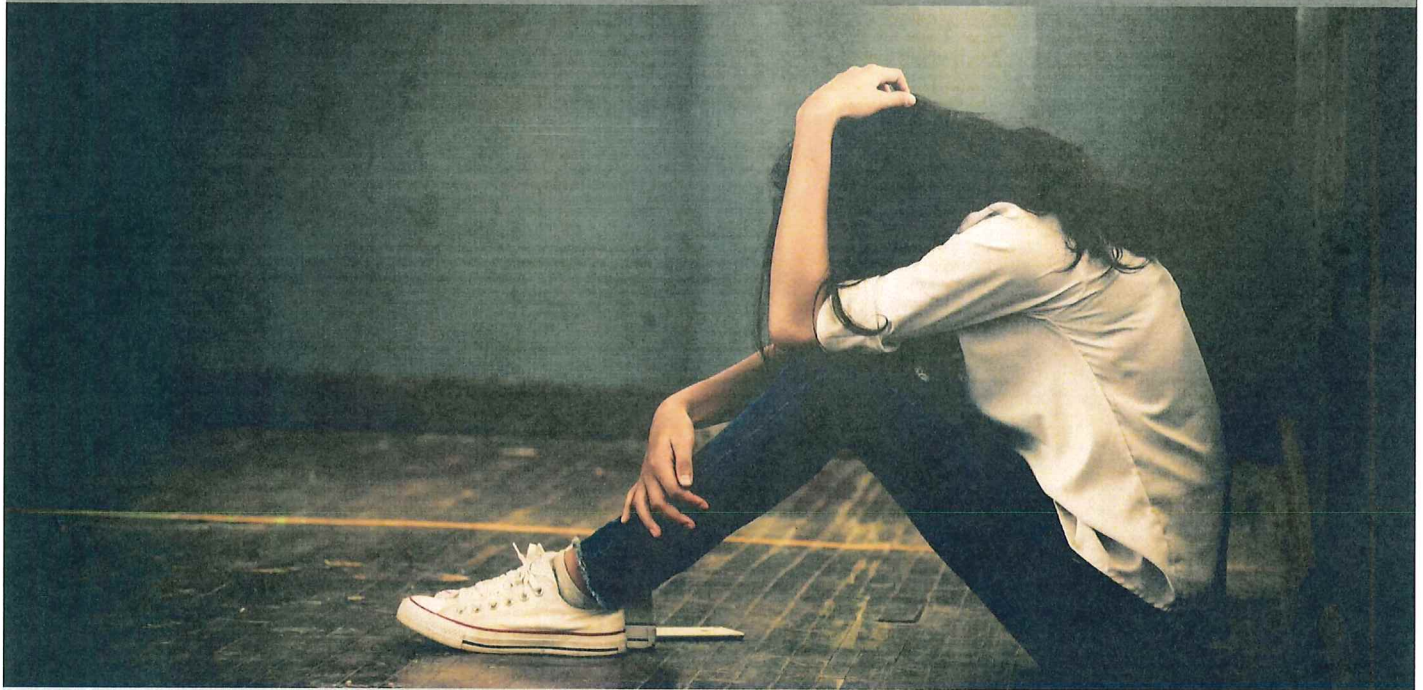


Custodial Safety Law

Amend KRS 510.060, rape in the third degree, to include a peace officer who subjects a person in custody or under arrest to sexual intercourse; amend KRS 510.090, sodomy in the third degree, to include a peace officer who subjects a person in custody or under arrest to deviate sexual intercourse; amend KRS 510.120, sexual abuse in the second degree, to include a peace officer who subjects a person in custody



- **SB52 closes the loophole in Kentucky law which currently prohibits correctional officers or jailers from subjecting those in their custody to sexual intercourse, deviate sexual intercourse, or sexual contact but fails to prohibit the same conduct for peace officers who have people in their custody.**
 - SB52 would prohibit peace officers from subjecting a person arrested or held in custody to sexual intercourse, deviate sexual intercourse, or sexual contact by amending the offences of rape in the third degree, sodomy in the third degree, and sexual abuse in the second degree.
 - There is no logical distinction between the two custodial scenarios as the power dynamic is the same in both scenarios and such a loophole leaves us all vulnerable to abuse by those sworn to serve and protect us.
 - **In 2018, there were 35 states which did not explicitly prohibit peace officers from subjecting someone in their custody to sexual intercourse or sexual contact. Virginia is the most recent state to pass a similar law in October of 2020.**
- Sponsor: D Harper Angel, W. Westerfield, M. McGarvey

Supporting Article <https://www.washingtonpost.com/nation/2018/10/08/should-police-be-able-have-sex-with-person-custody-rape-allegation-raises-issue/>