

1 AN ACT relating to sex crimes.

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

3 ➔Section 1. KRS 510.040 is amended to read as follows:

4 (1) A person is guilty of rape in the first degree when:

5 (a) He engages in sexual intercourse with another person by forcible compulsion;

6 or

7 (b) He engages in sexual intercourse with another person who is incapable of  
8 consent because he:

9 1. Is physically helpless; or

10 2. Is less than twelve (12) years old.

11 (2) Rape in the first degree is a ~~Class B felony unless the victim is under twelve (12)~~  
12 ~~years old or receives a serious physical injury in which case it is a~~ Class A felony.

13 ➔Section 2. KRS 510.070 is amended to read as follows:

14 (1) A person is guilty of sodomy in the first degree when:

15 (a) He engages in deviate sexual intercourse with another person by forcible  
16 compulsion; or

17 (b) He engages in deviate sexual intercourse with another person who is  
18 incapable of consent because he:

19 1. Is physically helpless; or

20 2. Is less than twelve (12) years old.

21 (2) Sodomy in the first degree is a ~~Class B felony unless the victim is under twelve~~  
22 ~~(12) years old or receives a serious physical injury in which case it is a~~ Class A  
23 felony.