

KENTUCKY
CRIMINAL LAW MANUAL
Tenth Edition
2016



DEPARTMENT OF
CRIMINAL JUSTICE TRAINING

MATT BEVIN

Governor

John Tilley

Secretary

Kentucky Justice and Public Safety Cabinet

Mark Filburn

Commissioner

Department of Criminal Justice Training



FOREWORD

TO THE LAW ENFORCEMENT OFFICERS OF KENTUCKY:

I am pleased to present to the law enforcement community in the Commonwealth of Kentucky the Tenth Edition of the "Kentucky Criminal Law Manual". The Manual is prepared by attorneys from the Department of Criminal Justice Training of the Kentucky Justice and Public Safety Cabinet. For decades, this book has been a valuable resource for Law Enforcement Officers in Kentucky, being continually updated as the law has changed.

On behalf of the citizens of the Commonwealth of Kentucky, I extend theirs, and my appreciation and gratitude to all peace officers of Kentucky for their continued excellence in law enforcement and the courage shown on a daily basis.

Matt Bevin
Governor
Commonwealth of Kentucky

FOREWORD

The Department of Criminal Justice Training of the Kentucky Justice and Public Safety Cabinet has a long history of providing the highest quality training to law enforcement officers of the Commonwealth. On a daily basis, the Department of Criminal Justice Training strives to support the law enforcement community. The Tenth Edition of the "Kentucky Criminal Law Manual" is illustrative of the Department's continued commitment to service.

The Manual is in an online format, which enables the Legal Training Section of the Department of Criminal Justice Training to provide timely updates as the law changes. The Department will continue to be responsive to the demands and needs of law enforcement in the Commonwealth of Kentucky as it strives to provide quality protection to its citizens.

John Tilley
Secretary,
Kentucky Justice and Public Safety Cabinet
Commonwealth of Kentucky

PREFACE

The Tenth Edition of the "Kentucky Criminal Law Manual" marks a milestone in the evolution of the work. As the book is now in an 8.5 by 11 size, the Tenth Edition has been reformatted to take advantage of the additional page space provided. Reformatting from the 5.5 by 8.5 size reduced the length of the book by more than 50 pages over the previous edition. Because of this savings, we have been able to restore to the Manual much supplemental material, such as controlled substances cross reference charts, that had been removed from earlier editions due to space considerations. Additional statutory material has also been added, as well as changes to the law by the General Assembly.

We continue to provide copies to Basic Trainees and officers attending Legal Update courses. The Manual is available on our web site in .pdf format in standard notebook binder format (8.5 by 11). We will continue to provide one copy of a CD containing the Manual to agencies for downloading to laptops and other computers. Agencies can download the Manual for local printing. The 5.5 by 8.5 format is no longer supported.

The Manual was written and edited by the staff of the Legal Training Section: Shawn Herron, Michael Schwendeman (Editor), Thomas Fitzgerald, Kelley Calk, Thomas Szurlinski, Carissa Brown, under the supervision of Gerald Ross. The Manual was put in final print form by Tamara Richardson and web-site form by Kris Bowerman.

If you have any suggestions for improving the form or substance of the Manual, please let us know.

Mark Filburn
Commissioner
Department of Criminal Justice Training

ADVISORY WARNING:

The Kentucky Criminal Law Manual is designed to be a handy reference tool for officers who may not have ready access to the Kentucky Revised Statutes. It is not a "certified" official version of the Kentucky Revised Statutes. To save space the editors have omitted some sections of the Kentucky Revised Statutes that have limited applicability for law enforcement officers, identifying those KRS Chapters with the annotation "selected sections". Where portions of sections or sentences have been omitted, those areas are identified by " * * * *" for entire subsections or ". . . ." where only portions of sentences are omitted. The editors have proof-read and reviewed the contents for accuracy, but officers should consult an official version of the before taking any actions which may have legal consequences.

Non-statutory materials and editor's notes that appear in the Manual represent the opinions of the editors, are offered as guidance in statutory and case law interpretation, are not " legal opinions", and should not be relied upon or cited as legal authority for any actions. Consult legal counsel when in doubt about the meaning of a statute or court decision.

EDITOR'S EXPLANATION OF STYLE AND FORMAT

Type Style

Boldface type. Throughout the Manual, **bold-face type** has been used by the editors to draw attention to particular language within a statute (for example to call attention to definitions contained in a statute), but such stress is not used in official versions of the Kentucky Revised Statutes. **Boldface type** is also used for **KRS section titles and headings** and **do** appear as such in official versions.

Boldface italicized type. Since many readers find footnotes to be distracting and are often overlooked, the editors have chosen to use **boldface italicized type** to either imbed explanatory material at the end of a KRS subsection or at the end of the KRS section and have eliminated footnotes completely.

[Bracketed boldface italicized type] The editors have used **[bracketed bold-face italicized type]** to imbed within a statute KRS section titles where the section cites other statutes by number only, or to insert brief, non-statutory definitions within the statute.

Page Numbering

To avoid the problems of strictly numerical sequencing, page numbers in this edition follow the style of the 2004 edition – consisting of two or three numerals separated by a dot, instead of a combination of numerals and letters as in editions prior to 2004:

- The **first** numeral is the Section Number.
- Where the page number has only two numerals (the Table of Contents and Sections 3 and 4), the second numeral is the page number within the section.
- For the rest of the sections (divided into subsections to allow for easier supplementation), the **second** numeral is a subsection number. The **third** numeral is the page number within the subsection.
- The page number in either of the above is **bold faced and slightly larger**.

Format

Original Format. The original 5 ½" by 8 ½" format has been discontinued and is no longer supported. Reducing this version of the manual to fit the original binders will result in very small print which may be unreadable.

Standard Notebook Binder Format. This larger format (designed to be printed on standard sized 8 ½" by 11" paper and using a larger 10 point Arial font) is available on-line and on CD in .pdf format for those who find it difficult to find or afford a local printer and who do not have the capabilities themselves to print the smaller format or who simply find the larger format easier to read and use.