

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 501.060 is amended to read as follows:

- 4 (1) Conduct is the cause of a result when it is an antecedent without which the result in
5 question would not have occurred.
- 6 (2) When intentionally causing a particular result is an element of an offense, the
7 element is not established if the actual result is not within the intention or the
8 contemplation of the actor unless:
- 9 (a) The actual result differs from that intended or contemplated, as the case may
10 be, only in the respect that a different person or different property is injured or
11 affected or that the injury or harm intended or contemplated would have been
12 more serious or more extensive; or
- 13 (b) The actual result involves the same kind of injury or harm as that intended or
14 contemplated and occurs in a manner which the actor knows or should know
15 is rendered substantially more probable by his ***or her*** conduct.
- 16 (3) When wantonly or recklessly causing a particular result is an element of an offense,
17 the element is not established if the actual result is not within the risk of which the
18 actor is aware or, in the case of recklessness, of which he ***or she*** should be aware
19 unless:
- 20 (a) The actual result differs from the probable result only in the respect that a
21 different person or different property is injured or affected or that the probable
22 injury or harm would have been more serious or more extensive than that
23 caused; or
- 24 (b) The actual result involves the same kind of injury or harm as the probable
25 result and occurs in a manner which the actor knows or should know is
26 rendered substantially more probable by his ***or her*** conduct.
- 27 (4) The question of whether an actor knew or should have known the result he ***or she***

1 caused was rendered substantially more probable by his or her conduct is an issue
2 of fact.