

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; or
 - 3. Is mentally incapacitated; 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 15, 2008

History: 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.