

Appendix 4:

Kentucky Criminal Statutes Applicable in Cases of Domestic Violence

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Criminal Offenses				
Crime	Mental State	Elements	Class	Penalty
Violation of a Protective Order	Intentional	violate an emergency protective order or domestic violence order <u>and</u> has been served with order or given notice of such	Class A Misdemeanor	12 months
Violation of Pretrial Release Condition KRS 431.064		defendant arrested for violating KRS Chapter 508 (assault and related crimes), 510 (sex offenses), or a domestic violence protective order <u>and</u> court imposes special conditions of pretrial release <u>and</u> defendant violates such conditions	Class A Misdemeanor	12 months
Complicity KRS 502.020	Intentional	Guilty of an offense committed by another with intention of promoting or facilitating the commission of the offense, he (1) solicits, commands, or engages in a conspiracy with such other person; or (2) aids, counsels, attempts to aid another in planning or committing underlying offense; or (3) has legal duty to prevent commission of underlying offense <u>and</u> fails to make proper effort to prevent offense Guilty of offense when causing a particular result is an element of the offense, he (1) solicits or engages in a conspiracy with another person to engage in the conduct causing such result; or (2) aids, counsels, or attempts to aid another person in planning, or engaging in conduct causing such result. (3) having a legal duty to prevent the conduct causing the result <u>and</u> fails to make a proper effort to do so		same as underlying offense
Murder KRS 507.020	Intentional	intentionally causes victim's death <u>and</u> not under influence of extreme emotional disturbance	Capital Offense	Death

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Criminal Offenses				
Crime	Mental State	Elements	Class	Penalty
	Wanton	creates a grave risk of death to victim <u>and</u> causes victim's death	Capital Offense	Death
Manslaughter First Degree KRS 507.030	Intentional	intends to cause victim serious physical injury <u>and</u> causes victim's death <u>or</u> intends to cause the death of another <u>and</u> is acting under the influence of extreme emotional disturbance	Class B Felony	10-20 years
Manslaughter Second Degree KRS 507.040	Wanton	causes death of victim	Class C Felony	5-10 years
Reckless Homicide KRS 507.050	Reckless	causes death of victim	Class D Felony	1-5 years
Assault First Degree KRS 508.010	Intentional	serious physical injury <u>and</u> uses a deadly weapon or dangerous instrument	Class B Felony	10-20 years
	Wanton	serious physical injury <u>and</u> conduct which causes grave risk of death to another	Class B Felony	10-20 years
Assault Second Degree KRS 508.020	Intentional	serious physical injury	Class C Felony	5-10 years
	Intentional	physical injury <u>and</u> uses a deadly weapon or dangerous instrument	Class C Felony	5-10 years
		serious physical injury <u>and</u> deadly weapon or dangerous instrument	Class C Felony	5-10 years
Assault Fourth Degree KRS 508.030	Intentional or Wanton	physical injury	Class A Misdemeanor	12 months + enhancement
	Reckless	physical injury <u>and</u> uses a deadly weapon or dangerous instrument	Enhanced by one degree if assault was the 3 rd or 4 th degree Assault committed within five years against a family member or member of an unmarried couple.	
Menacing KRS 508.050	Intentional	places another in reasonable apprehension of imminent physical injury	Class B Misdemeanor	90 days

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Wanton Endangerment First Degree KRS 508.060	Wanton	under circumstances manifesting extreme indifference to the value of human life <u>and</u> engages in conduct that creates a substantial danger of death or serious physical injury to victim	Class D Felony	1-5 years
Wanton Endangerment Second Degree KRS 508.070	Wanton	Engages in conduct that creates a substantial danger of physical injury to another person	Class A Misdemeanor	12 months
Terroristic Threatening KRS 508.080		threatens to seriously physically injure or kill another	Class A Misdemeanor	12 months
Criminal Abuse First Degree KRS 508.100	Intentional	abuses another person or permits the abuse of another person of whom he has actual custody <u>and</u> causes serious physical injury <u>or</u> places victim in a situation that may cause him serious physical injury <u>or</u> causes torture, cruel confinement, or cruel punishment <u>to a child less than 12 years old or one who is physically helpless</u>	Class C Felony	5-10 years
Criminal Abuse Second Degree KRS 508.110	Wanton	same as Criminal Abuse First Degree	Class D Felony	5-10 years
Criminal Abuse Third Degree KRS 508.120	Reckless	Same as Criminal Abuse First Degree	Class A Misdemeanor	12 months
Stalking First Degree KRS 508.140	Intentional	all elements of Second Degree Stalking <u>and</u> perpetrator has received notice of protective order against him concerning same victim <u>or</u> perpetrator has received notice of pending criminal complaint against him concerning same victim <u>or</u> perpetrator has been convicted of a felony of Class A misdemeanor concerning same victim <u>or</u> perpetrator committed stalking with a deadly weapon	Class D Felony	1-5 years
Stalking Second Degree KRS 508.150	Intentional	<u>at least 2 acts and</u> <u>acts directed at a specific victim and</u> <u>acts seriously alarm, annoy, intimidate</u> <u>or harass, the victim and</u> <u>serves no legitimate end.</u> acts must be something which would cause a reasonable person to suffer <u>substantial mental distress and</u> threat which causes victim to fear sexual contact, death or physical injury	Class A Misdemeanor	12 months

