

CHAPTER 122**(HB 427)**

AN ACT relating to crimes against children and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 23A IS CREATED TO READ AS FOLLOWS:

In addition to the twenty dollar (\$20) fee created by KRS 23A.206 and the ten dollar (\$10) fee created by KRS 23A.2065, a ten dollar (\$10) fee shall be added in criminal cases to the costs imposed by KRS 23A.205. The fee collected under this section shall be allocated to the Department of Kentucky State Police for the training, salaries, and equipment of the Kentucky Internet Crimes Against Children Task Force.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 24A IS CREATED TO READ AS FOLLOWS:

In addition to the twenty dollar (\$20) fee created by KRS 24A.176 and the ten dollar (\$10) fee created by KRS 24A.1765, a ten dollar (\$10) fee shall be added in misdemeanor cases to the costs imposed by KRS 24A.175. The fee collected under this section shall be allocated to the Department of Kentucky State Police for the training, salaries, and equipment of the Kentucky Internet Crimes Against Children Task Force.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 529 IS CREATED TO READ AS FOLLOWS:

In any prosecution under KRS 529.100 or 529.110 involving commercial sexual activity with a minor, it shall not be a defense that the defendant was unaware of the minor's actual age.

➔Section 4. KRS 531.330 is amended to read as follows:

- (1) For purposes of KRS 529.040 ~~or 529.100~~ 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 ~~or 529.100~~ 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 in good faith reasonably believed that the person involved in the performance was not a minor.
- (3) The presumption raised in subsection (1) of this section may be rebutted by any competent evidence.

Signed by Governor April 3, 2015.