

TITLE XIII: GENERAL OFFENSES

Chapter

- 130. OFFENSES AGAINST PERSONS
- 131. FAMILY OFFENSES
- 132. OFFENSES AGAINST PROPERTY
- 133. OFFENSES AGAINST PUBLIC MORALS
- 134. GAMBLING OFFENSES
- 135. OFFENSES AGAINST PUBLIC ADMINISTRATION AND JUSTICE
- 136. OFFENSES AGAINST PUBLIC ORDER
- 137. SEXUAL OFFENSES
- 138. INCHOATE OFFENSES
- 139. GENERAL PENALTY FOR TITLE XIII

GENERAL OFFENSES

CHAPTER 130: OFFENSES AGAINST PERSONS

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against persons. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

<u>OFFENSE</u>	<u>KRS SECTION</u>	<u>PENALTY CLASS</u>
ASSAULT		
First degree	508.010	B felony
Second degree	508.020	C felony
Third degree	508.025	D felony
Fourth degree	508.030	A misdemeanor
Under emotional disturbance	508.040	B misdemeanor or D felony
CRIMINAL ABUSE		
First degree	508.100	C felony
Second degree	508.110	D felony
Third degree	508.120	A misdemeanor
CRIMINAL COERCION	509.080	A misdemeanor
CUSTODIAL INTERFERENCE	509.070	D felony
KIDNAPPING	509.040	A or B felony; capital offense
MANSLAUGHTER		
First degree	507.030	B felony
Second degree	507.040	C felony
MENACING	508.050	B misdemeanor
MURDER	507.020	Capital offense
RECKLESS HOMICIDE	507.050	D felony
TERRORISTIC THREATENING		
First degree	508.075	C felony
Second degree	508.078	D felony
Third degree	508.080	A misdemeanor
UNLAWFUL IMPRISONMENT		
First degree	509.020	D felony
Second degree	509.030	A misdemeanor

OFFENSES AGAINST PERSONS

<u>OFFENSE</u>	<u>KRS SECTION</u>	<u>PENALTY CLASS</u>
WANTON ENDANGERMENT		
First degree	508.060	D felony
Second degree	508.070	A misdemeanor
WEAPONS OF MASS		
DESTRUCTION, Use of		
First degree	527.200	A felony
Second degree	527.205	B felony
Third degree	527.210	C felony

Penalty, see Ch. 139

CHAPTER 131: FAMILY OFFENSES

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common family offenses. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

<u>OFFENSE</u>	<u>KRS SECTION</u>	<u>PENALTY CLASS</u>
BIGAMY	530.010	D felony
CONCEALING BIRTH OF INFANT	530.030	A misdemeanor
INCEST	530.020	A, B, or C felony
INCOMPETENT PERSON, ENDANGERING WELFARE OF	530.080	A misdemeanor
MINORS		
Abandonment of	530.040	D felony
Endangering welfare of	530.060	A misdemeanor
Unlawful transaction with		
First degree	530.064	A, B, or C felony
Second degree	530.065	D felony
Third degree	530.070	A misdemeanor
NONSUPPORT	530.050	A misdemeanor
NONSUPPORT, FLAGRANT	530.050	D felony

Penalty, see Ch. 139

CHAPTER 132: OFFENSES AGAINST PROPERTY

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against property. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

<u>OFFENSE</u>	<u>KRS SECTION</u>	<u>PENALTY CLASS</u>
ARSON		
Defrauding insurer	513.060	D felony
First degree	513.020	A felony
Second degree	513.030	B felony
Third degree	513.040	D felony
BURGLARY		
First degree	511.020	B felony
Second degree	511.030	C felony
Third degree	511.040	D felony
Possession of burglar's tools	511.050	A misdemeanor
CRIMINAL MISCHIEF		
First degree	512.020	D felony
Second degree	512.030	A misdemeanor
Third degree	512.040	B misdemeanor
CRIMINAL TRESPASS		
First degree	511.060	A misdemeanor
Second degree	511.070	B misdemeanor
Third degree	511.080	Violation
FORGERY AND RELATED OFFENSES		
Criminal simulation	516.110	A misdemeanor
Forgery		
First degree	516.020	C felony
Second degree	516.030	D felony
Third degree	516.040	A misdemeanor
Possession of forged instrument		
First degree	516.050	C felony
Second degree	516.060	D felony
Third degree	516.070	A misdemeanor
Possession of forgery device	516.090	D felony
Using slugs		
First degree	516.120	D felony
Second degree	516.130	B misdemeanor
LITTERING, CRIMINAL	512.070	A misdemeanor

