

**510.090 Sodomy in the third degree.**

- (1) A person is guilty of sodomy in the third degree when:
  - (a) He or she engages in deviate sexual intercourse with another person who is incapable of consent because he or she is an individual with an intellectual disability;
  - (b) Being twenty-one (21) years old or more, he or she engages in deviate sexual intercourse with another person less than sixteen (16) years old; or
  - (c) Being twenty-one (21) years old or more, he or she engages in deviate sexual intercourse with another person less than eighteen (18) years old and for whom he or she provides a foster family home as defined in KRS 600.020;
  - (d) Being a person in a position of authority or position of special trust, as defined in KRS 532.045, he or she engages in deviate sexual intercourse with a minor less than eighteen (18) years old with whom he or she comes into contact as a result of that position; or
  - (e) Being a jailer, or an employee, contractor, vendor, or volunteer of the Department of Corrections, Department of Juvenile Justice, or a detention facility as defined in KRS 520.010, or of an entity under contract with either department or a detention facility for the custody, supervision, evaluation, or treatment of offenders, he or she subjects a person who he or she knows is incarcerated, supervised, evaluated, or treated by the Department of Corrections, Department of Juvenile Justice, detention facility, or contracting entity, to deviate sexual intercourse.
- (2) Sodomy in the third degree is a Class D felony.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 146, sec. 128, effective July 12, 2012; and ch. 148, sec. 3, effective July 12, 2012. -- Amended 2010 Ky. Acts ch. 26, sec. 2, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 182, sec. 32, effective July 12, 2006. -- Amended 2002 Ky. Acts ch. 259, sec. 8, effective July 15, 2002; and ch. 282, sec. 2, effective July 15, 2002. -- Amended 1988 Ky. Acts ch. 283, sec. 13, effective July 15, 1988. -- Created 1974 Ky. Acts ch. 406, sec. 89, effective January 1, 1975.

**Legislative Research Commission Note (7/12/2012).** This statute was amended by 2012 Ky. Acts chs. 146 and 148, which do not appear to be in conflict and have been codified together.