felony (<i>Class C Felony (2nd, 3rd, etc)</i>)	1-5 years 10-20 years
Promoting sale of material portraying sexual performance by a minor	KRS 531.350	Class A misdemeanor (1 st) <i>Class D Felony (2nd)</i> Class C Felony (subsequent)	12 months 1-5 years 10-20 years
Advertising material portraying a sexual performance by a minor	KRS 531.360	Class D Felony (1 st) <i>Class C Felony (2nd, 3rd, etc)</i>	1-5 years 10-20 years

Other Related Crimes				
Crime	Mental State	Elements	Classification	Penalty
Stalking First Degree KRS 508.140	Intentional	<input type="checkbox"/> All elements of Second Degree Stalking and <input type="checkbox"/> Has received notice of protective order against him concerning same victim.... OR <input type="checkbox"/> Has received notice of criminal complaint against him concerning same victim OR <input type="checkbox"/> Has been convicted of a Felony or Class A misdemeanor concerning same victim... OR <input type="checkbox"/> Has committed stalking with a deadly weapon	Class D Felony	1-5 years
Stalking Second Degree KRS 508.150	Intentional	<input type="checkbox"/> At least 2 acts and <input type="checkbox"/> Acts directed at a specific victim and <input type="checkbox"/> Acts seriously alarm, annoy or intimidate the victim and <input type="checkbox"/> Acts must be something which would cause a reasonable person to suffer substantial mental distress and <input type="checkbox"/> Threat which causes victim to fear sexual contact, death or physical injury ^{xi}	Class A Misdemeanor	12 months
Harassment KRS 525.070	Intentional	<input type="checkbox"/> With intent to harass, annoy, or alarm another person and <input type="checkbox"/> Strikes, shoves, kicks, or otherwise subjects a person to physical contact	Class B Misdemeanor	90 days
	Intentional	<input type="checkbox"/> With intent to harass, annoy, or alarm another person and <input type="checkbox"/> Attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact..... OR <input type="checkbox"/> In a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present..... OR <input type="checkbox"/> Follows a person in or about a public place or places..... OR <input type="checkbox"/> Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy another person and serve no legitimate purpose	Violation	Fine only
Harassing Communications KRS 525.080	Intentional	<input type="checkbox"/> With intent to harass, annoy or alarm another person and <input type="checkbox"/> Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail or other form of written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication..... OR <input type="checkbox"/> Makes a telephone call, where or not conversation ensues, with no purpose of legitimate communication	Class B Misdemeanor	90 days
Menacing KRS 508.050	Intentional	<input type="checkbox"/> Intentionally places another person in reasonable apprehension of imminent physical injury	Class B Misdemeanor	90 days
Terroristic Threatening KRS 508.080	Intentional	<input type="checkbox"/> Threat to seriously physically injure ^{xiii} or kill another	Class A Misdemeanor	12 months

Crime	Mental State	Elements	Classification	Penalty
Unlawful Imprisonment – 1st Degree KRS 509.020	Knowing	<input type="checkbox"/> Knowingly and unlawfully restrains another person under circumstances which expose that person to a risk of serious physical injury	Class D Felony	1-5 years
Unlawful Imprisonment – 2nd Degree KRS 509.040	Knowing	<input type="checkbox"/> Knowingly and unlawfully restrains another person	Class A Misdemeanor	12 months
Kidnapping	Intentional	<input type="checkbox"/> Unlawfully restrains another person with the intent to <input type="checkbox"/> Hold the person for ransom or reward...OR <input type="checkbox"/> Accomplish or advance the commission of a felony <input type="checkbox"/> Inflict bodily injury or to terrorize the victim or another <input type="checkbox"/> To interfere with the performance of a governmental or political function <input type="checkbox"/> To use the person as a shield or hostage <input type="checkbox"/> To deprive the parents or guardian of custody of a minor, when the person taking the minor is not a person exercising custodial control or supervision	Capitol offense if victim is not released alive or consequently dies after release <i>Class A felony if victim is released alive, but suffered serious physical injury</i> Class B Felony if victim is released alive and is safe	Death, life w/o parole, life w/out parole for 25 years, or 20-50 yrs <i>20-50 yrs or life</i> 10 – 20 years
Assault First Degree KRS 508.020	Intentional	<input type="checkbox"/> Serious physical injury and <input type="checkbox"/> Deadly weapon or dangerous instrument	Class B Felony	10-20 years
	Wanton	<input type="checkbox"/> Serious physical injury and <input type="checkbox"/> Conduct which causes grave risk of death to another	Class B Felony	10-20 years
Assault Second Degree KRS 508.020	Intentional	<input type="checkbox"/> Serious physical injury	Class C Felony	5-10 years
	Intentional	<input type="checkbox"/> Physical injury and <input type="checkbox"/> Deadly weapon or dangerous instrument	Class C Felony	5-10 years
	Wanton	<input type="checkbox"/> Serious physical injury and <input type="checkbox"/> Deadly weapon or dangerous instrument	Class C Felony	5-10 years
Assault Third Degree KRS 508.030	Reckless	<input type="checkbox"/> Dangerous instrument or deadly weapon and <input type="checkbox"/> Physical injury or attempt to physically injure and <input type="checkbox"/> Peace officer or employee of detention center or residential treatment facility or DSS worker who is performing job or probation or parole officers	Class D Felony	1-5 years
	Intentional	<input type="checkbox"/> Physical injury or attempt to physically injure and <input type="checkbox"/> Peace officer or employee of detention center or residential treatment facility or DSS worker who is performing job or probation or parole officers	Class D Felony	1-5 years
Assault Fourth Degree KRS 508.030	Intentional or Wanton	<input type="checkbox"/> Physical injury	Class A Misdemeanor	12 Months
	Reckless	<input type="checkbox"/> Physical injury and <input type="checkbox"/> Deadly weapon or dangerous instrument	Class A Misdemeanor	12 Months
Assault of Family Member or Member of an Unmarried Couple KRS 508.032		<input type="checkbox"/> Same as Assault Fourth Degree and <input type="checkbox"/> Third or subsequent Assault IV within 5 years against a family member of member of an unmarried couple	Class D Felony but jury/judge may convict of misdemeanor	1-5 years or 12 months