OFFENSES AGAINST PROPERTY

<u>OFFENSE</u>	<u>KRS SECTION</u>	<u>PENALTY CLASS</u>
NOXIOUS SUBSTANCES		
Criminal possession of	512.060	B misdemeanor
Criminal use of	512.050	B misdemeanor
POSTING ADVERTISEMENTS UNLAWFULLY	512.080	Violation
ROBBERY		
First degree	515.020	B felony
Second degree	515.030	C felony
THEFT AND RELATED OFFENSES		
Device for theft of telephone services	514.065	A misdemeanor or D felony
Obscuring identity of machine	514.120	A misdemeanor or D felony
Possession of stolen mail	514.150	D felony
Receiving stolen property	514.110	A misdemeanor or D felony
Theft by deception	514.040	A misdemeanor or D felony
Theft by extortion	514.080	A misdemeanor or D felony
Theft by failure to make disposition	514.070	A misdemeanor or D felony
Theft by unlawful taking	514.030	A misdemeanor or D felony
Theft of labor	514.090	A misdemeanor or D felony
Theft of mail matter	514.140	D felony
Theft of property	514.050	A misdemeanor or D felony
Theft of services	514.060	A misdemeanor or D felony
Unauthorized use of vehicle	514.100	A misdemeanor or D felony

Penalty, see Ch. 139

CHAPTER 133: OFFENSES AGAINST PUBLIC MORALS

133.01 Nudity in public places

133.02 Licensee prohibited from permitting nude or nearly nude activities

Cross-reference:

Nude or nearly nude activities involving establishments that sell alcohol, see § 113.75 through 113.80

Sexually-oriented businesses, see Ch. 120

§ 133.01 NUDITY IN PUBLIC PLACES.

(A) It shall be unlawful for and a person is guilty of performing nude or nearly nude activities when that person appears on a business establishment's premises in such a manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals on any establishment's premises in such a manner or attire as to expose to view that portion of the breasts referred to as the areola, nipple, or simulation thereof. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

(B) That any person who shall violate this chapter shall be guilty of a Class B Misdemeanor and shall be subject to fine or imprisonment as provided in the Kentucky Revised Statutes for a Class B Misdemeanor.

(C) "PUBLIC PLACE" as used here shall be defined the same as "Public Place" in KRS 525.010.

(Ord. 1996-6, passed 6-18-97)

§ 133.02 LICENSEE PROHIBITED FROM PERMITTING NUDE OR NEARLY NUDE ACTIVITIES.

(A) A licensee or retail licensee is guilty of performing nude or nearly nude when, having control of the business establishment's premises, which it knows or has reasonable cause to know is being used by any person to appear on the premises in such manner or attire as to expose to view portions of the pubic area, anus, vulva or genitals, or any simulation thereof, or used by any female to appear on the premises in such manner as to expose to view any portion of the breast below a horizontal line across the top of the areola at its highest point or simulation thereof, if it permits such activity or fails to make reasonable and timely effort to halt or abate such activity or use. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

(B) That any person who shall violate this chapter shall be guilty of a Class B Misdemeanor and shall be subject to fine or imprisonment as provided in the Kentucky Revised Statutes for a Class B Misdemeanor.

(C) "PUBLIC PLACE" as used here shall be defined the same as "Public Place" in KRS 525.010.
(Ord. 1996-18, passed 10-3-97)

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against public morals. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

<u>OFFENSE</u>	<u>KRS SECTION</u>	<u>PENALTY CLASS</u>
PORNOGRAPHY		
Advertising obscene material	531.050	B misdemeanor
Distribution		
Distribution of obscene matter	531.020	A or B misdemeanor
Distribution to minor	531.030	A misdemeanor or D felony
Using minors to distribute	531.040	A misdemeanor or D felony
Portrayal of sexual performance by minor		
Advertising material containing	531.360	C or D felony
Distributing matter containing	531.340	C or D felony
Promoting sale of matter containing	531.350	A misdemeanor; C or D felony
Using minors to distribute such matter	531.370	C or D felony
Promoting sale of obscenity	531.060	A or B misdemeanor; D felony
Sexual performance by minor		
Promotion of	531.320	A, B, or C felony
Use of minor	531.310	A, B, or C felony

