

1 AN ACT relating to sexual offenses by peace officers.

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

3 ➔Section 1. KRS 510.060 is amended to read as follows:

- 4 (1) A person 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;~~or~~
- 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 **(f) *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***

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) Rape in the third degree is a Class D felony.

5                    ➔Section 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                    **(f) Being a peace officer, he or she subjects a person who he or she:**



- 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.