

**35.690 Other sexual misconduct.**

- (1) Any person subject to this code is guilty on an offense under this section and shall be punished as a court-martial may direct who, without legal justification or lawful authorization:
  - (a) Knowingly or wrongfully views the private area of another person, without that other person's consent and under circumstances in which that other person has a reasonable expectation of privacy;
  - (b) Knowingly photographs, videotapes, films, or records by any means the private area of another person, without that other person's consent or under circumstances in which that other person has a reasonable expectation of privacy; or
  - (c) Knowingly broadcasts or distributes any recording that the person knew or reasonably should have known was made under the circumstances proscribed in paragraphs (a) and (b) of this subsection.
- (2) Any person subject to this code who compels another person to engage in the act of prostitution with any person is guilty of forcible pandering and shall be punished as a court-martial may direct.
- (3) Any person subject to this code who intentionally exposes, in an indecent manner, the genitalia, anus, buttocks, or female areola or nipple is guilty of indecent exposure and shall be punished as a court-martial may direct.
- (4) In this section:
  - (a) "Act of prostitution" means a sexual act or sexual contact as defined in KRS 35.681(7) on account of which anything of value is given to, or received by, any person;
  - (b) "Private area" means the naked or underwear-clad genitalia, anus, buttocks, or female areola or nipple;
  - (c) "Under circumstances in which that other person has a reasonable expectation of privacy" means:
    1. Circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of that person was being captured; or
    2. Circumstances in which a reasonable person would believe that a private area of that person would not be visible to the public;
  - (d) "Broadcast" means delivering to the actual or constructive possession of another, including transmission by electronic means; and
  - (e) "Indecent manner" means conduct that amounts to a form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations.

**Effective:** June 25, 2013

**History:** Created 2013 Ky. Acts ch. 32, sec. 124, effective June 25, 2013.