<u>OFFENSE</u>	<u>KRS SECTION</u>	<u>PENALTY CLASS</u>
PROSTITUTION OFFENSES		
Loitering for prostitution purposes	529.080	Violation or B misdemeanor
Permitting prostitution	529.070	B misdemeanor
Promoting prostitution Second degree	529.040	A misdemeanor or D felony
Prostitution	529.020	B misdemeanor
Penalty, see Ch. 139		

CHAPTER 134: GAMBLING OFFENSES

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common gambling offenses. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

<u>OFFENSE</u>	<u>KRS SECTION</u>	<u>PENALTY CLASS</u>
CONSPIRACY TO PROMOTE GAMBLING	528.040	D felony
HORSE RACES, MESSENGER BETTING PROHIBITED	528.110	A misdemeanor
PARI-MUTUEL WAGERING	528.120	A misdemeanor
PERMITTING GAMBLING	528.070	B misdemeanor
POSSESSION OF GAMBLING DEVICE	528.080	A misdemeanor
POSSESSION OF GAMBLING RECORDS		
First degree	528.050	D felony
Second degree	528.060	A misdemeanor
PROMOTING GAMBLING		
First degree	528.020	D felony
Second degree	528.030	A misdemeanor

Penalty, see Ch. 139

CHAPTER 135: OFFENSES AGAINST PUBLIC ADMINISTRATION AND JUSTICE

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against public administration and justice. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

<u>OFFENSE</u>	<u>KRS SECTION</u>	<u>PENALTY CLASS</u>
BRIBERY AND RELATED OFFENSES		
Bribery of public servant	521.020	C felony
Receiving unlawful compensation	521.040	A misdemeanor
Soliciting unlawful compensation	521.030	B misdemeanor
ESCAPE AND RELATED OFFENSES		
Bail jumping		
First degree	520.070	D felony
Second degree	520.080	A misdemeanor
Escape		
First degree	520.020	C felony
Second degree	520.030	D felony
Third degree	520.040	B misdemeanor
Hindering prosecution or apprehension		
First degree	520.120	D felony
Second degree	520.130	A misdemeanor
Promoting contraband		
First degree	520.050	D felony
Second degree	520.060	A misdemeanor
Resisting arrest	520.090	A misdemeanor
Resisting order to stop motor vehicle	520.100	A misdemeanor
JUDICIAL ADMINISTRATION, INTERFERENCE WITH		
Bribe receiving by juror	524.070	D felony
Bribe receiving by witness	524.030	D felony
Bribing a juror	524.060	D felony
Bribing a witness	524.020	D felony
Intimidating a witness	524.040	D felony
Jury tampering	524.090	D felony
Retaliating against a witness	524.055	D felony
Simulating legal process	524.110	B misdemeanor
Tampering with physical evidence	524.100	D felony
Tampering with a witness	524.050	D felony
Unlawful practice of law	524.130	B misdemeanor

Penalty, see Ch. 139

<u>OFFENSE</u>	<u>KRS SECTION</u>	<u>PENALTY CLASS</u>
PERJURY AND RELATED OFFENSES		
False swearing	523.040	B misdemeanor
Perjury		
First degree	523.020	D felony
Second degree	523.030	A misdemeanor
Unsworn falsification to authorities	523.100	B misdemeanor
 PUBLIC ADMINISTRATION, OBSTRUCTION OF		
Compounding a crime	519.030	A misdemeanor
Falsely reporting an incident	519.040	A misdemeanor
Impersonating a public servant	519.050	A misdemeanor
Obstructing governmental operations	519.020	A misdemeanor
Tampering with public records	519.060	D felony
 PUBLIC OFFICE, ABUSE OF		
Misuse of confidential information	522.040	D felony
Official misconduct		
First degree	522.020	A misdemeanor
Second degree	522.030	B misdemeanor

Penalty, see Ch. 139

CHAPTER 136: OFFENSES AGAINST PUBLIC ORDER

Section

- 136.01 Discharging weapons
- 136.02 Statutory offenses

- 136.99 Penalty

§ 136.01 DISCHARGING WEAPONS.

