

1 AN ACT relating to crimes and punishments.

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

3 ➔Section 1. KRS 500.070 is amended to read as follows:

- 4 (1) The Commonwealth has the burden of proving every element of the case beyond a
5 reasonable doubt, except as provided in subsection (3). This provision, however,
6 does not require disproof of any element that is entitled a "defense," as that term is
7 used in this code, unless the evidence tending to support the defense is of such
8 probative force that in the absence of countervailing evidence the defendant would
9 be entitled to a directed verdict of acquittal.
- 10 (2) No court can require notice of a defense prior to trial time.
- 11 (3) The defendant has the burden of proving an element of a case only if the statute
12 which contains that element provides that the defendant may prove such element in
13 exculpation of his ***or her*** conduct.