

**531.330 Presumption as to minority.**

- (1) For purposes of KRS 529.040 where the offense involves commercial sexual activity and for the purposes of KRS 530.070, 531.080, and 531.300 to 531.370, any person who appears to be under the age of eighteen (18), or under the age of sixteen (16), shall be presumed to be under the age of eighteen (18), or under the age of sixteen (16), as the case may be.
- (2) In any prosecution under KRS 529.040 where the offense involves commercial sexual activity by a minor and in any prosecution under KRS 530.070, 531.080, and 531.300 to 531.370, the defendant may prove in exculpation that he or she in good faith reasonably believed that the person involved in the performance was not a minor.
- (3) In any prosecution under KRS 531.300 to 531.370 where the offense involves a computer-generated image that used an actual minor or minors as the source, the presumption of minority shall be the age of the actual minor or minors.
- (4) The presumption raised in subsection (1) or (3) of this section may be rebutted by any competent evidence.

**Effective:** July 15, 2024

**History:** Amended 2024 Ky. Acts ch. 15, sec. 9, effective July 15, 2024. -- Amended 2015 Ky. Acts ch. 122, sec. 4, effective June 24, 2015. -- Amended 2007 Ky. Acts ch. 19, sec. 14, effective June 26, 2007. -- Created 1978 Ky. Acts ch. 219, sec. 5, effective June 17, 1978.