(A) It shall be unlawful to discharge within the city limits any firearm or air-gun, BB gun, or any toy gun, projecting lead or any missiles except in a regularly established shooting gallery; or any bows and arrows, crossbows or any type of archery equipment; provided that this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty, nor to any citizen from discharging a firearm when lawfully defending person or property.

(B) The city may issue a permit for special occasions to discharge a firearm. The Chief of Police or the Assistant Chief of Police shall have the sole discretion to grant or deny the issuance of the permit. (Ord. 1986-1, passed 1-14-86; Am. Ord. 2009-14, passed 1-5-10) Penalty, see § 136.99

§ 136.02 STATUTORY OFFENSES.

EDITOR'S NOTE:

This section contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against public order. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

<u>OFFENSE</u>	<u>KRS SECTION</u>	<u>PENALTY CLASS</u>
ABUSE OF CORPSE	525.120	A misdemeanor or D felony
CRUELTY TO ANIMALS		
First degree	525.125	D felony
Second degree	525.130	A misdemeanor
DESECRATION OF VENERATED OBJECTS		
First degree	525.105	C felony
Second degree	525.110	A misdemeanor
DISORDERLY CONDUCT	525.060	B misdemeanor
DISRUPTING MEETINGS OR PROCESSIONS	525.150	B misdemeanor

<u>OFFENSE</u>	<u>KRS SECTION</u>	<u>PENALTY CLASS</u>
EAVESDROPPING AND RELATED OFFENSES		
Divulging illegally obtained information	526.060	A misdemeanor
Eavesdropping	526.020	D felony
Installing eavesdropping device	526.030	D felony
Possessing eavesdropping device	526.040	A misdemeanor
Tampering with private communications	526.050	A misdemeanor
FAILURE TO DISPERSE	525.160	B misdemeanor
FIREARMS AND WEAPONS		
(Editor's note: KRS 65.870 prohibits any city from regulating the transfer, ownership, possession, carrying, or transportation of firearms, ammunition, or components of firearms or combinations thereof.)		
HARASSING COMMUNICATIONS	525.080	B misdemeanor
HARASSMENT	525.070	Violation
INCITING TO RIOT	525.040	A misdemeanor
LOITERING	525.090	Violation
OBSTRUCTING HIGHWAY OR PUBLIC PASSAGE	525.140	B misdemeanor
PUBLIC INTOXICATION	525.100	B misdemeanor
RIOT		
First degree	525.020	D felony
Second degree	525.030	A misdemeanor
UNLAWFUL ASSEMBLY	525.050	B misdemeanor
Penalty, see Ch. 139		

§ 136.99 PENALTY.

(A) No person violating § 136.01 shall be fined not less than \$5 nor more than \$500, for each offense. Each day of violation shall constitute a separate offense. (Ord. 1986-1, passed 1-14-86; Am. Ord. 2009-14, passed 1-5-10)

(B) See Chapter 139 for a description of statutory penalties for those statutory offenses listed in § 136.02 above.

CHAPTER 137: SEXUAL OFFENSES

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common sexual offenses. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

<u>OFFENSE</u>	<u>KRS SECTION</u>	<u>PENALTY CLASS</u>
INDECENT EXPOSURE	510.150	B misdemeanor
RAPE		
First degree	510.040	A or B felony
Second degree	510.050	C felony
Third degree	510.060	D felony
SEXUAL ABUSE		
First degree	510.110	C or D felony
Second degree	510.120	A misdemeanor
Third degree	510.130	B misdemeanor
SEXUAL MISCONDUCT	510.140	A misdemeanor
SODOMY		
First degree	510.070	A or B felony
Second degree	510.080	C felony
Third degree	510.090	D felony
Fourth degree	510.100	A misdemeanor

Penalty, see Ch. 139

CHAPTER 138: INCHOATE OFFENSES

EDITOR'S NOTE:

This chapter contains references to those sections of the Kentucky Revised Statutes which prohibit the most common inchoate offenses. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.

