

510.090 Sodomy in the third degree.

- (1) A person is guilty of sodomy in the third degree when:
 - (a) He engages in deviate sexual intercourse with another person who is incapable of consent because he or she is mentally retarded;
 - (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 sixteen (16) 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 15, 2010

History: 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.