1		AN	ACT relating to sexual offenses by peace officers.
2	Be i	t enac	ted by the General Assembly of the Commonwealth of Kentucky:
3		<b>→</b> S	ection 1. KRS 510.060 is amended to read as follows:
4	(1)	A pe	erson is guilty of rape in the third degree when:
5		(a)	Being twenty-one (21) years old or more, he or she engages in sexual
6			intercourse with another person less than sixteen (16) years old;
7		(b)	Being at least ten (10) years older than a person who is sixteen (16) or
8			seventeen (17) years old at the time of sexual intercourse, he or she engages in
9			sexual intercourse with the person;
10		(c)	Being twenty-one (21) years old or more, he or she engages in sexual
11			intercourse with another person less than eighteen (18) years old and for
12			whom he or she provides a foster family home as defined in KRS 600.020;
13		(d)	Being a person in a position of authority or position of special trust, as defined
14			in KRS 532.045, he or she engages in sexual intercourse with a minor under
15			eighteen (18) years old with whom he or she comes into contact as a result of
16			that position; <del>[ or]</del>
17		(e)	Being a jailer, or an employee, contractor, vendor, or volunteer of the
18			Department of Corrections, Department of Juvenile Justice, or a detention
19			facility as defined in KRS 520.010, or of an entity under contract with either
20			department or a detention facility for the custody, supervision, evaluation, or
21			treatment of offenders, he or she subjects a person who he or she knows is
22			incarcerated, supervised, evaluated, or treated by the Department of
23			Corrections, Department of Juvenile Justice, detention facility, or contracting
24			entity, to sexual intercourse; or
25		<u>(f)</u>	Being a peace officer, he or she subjects a person who he or she:
26			1. Arrested, held in custody, or investigated for commission of a traffic
27			or criminal offense; or

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1			2. Knew or should have known was under arrest, held in custody, or	
2			being investigated for commission of a traffic or criminal offense;	
3			to sexual intercourse.	
4	(2)	Rap	e in the third degree is a Class D felony.	
5		<b>→</b> S	ection 2. KRS 510.090 is amended to read as follows:	
6	(1)	A person is guilty of sodomy in the third degree when:		
7		(a)	Being twenty-one (21) years old or more, he or she engages in deviate sexual	
8			intercourse with another person less than sixteen (16) years old;	
9		(b)	Being at least ten (10) years older than a person who is sixteen (16) or	
10			seventeen (17) years old at the time of deviate sexual intercourse, he or she	
11			engages in deviate sexual intercourse with the person;	
12		(c)	Being twenty-one (21) years old or more, he or she engages in deviate sexual	
13			intercourse with another person less than eighteen (18) years old and for	
14			whom he or she provides a foster family home as defined in KRS 600.020;	
15		(d)	Being a person in a position of authority or position of special trust, as defined	
16			in KRS 532.045, he or she engages in deviate sexual intercourse with a minor	
17			less than eighteen (18) years old with whom he or she comes into contact as a	
18			result of that position; [or]	
19		(e)	Being a jailer, or an employee, contractor, vendor, or volunteer of the	
20			Department of Corrections, Department of Juvenile Justice, or a detention	
21			facility as defined in KRS 520.010, or of an entity under contract with either	
22			department or a detention facility for the custody, supervision, evaluation, or	
23			treatment of offenders, he or she subjects a person who he or she knows is	
24			incarcerated, supervised, evaluated, or treated by the Department of	
25			Corrections, Department of Juvenile Justice, detention facility, or contracting	
26			entity, to deviate sexual intercourse; or	
27		<b>(f)</b>	Being a peace officer, he or she subjects a person who he or she:	

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1		1. Arrested, held in custody, or investigated for commission of a traffic		
2		or criminal offense; or		
3		2. Knew or should have known was under arrest, held in custody, or		
4		being investigated for commission of a traffic or criminal offense;		
5		to deviate sexual intercourse.		
6	(2)	Sodomy in the third degree is a Class D felony.		
7		→ Section 3. KRS 510.120 is amended to read as follows:		
8	(1)	A person is guilty of sexual abuse in the second degree when:		
9		(a) He or she is at least eighteen (18) years old but less than twenty-one (21) years		
10		old and subjects another person who is less than sixteen (16) years old to		
11		sexual contact; [or]		
12		(b) Being a jailer, or an employee, contractor, vendor, or volunteer of the		
13		Department of Corrections, Department of Juvenile Justice, or a detention		
14		facility as defined in KRS 520.010, or of an entity under contract with either		
15		department or a detention facility for the custody, supervision, evaluation, or		
16		treatment of offenders, he or she subjects a person who is at least eighteen		
17		(18) years old and who he or she knows is incarcerated, supervised, evaluated,		
18		or treated by the Department of Corrections, Department of Juvenile Justice,		
19		detention facility, or contracting entity, to sexual contact; or		
20		(c) Being a peace officer, he or she subjects a person who he or she:		
21		1. Arrested, held in custody, or investigated for commission of a traffic		
22		or criminal offense; or		
23		2. Knew or should have known was under arrest, held in custody, or		
24		being investigated for commission of a traffic or criminal offense;		
25		to sexual contact.		
26	(2)	In any prosecution under subsection (1)(a) of this section, it is a defense that:		
27		(a) The other person's lack of consent was due solely to incapacity to consent by		

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- 1 reason of being less than sixteen (16) years old; and
- 2 (b) The other person was at least fourteen (14) years old; and
- 3 (c) The actor was less than five (5) years older than the other person.
- 4 (3) Sexual abuse in the second degree is a Class A misdemeanor.

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