Crime	Mental State	Elements	Classification	Penalty
Criminal Abuse First Degree KRS 508.100	Intentional	<input type="checkbox"/> Abuses another person or permits the abuse of another person of whom he has actual custody and <input type="checkbox"/> Serious physical injury or places victim in a situation that may cause him serious physical injury or causes torture, cruel confinement, or cruel punishment to a child less than 12 years old or one who is physically helpless	Class C Felony	5-10 years
Criminal Abuse Second Degree KRS 508.110	Wanton	<input type="checkbox"/> Abuses another person or permits the abuse of another person of whom he has actual custody and <input type="checkbox"/> Serious physical injury or places victim in a situation that may cause him serious physical injury or causes torture, cruel confinement, or cruel punishment to a child less than 12 years old or one who is physically helpless	Class D Felony	1-5 years
Criminal Abuse Third Degree KRS 508.120	Reckless	<input type="checkbox"/> Abuses another person or permits the abuse of another person of whom he has actual custody and <input type="checkbox"/> Serious physical injury or places victim in a situation that may cause him serious physical injury or causes torture, cruel confinement, or cruel punishment to a child less than 12 years old or one who is physically helpless or mentally helpless	Class A Misdemeanor	12 months

- ⁱ Penalties listed for misdemeanor offenses indicate maximum penalty.
- ⁱⁱ "Sexual intercourse" includes both sexual intercourse in its ordinary sense, and penetration of the sex organs by a foreign object. Sexual intercourse occurs upon any penetration, however slight. KRS 510.010 (8).
- ⁱⁱⁱ "Forcible compulsion" means physical force or threat of physical force, express or implied, which places a person in fear of immediate death, physical injury to self or another person, fear of immediate kidnap or self or another person, or fear of rape, sodomy, sexual abuse, or indecent exposure. Physical resistance is not necessary. KRS 510.010 (2).
- ^{iv} "Position of authority" means, but is not limited to, the position occupied by a biological parent, adoptive parent, stepparent, foster parent, relative, household member, adult youth leader, recreational staff, or volunteer who is an adult, adult athletic manager, adult coach, teacher, classified school employee, certified school employee, counselor, staff, or volunteer for either a residential treatment facility, a holding facility as defined in KRS 600.020, or a detention facility as defined in KRS 520.010(4), staff or volunteer with a youth services organization, religious leader, health care provider, or employer. KRS 532.045(1)(a).
- ^v "Position of special trust" means a position occupied by a person in a position of authority who by reason of that position is able to exercise undue influence over the minor. KRS 532.045(1)(b)
- ^{vi} "Deviate sexual intercourse" includes both any act of sexual gratification involving the sex organs of one person and the mouth or anus of another, and penetration of the anus of one person by a foreign object manipulated by another. KRS 510.010 (1)
- ^{vii} "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purposes of gratifying the sexual desire of either party. KRS 510.010(7).
- ^{viii} 3rd or subsequent misdemeanor offenses under KRS Chapter 510 (except indecent exposure) may be convicted of a Class D Felony. KRS 510.015.
- ^{ix} "Commercial sexual activity" means prostitution, participation in the production of obscene material as set out in KRS 531, or engaging in a sexually explicit performance.
- ^x Relationships referred to include blood relationships, relation by adoption, and relationship of stepparent to stepchild.
- ^{xi} "Physical injury" means substantial physical pain or any impairment of physical condition;
- ^{xii} "Serious physical injury" means "physical injury which creates a substantial risk of death or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ." KRS 500.080