510.040 Rape in the first degree.

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

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

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

1. Is physically helpless; or

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

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

Effective: January 1, 1975

History: Created 1974 Ky. Acts ch. 406, sec. 84, effective January 1, 1975.

510.070 Sodomy in the first degree.

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

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

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

1. Is physically helpless; or

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

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

Effective: January 1, 1975

History: Created 1974 Ky. Acts ch. 406, sec. 87, effective January 1, 1975.

510.110 Sexual abuse in the first degree.

(1) A person is guilty of sexual abuse in the first degree when:

(a) He or she subjects another person to sexual contact by forcible compulsion; or

(b) He or she subjects another person to sexual contact who is incapable of consent because he or she:

1. Is physically helpless;

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

3. Is mentally incapacitated; or

4. Is an individual with an intellectual disability; or

(c) Being twenty-one (21) years old or more, he or she:

1. Subjects another person who is less than sixteen (16) years old to sexual contact;

2. Engages in masturbation in the presence of another person who is less than sixteen (16) years old and knows or has reason to know the other person is present; or

3. Engages in masturbation while using the Internet, telephone, or other electronic communication device while communicating with a minor who the person knows is less than sixteen (16) years old, and the minor can see or hear the person masturbate; or

(d) Being a person in a position of authority or position of special trust, as defined in KRS 532.045, he or she, regardless of his or her age, subjects a minor who is less than eighteen (18) years old, with whom he or she comes into contact as a result of that position, to sexual contact or engages in masturbation in the presence of the minor and knows or has reason to know the minor is present or engages in masturbation while using the Internet, telephone, or other electronic communication device while communicating with a minor who the person knows is less than sixteen (16) years old, and the minor can see or hear the person masturbate.

(2) Sexual abuse in the first degree is a Class D felony, unless the victim is less than twelve (12) years old, in which case the offense shall be a Class C felony.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 109, sec. 5, effective July 14, 2018. -- Amended 2008 Ky. Acts ch. 72, sec. 1, effective July 15, 2008. -- Amended 2006 Ky. Acts ch. 182, sec. 33, effective July 12, 2006. -- Amended 2002 Ky. Acts ch. 259, sec. 5, effective July 15, 2002. -- Created 1974 Ky. Acts ch. 406, sec. 91, effective January 1, 1975.

510.140 Sexual misconduct.

(1) A person is guilty of sexual misconduct when he engages in sexual intercourse or deviate sexual intercourse with another person without the latter's consent.

(2) Sexual misconduct is a Class A misdemeanor.

Effective: January 1, 1975

History: 1974 Ky. Acts ch. 406, sec. 94, effective January 1, 1975.