

1 AN ACT relating to sexual abuse.

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

3 ➔Section 1. KRS 510.120 is amended to read as follows:

- 4 (1) A person is guilty of sexual abuse in the second degree when:
- 5 (a) He or she is at least eighteen (18) years old but less than twenty-one (21) years  
6 old and subjects another person who is less than sixteen (16) years old to  
7 sexual contact;~~[-or]~~
- 8 (b) Being a jailer, or an employee, contractor, vendor, or volunteer of the  
9 Department of Corrections, Department of Juvenile Justice, or a detention  
10 facility as defined in KRS 520.010, or of an entity under contract with either  
11 department or a detention facility for the custody, supervision, evaluation, or  
12 treatment of offenders, he or she subjects a person who is at least eighteen  
13 (18) years old and who he or she knows is incarcerated, supervised, evaluated,  
14 or treated by the Department of Corrections, Department of Juvenile Justice,  
15 detention facility, or contracting entity, to sexual contact; or
- 16 **(c) *Being a transportation network company driver or a driver of a taxicab, he***  
17 ***or she subjects a person who is at least eighteen (18) years old, and who has***  
18 ***hired him or her to provide transportation, to sexual contact. As used in this***  
19 ***paragraph, "transportation network company driver," "driver," and***  
20 ***"taxicab" have the same meaning as in KRS 281.010.***
- 21 (2) In any prosecution under subsection (1)(a) of this section, it is a defense that:
- 22 (a) The other person's lack of consent was due solely to incapacity to consent by  
23 reason of being less than sixteen (16) years old; and
- 24 (b) The other person was at least fourteen (14) years old; and
- 25 (c) The actor was less than five (5) years older than the other person.
- 26 (3) Sexual abuse in the second degree is a Class A misdemeanor.