

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 531.300 is amended to read as follows:

4 As used in KRS 531.080 and 531.310 to 531.370:

5 (1) **"Child sex doll" means a doll, mannequin, or robot that is intended for sexual**
6 **stimulation or gratification and that has the features of, or has features that**
7 **resemble those of, a minor**~~["Distribute" means to transfer possession of, whether~~
8 ~~with or without consideration;~~

9 ~~(2) "Matter" means any book, magazine, newspaper, or other printed or written~~
10 ~~material or any picture, drawing, photograph, motion picture, live image transmitted~~
11 ~~over the Internet or other electronic network, or other pictorial representation or any~~
12 ~~statue or other figure, or any recording transcription or mechanical, chemical or~~
13 ~~electrical reproduction or any other articles, equipment, machines, or materials];~~

14 ~~(2)~~~~(3)~~ "Obscene" means the predominate appeal of the matter taken as a whole is to
15 a prurient interest in sexual conduct involving minors;

16 **(3) "Performance" means any play, motion picture, photograph, dance, or any other**
17 **visual representation exhibited before an audience;**

18 **(4) "Promote" means to prepare, publish, print, procure or manufacture, or to offer**
19 **or agree to do the same;**

20 ~~(5)~~~~(4)~~ "Sexual conduct by a minor" means:

21 (a) Acts of masturbation, homosexuality, lesbianism, **bestiality**~~[bestiality],~~
22 sexual intercourse, or **deviate**~~[deviant]~~ sexual intercourse, actual or simulated;

23 (b) Physical contact with, or willful or intentional exhibition of the genitals;

24 (c) Flagellation or excretion for the purpose of sexual stimulation or gratification;
25 or

26 (d) The exposure, in an obscene manner, of the unclothed or apparently unclothed
27 human male or female genitals, pubic area or buttocks, or the female breast,

1 whether or not subsequently obscured by a mark placed thereon, or otherwise
2 altered, in any resulting motion picture, photograph, or other visual
3 representation, exclusive of exposure portrayed in matter of a private, family
4 nature not intended for distribution outside the family;{

5 ~~(5) "Performance" means any play, motion picture, photograph or dance. Performance~~
6 ~~also means any other visual representation exhibited before an audience;}~~

7 (6) "Sexual performance" means any performance or part thereof which includes sexual
8 conduct by a minor; and

9 (7) **"Traffic" means to manufacture, distribute, sell, transfer, or possess with intent**
10 **to manufacture, distribute, sell, or transfer**~~["Promote" means to prepare, publish,~~
11 ~~print, procure or manufacture, or to offer or agree to do the same].~~

12 ➔SECTION 2. A NEW SECTION OF KRS 531.310 TO 531.370 IS CREATED
13 TO READ AS FOLLOWS:

14 **(1) A person is guilty of possession of a child sex doll when he or she knowingly**
15 **possesses a child sex doll.**

16 **(2) Possession of a child sex doll is a Class D felony.**

17 ➔SECTION 3. A NEW SECTION OF KRS 531.310 TO 531.370 IS CREATED
18 TO READ AS FOLLOWS:

19 **(1) A person is guilty of trafficking a child sex doll when he or she knowingly traffics**
20 **a child sex doll.**

21 **(2) Trafficking a child sex doll is a Class C felony.**

22 ➔SECTION 4. A NEW SECTION OF KRS 531.310 TO 531.370 IS CREATED
23 TO READ AS FOLLOWS:

24 **(1) A person is guilty of importing a child sex doll when he or she knowingly**
25 **transports a child sex doll into the Commonwealth by any means with the intent**
26 **to distribute, sell, or transfer the child sex doll.**

27 **(2) Importing a child sex doll is a Class C felony.**

1 ➔SECTION 5. A NEW SECTION OF KRS 531.310 TO 531.370 IS CREATED
2 TO READ AS FOLLOWS:

3 **(1) A person is guilty of advancing a child sex doll when he or she knowingly**
4 **procures or solicits patrons for a child sex doll or provides premises for the use of**
5 **a child sex doll.**

6 **(2) Advancing a child sex doll is a Class C felony.**

7 ➔Section 6. KRS 531.010 is amended to read as follows:

8 As used in this chapter:

9 (1) "Distribute" means to transfer possession of, whether with or without
10 consideration;~~[-]~~

11 (2) "Matter" means any:

12 **(a)** Book, magazine, newspaper, or other printed or written material;~~[- or any]~~

13 **(b)** Picture, drawing, photograph, motion picture, live image transmitted over the
14 **internet**~~[Internet]~~ or other electronic network, or other pictorial representation
15 or any statue or other figure; **or**~~[-, or any]~~

16 **(c)** Recording; transcription; or mechanical, chemical, or electrical reproduction;
17 or any other articles, equipment, machines, or materials;~~[-]~~

18 (3) "Obscene" means:

19 (a) To the average person, applying contemporary community standards, the
20 predominant appeal of the matter, taken as a whole, is to prurient interest in
21 sexual conduct;~~[- and]~~

22 (b) The matter depicts or describes the sexual conduct in a patently offensive
23 way; and

24 (c) The matter, taken as a whole, lacks serious literary, artistic, political, or
25 scientific value;~~[-]~~

26 (4) "Private erotic matter" means an obscene visual image, including a photograph,
27 film, video recording, or digital reproduction, of an identifiable person, depicting

1 sexual conduct or the exposure of uncovered human genitals, buttocks, or nipple of
 2 the female breast. A person may be identifiable from the image itself or from
 3 information distributed in connection with the visual image; ~~and~~[-]

4 (5) "Sexual conduct" means acts of masturbation, homosexuality, lesbianism, bestiality,
 5 sexual intercourse, or ~~deviate~~[deviant] sexual intercourse; or physical contact with
 6 the genitals, flagellation, or excretion for the purpose of sexual stimulation or
 7 gratification.

8 ➔Section 7. KRS 531.340 is amended to read as follows:

9 (1) A person is guilty of distribution of matter portraying a sexual performance by a
 10 minor when, having knowledge of its content and character, he or she:

11 (a) Sends or causes to be sent into this state for sale or distribution;[-or]

12 (b) Brings or causes to be brought into this state for sale or distribution; or

13 (c) In this state, he or she:

14 1. Exhibits for profit or gain;[-or]

15 2. Distributes;[-or]

16 3. Offers to distribute; or

17 4. Has in his or her possession with intent to distribute, exhibit for profit or
 18 gain or offer to distribute, any matter portraying a sexual performance
 19 by a minor.

20 (2) Any person who has in his or her possession more than one (1) unit of *matter, as*
 21 *defined by subsection (2) of Section 6 of this Act,*[-material coming within the
 22 provision of ~~KRS 531.300(2)~~] shall be rebuttably presumed to have *that*
 23 *matter*[-such material] in his or her possession with the intent to distribute it.

24 (3) Distribution of matter portraying a sexual performance by a minor is:

25 (a) A Class D felony for the first offense, and a Class C felony for each
 26 subsequent offense, if the person knows that the minor portrayed is less than
 27 eighteen (18) years old at the time of the sexual performance; and

1 (b) A Class C felony for the first offense, and a Class B felony for each
2 subsequent offense, if the person knows that the minor portrayed is less than
3 twelve (12) years old at the time of the sexual performance.