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Unlawful Imprisonment First Degree KRS 509.020	Knowing	Unlawfully restrains victim and exposes victim to a risk of serious physical injury	Class D Felony	1-5 years
Unlawful Imprisonment Second Degree KRS 509.030	Knowing	Unlawfully restrains victim	Class A Misdemeanor	12 months
Kidnapping KRS 509.040	Intentional	Unlawfully restrains <u>and</u> hold for ransom or reward; or accomplish or advance the commission of a felony; or inflict bodily injury or terrorize the victim or another; or interfere with the performance of a governmental or political function; or use the victim as a shield or hostage.	Capital Offense (victim is not released alive or released alive but subsequently dies) Class A Felony (victim released alive but with serious physical injury) Class B Felony (victim released alive and safe prior to trial)	Death 20-50 years
Rape First Degree KRS 510.040		sexual intercourse <u>and</u> uses forcible compulsion <u>or</u> victim is incapable of consent because of physical helplessness or is less than 12 years old	Class B Felony Class A if victim is less than 12 or receives a serious physical injury	10-20 years 20 years or more
Rape Second Degree KRS 510.050		sexual intercourse <u>and</u> perpetrator is 18 or older <u>and</u> victim is less than 14	Class C Felony	5-10 years
Rape Third Degree KRS 510.060		sexual intercourse <u>and</u> victim is mentally retarded or mentally incapacitated <u>or</u> perpetrator is 21 or older and victim is less than 16 years old	Class D Felony	1-5 years
Sodomy First Degree KRS 510.070		deviate sexual intercourse <u>and</u> uses forcible compulsion <u>or</u> victim is incapable of consent because victim is	Class B Felony	10-20 years

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		physically helpless or less than 12 years old	Class A Felony if victim is less than 12 or receives a serious physical injury	20 years or more
Sodomy Second Degree KRS 510.080		deviate sexual intercourse and perpetrator is 18 or older and victim is less than 14 years old	Class C Felony	5-10 years
Sodomy Third Degree KRS 510.090		deviate sexual intercourse and victim is mentally retarded or mentally incapacitated or perpetrator is 21 or older and victim is less than 16 years old	Class D Felony	1-5 years
Sexual Abuse First Degree KRS 510.110		sexual contact and uses forcible compulsion or victim is incapable of consent because of being physically helpless or less than 12 years old	Class D Felony	1-5 years
Sexual Abuse Second Degree KRS 510.120		sexual contact and victim is incapable of consent because of mental retardation, mental incapacity or victim is less than 14	Class A Misdemeanor	12 months
Sexual Abuse Third Degree KRS 510.130		sexual contact and without victim's consent	Class B Misdemeanor	90 days
Repeat Sex offenders KRS 510.015		Person who commits third or subsequent misdemeanor sex offense under KRS ch. 510, with the exclusion of indecent exposure, may be convicted of a Class D Felony	Class D Felony	1-5 years
Burglary First Degree KRS 511.020	Knowing	intends to commit a crime and enters or remains unlawfully in a building and during which or in flight from is armed with explosives or deadly weapon or causes physical injury to a victim or uses or threatens to use a dangerous instrument against victim	Class B Felony	10-20 years
Burglary Second Degree KRS 511.030	Knowing	intends to commit a crime and enters or remains unlawfully in a dwelling	Class C Felony	5-10 years
Harassing Communication KRS 525.080	Intentional	intending to harass, annoy or alarm victim and communicates with victim anonymously or otherwise by telephone, telegraph, or other written communication which annoys or alarms and serves no legitimate purpose or makes telephone call (with or without conversation) with no purpose of legitimate communication	Class B Misdemeanor	90 days

Sexual misconduct missing

Harassment KRS 525.070	Intentional	intends to harass, annoy, or alarm <u>and</u> strikes, shows or otherwise physically contacts victim or attempts such <u>or</u> makes offensive gesture, utterance or display, or abusive language to victim in a public place <u>or</u> follows victim about a public place <u>or</u> engages in course of conduct which alarms or seriously annoys victim and serves no legitimate purpose	Class B Misdemeanor Violation	90 days Fine
Related Statutes				
Statute	Elements		Domestic Violence Related Provisions	
Warrantless Arrests KRS 431.005	peace officers may arrest without a warrant when they have probable cause to believe a person has wantonly or intentionally physically injured a family member or member of an unmarried couple		expands ability to arrest for domestic violence offenses: previously, in general terms, peace officers were able to make warrantless arrests only for misdemeanors committed in the presence or felonies for which they had probable cause to suspect.	
Pretrial Release After Violations of KRS 508, 510, or a Domestic Violence Protective Order KRS 431.064	before release, court required to assess risk to victim and defendant's likelihood of appearing in court court may impose specialized conditions of release to guarantee safety of victim; victim entitled to copy		pretrial release conditions are similar to those imposed in domestic violence protective orders, designed like the domestic violence provisions of KRS Chapter 403, and are oriented to maximize victim safety	
Parole-Violent Offenders KRS 439.3401 & 439.3402	violent offenders not eligible for probation or parole until they have served designated portions of sentence		defendants who are domestic violence victims are exempted	
Shock probation of Violent and Sex Offenders KRS 439.265	Violent and sexual offenders are not eligible for shock probation			
Claim of Self-Defense KRS 503.050	use of force justified when person believes it necessary to protect self from use of imminent use of physical force use of deadly physical force justified only when person believes it is necessary to protect self against death, serious physical injury, kidnapping, or sexual intercourse compelled by force or threat		prior acts of domestic violence committed by the individual killed are admissible prior acts of domestic violence committed by the individual killed are admissible	