

CHAPTER 108

(HB 78)

AN ACT relating to sex crimes.

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

➔Section 1. KRS 530.020 is amended to read as follows:

- (1) A person is guilty of incest when he or she has sexual intercourse or deviate sexual intercourse, as defined in KRS 510.010, with a person whom he or she knows to be **his or her parent, child, grandparent, grandchild, great-grandparent, great-grandchild**~~[an ancestor, descendant]~~, uncle, aunt, **nephew, niece**, brother, ~~or~~ sister, **first cousin, ancestor, or descendant**. The relationships referred to herein include blood relationships of either the whole or half blood without regard to legitimacy, relationship of parent and child by adoption, relationship of stepparent and stepchild, and relationship of stepgrandparent and stepgrandchild.
- (2)
 - (a) Incest is a Class C felony if the act is committed by consenting **persons**~~[adults]~~.
 - (b) Incest is a Class B felony if committed:
 1. **With a person without his or her consent;**
 2. By forcible compulsion as defined in KRS 510.010~~[(2)]~~; or
 - 3.~~2.~~ **With**~~On~~ **a person**~~[victim]~~ who is:
 - a. Less than eighteen (18) years of age **by a person three (3) or more years older**; or
 - b. Incapable of consent because he or she is physically helpless or mentally incapacitated **as defined in KRS 510.010**.
 - (c) Incest is a Class A felony if **committed**:
 1. **With**~~Committed on~~ **a person who is**~~[victim]~~ less than twelve (12) years of age; or
 2. **With a person without his or her consent causing**~~[The victim receives]~~ serious physical injury.

Signed by Governor March 27, 2023.