

529.010 Definitions. (Effective July 15, 2020)

The following definitions apply in this chapter unless the context otherwise requires:

- (1) "Abuse or threatened abuse of law or legal process" means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action;
- (2) "Advancing prostitution" -- A person "advances prostitution" when acting other than as a prostitute or as a patron thereof, he or she knowingly causes or aids a person to engage in prostitution, procures or solicits patrons for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any conduct designed to institute, aid or facilitate an act or enterprise of prostitution;
- (3) "Commercial sexual activity" means:
 - (a) Any sex act, for which anything of value is given to, promised to, or received by any person;
 - (b) Participation in the production of obscene material as set out in KRS Chapter 531; or
 - (c) Engaging in a sexually explicit performance;
- (4) "Debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for the debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined;
- (5) "Forced labor or services" means labor or services that are performed or provided by another person and that are obtained through force, fraud, or coercion;
- (6) "Force, fraud, or coercion" includes but is not limited to:
 - (a) The use or threat of force against, abduction of, restraint, or serious harm of an individual;
 - (b) The abuse or threatened abuse of law or legal process;
 - (c) Facilitating, controlling, or threatening to control an individual's access to a controlled substance;
 - (d) Knowingly destroying, concealing, removing, confiscating, or possessing, or attempting to destroy, conceal, remove, confiscate, or possess any actual or purported passport or other immigration documents or any other actual or purported governmental identification documents of the person or family member;
 - (e) Use of debt bondage; or
 - (f) The use of an individual's physical or mental impairment when the impairment has a substantial adverse effect on the individual's cognitive or volitional function;

- (7) "Human trafficking" refers to criminal activity whereby one (1) or more persons are subjected to engaging in:
 - (a) Forced labor or services; or
 - (b) Commercial sexual activity through the use of force, fraud, or coercion, except that if the trafficked person is under the age of eighteen (18), the commercial sexual activity need not involve force, fraud, or coercion;
- (8) "Human trafficking victims fund" is the fund created in KRS 529.140;
- (9) "Labor" means work of economic or financial value;
- (10) "Minor" means a person under the age of eighteen (18) years;
- (11) "Profiting from prostitution" -- A person "profits from prostitution" when acting other than as a prostitute receiving compensation for personally rendered prostitution services, he or she knowingly accepts or receives or agrees to accept or receive money or other property pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in proceeds of prostitution activity;
- (12) "Serious harm" means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious to compel a reasonable person to perform or to continue performing commercial sexual activity in order to avoid incurring that harm;
- (13) "Services" means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor;
- (14) "Sexual conduct" means sexual intercourse or any act of sexual gratification involving the sex organs;
- (15) "Sexually explicit performance" means a performance of sexual conduct involving:
 - (a) Acts of masturbation, homosexuality, lesbianism, bestiality, sexual intercourse, or deviant sexual intercourse, actual or simulated;
 - (b) Physical contact with, or willful or intentional exhibition of, the genitals;
 - (c) Flagellation or excretion for the purpose of sexual stimulation or gratification; or
 - (d) The exposure, in an obscene manner, of the unclothed or apparently unclothed human male or female genitals, pubic area, or buttocks, or the female breast, whether or not subsequently obscured by a mark placed thereon, or otherwise altered, in any resulting motion picture, photograph, or other visual representation, exclusive of exposure portrayed in matter of a private, family nature not intended for distribution outside the family; and
- (16) "Victim of human trafficking" is a person who has been subjected to human trafficking.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 75, sec. 6, effective July 15, 2020. -- Amended 2013 Ky. Acts ch. 25, sec. 7, effective June 25, 2013. -- Amended 2007 Ky. Acts ch. 19, sec. 4, effective June 26, 2007. -- Created 1974 Ky. Acts ch. 406, sec. 250,

effective January 1, 1975.