<u>OFFENSE</u>	<u>KRS SECTION</u>	<u>PENALTY CLASS</u>
CRIMINAL ATTEMPT	506.010	A or B misdemeanor; B or C felony
CRIMINAL CONSPIRACY	506.040	A or B misdemeanor; B or C felony
CRIMINAL FACILITATION	506.080	A or B misdemeanor; D felony
CRIMINAL SOLICITATION	506.030	A or B misdemeanor; B or C felony
CRIMINAL SYNDICATE	506.120	B felony

Penalty, see Ch. 139

CHAPTER 139: GENERAL PENALTY FOR TITLE XIII

EDITOR'S NOTE:

This chapter is included for informational purposes only. The provisions of this chapter are specifically not incorporated by reference.

Section

139.01	Fines for misdemeanors and violations
139.02	Sentence of imprisonment for misdemeanor
139.03	Fines for felonies
139.04	Sentence of imprisonment for felony

§ 139.01 FINES FOR MISDEMEANORS AND VIOLATIONS.

(A) Fines and imprisonment for misdemeanors shall not be mutually exclusive. In any case where imprisonment is authorized a fine may be levied in addition to the imprisonment or a fine may be levied as an alternative to imprisonment. Similarly, a fine may be levied in lieu of imprisonment. Whether or not the fine is to be levied as the sole penalty or as an additional or alternative penalty shall be in the discretion of the judge or jury as the case may be. If the trial is by jury then the jury shall have the discretion. This rule shall apply in all cases where a fine is not the exclusive penalty authorized by law.

(B) Except as otherwise provided for an offense defined outside this title, a person who has been convicted of any offense other than a felony may be sentenced to pay a fine in an amount not to exceed:

- (1) For a Class A misdemeanor, \$500; or
- (2) For a Class B misdemeanor, \$250; or
- (3) For a violation, \$250.

(C) This section does not apply to a corporation.
(KRS 534.040)

§ 139.02 SENTENCE OF IMPRISONMENT FOR MISDEMEANOR.

A sentence of imprisonment for a misdemeanor shall be a definite term and shall be fixed within the following maximum limitations:

(A) For a Class A misdemeanor, the term shall not exceed 12 months; and

(B) For a Class B misdemeanor, the term shall not exceed 90 days.
(KRS 532.090)

§ 139.03 FINES FOR FELONIES.

(A) Except as otherwise provided for an offense defined outside this title, a person who has been convicted of any felony and granted a sentence of probation or conditional discharge may be sentenced to pay a fine in an amount not to exceed \$10,000 or double his gain from commission of the offense, whichever is the greater.

(B) In determining the amount and method of paying a fine for commission of a felony, the court shall consider, among others, the following factors:

(1) The defendant's ability to pay the amount of the fine;

(2) The hardship likely to be imposed on the defendant's dependents by the amount of the fine and the time and method of paying it;

(3) The impact the amount of the fine will have on the defendant's ability to make reparation or restitution to the victim; and

(4) The amount of the defendant's gain, if any, derived from the commission of the offense.

(C) When a defendant is convicted of two or more felonies committed through a single act and is sentenced to fines pursuant to division (A) above, the aggregate amount of such fines shall not exceed \$10,000 or double the amount of the defendant's gain from commission of the offenses, whichever is the greater.

(D) This section does not apply to a corporation.
(KRS 534.030)

§ 139.04 SENTENCE OF IMPRISONMENT FOR FELONY.

(A) A sentence of imprisonment for a felony shall be an indeterminate sentence, the maximum of which shall be fixed within the limits provided by division (B) below, and subject to modification by the trial judge pursuant to KRS 532.070.

(B) Unless otherwise provided by law, the authorized maximum terms of imprisonment for felonies are:

(1) For a Class A felony, not less than 20 years nor more than life imprisonment;

(2) For a Class B felony, not less than 10 years nor more than 20 years;

(3) For a Class C felony, not less than 5 years nor more than 10 years; and

(4) For a Class D felony, not less than one year nor more than 5 years.

(C) The actual time of release within the maximum established by division (A) above, or as modified pursuant to KRS 532.070, shall be determined under procedures established elsewhere by law.
(KRS 532.060)

