

KRS CHAPTER 519
OBSTRUCTION OF PUBLIC ADMINISTRATION

KRS 519.010 Definitions

The following definitions apply in this chapter unless the context otherwise requires:

- (1) "**Governmental function**" means any activity which a public servant is legally authorized to undertake on behalf of the governmental unit which he serves;
- (2) "**Public record**" includes all books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, magnetic or electronic images, optical images or other documentary materials regardless of physical form or characteristics, which are prepared, owned, used, in the possession of, received or retained by a public agency. "Public record" shall not include any records owned by a private person or corporation that are not related to functions, activities, programs, or operations funded by state or local authority;
- (3) "**Public servant**" means:
 - (a) Any public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state;
 - (b) Any person exercising the functions of any such public officer or employee;
 - (c) Any person participating as advisor, consultant or otherwise in performing a governmental function, but not including witnesses; or
 - (d) Any person elected, appointed or designated to become a public servant although not yet occupying that position;
- (4) As used in this chapter, "**benefit**" means gain or advantage to the beneficiary or to a third person pursuant to the desire or consent of the beneficiary.

KRS 519.020 Obstructing governmental operations

- (1) A person is guilty of obstructing governmental operations when he intentionally obstructs, impairs or hinders the performance of a governmental function by using or threatening to use violence, force or physical interference.
- (2) This section shall not apply to:
 - (a) Any means of avoiding compliance with the law without affirmative interference with governmental functions; or
 - (b) The obstruction, impairment or hindrance of unlawful action by a public servant; or
 - (c) The obstruction, impairment or hindrance of an arrest.
- (3) Obstructing governmental operations is a Class A misdemeanor.

KRS 519.030 Compounding a crime

- (1) A person is guilty of compounding a crime when:
 - (a) He solicits, accepts or agrees to accept any benefit upon an agreement or understanding that he will refrain from initiating a prosecution for a crime; or
 - (b) He confers, offers or agrees to confer any benefit upon another person upon agreement or understanding that such other person will refrain from initiating a prosecution for a crime.
- (2) In any prosecution under this section it is a defense that the benefit did not exceed an amount which the defendant reasonably believed to be due as restitution or indemnification for harm caused by the offense.
- (3) Compounding a crime is a Class A misdemeanor.

KRS 519.040 Falsely reporting an incident

- (1) A person is guilty of falsely reporting an incident when he:
 - (a) Knowingly causes a false alarm of fire or other emergency to be transmitted to or within any organization, official or volunteer, that deals with emergencies involving danger to life or property; or
 - (b) Reports to law enforcement authorities an offense or incident within their official concern knowing that it did not occur; or

- (c) Furnishes law enforcement authorities with information allegedly relating to an offense or incident within their official concern when he knows he has no information relating to such offense or incident; or
 - (d) Knowingly gives false information to any law enforcement officer with intent to implicate another; or
 - (e) Initiates or circulates a report or warning of an alleged occurrence or impending occurrence of a fire or other emergency under circumstances likely to cause public inconvenience or alarm when he knows the information reported, conveyed or circulated is false or baseless.
- (2) Falsely reporting an incident is a Class A misdemeanor.

KRS 519.050 Impersonating a public servant

- (1) A person is guilty of impersonating a public servant, other than a peace officer, if he pretends to be a public servant, other than a peace officer, or to represent a public agency, other than a law enforcement agency, or act with the authority or approval of a public agency, other than a law enforcement agency, with intent to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense to his prejudice.
- (2) Impersonating a public servant, other than a peace officer, is a Class A misdemeanor.

KRS 519.055 Impersonating a peace officer

- (1) A person is guilty of impersonating a peace officer if he pretends to be a peace officer, or to represent a law enforcement agency or act with the authority or approval of law enforcement agency, with intent to induce another to submit to the pretended official authority or otherwise to act in reliance upon the pretense to his prejudice.
- (2) Impersonating a peace officer is a Class D felony.
- (3) As used in this section, the phrase "**peace officer**" means a peace officer as defined in KRS 446.010.

KRS 519.060 Tampering with public records

- (1) A person is guilty of tampering with public records when:
 - (a) He knowingly makes a false entry in or falsely alters any public record; or
 - (b) Knowing he lacks the authority to do so, he intentionally destroys, mutilates, conceals, removes or otherwise impairs the availability of any public records; or
 - (c) Knowing he lacks the authority to retain it, he intentionally refuses to deliver up a public record in his possession upon proper request of a public servant lawfully entitled to receive such record for examination or other purposes.
- (2) Tampering with public records is a Class D felony.

KRS 519.070 Tampering with a prisoner monitoring device

- (1) A person is guilty of tampering with a prisoner monitoring device when he or she intentionally alters, disables, deactivates, tampers with, removes, damages, or destroys any device used to facilitate electronic monitoring or supervision of a person who is on probation or parole, or has been ordered to wear a device as a condition of pretrial release.
- (2) Tampering with a prisoner monitoring device is a Class D felony.

KRS CHAPTER 520
ESCAPE AND OTHER OFFENSES RELATING TO CUSTODY

KRS 520.010 Definitions

The following definitions apply in this chapter, unless the context otherwise requires:

- (1) "**Contraband**" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, departmental regulation, or posted institutional rule or order;
- (2) "**Custody**" means restraint by a public servant pursuant to a lawful arrest, detention, or an order of court for law enforcement purposes, but does not include supervision of probation or parole or constraint incidental to release on bail;
- (3) "**Dangerous contraband**" means contraband which is capable of use to endanger the safety or security of a detention facility or persons therein, including, but not limited to, dangerous instruments as defined in KRS 500.080, any controlled substances, any quantity of an alcoholic beverage, and any quantity of marijuana, cell phones, and saws, files, and similar metal cutting instruments;
- (4) "**Detention facility**" means any building and its premises used for the confinement of a person:
 - (a) Charged with or convicted of an offense;
 - (b) Alleged or found to be delinquent;
 - (c) Held for extradition or as a material witness; or
 - (d) Otherwise confined pursuant to an order of court for law enforcement purposes;
- (5) "**Escape**" means departure from custody or the detention facility in which a person is held or detained when the departure is unpermitted, or failure to return to custody or detention following a temporary leave granted for a specific purpose or for a limited period; and
- (6) As used in this section and KRS 520.015, "**penitentiary**" includes any facility operated by the Department of Corrections and the confines of any work detail or other detail, whether under guard or not, under the custody and control of the Department of Corrections.

KRS 520.015 Attempting to escape from penitentiary

- (1) A person is guilty of attempting to escape from the penitentiary when he:
 - (a) Conceals himself within the walls of the penitentiary; or
 - (b) Attempts to scale the enclosure surrounding the penitentiary; or
 - (c) Flees from whatever bounds he may be assigned, whether under guard or as a trusty; or
 - (d) Escapes from a locked cell, dormitory, hospital or other lockup in the penitentiary; or
 - (e) Escapes from one part of the penitentiary to another; or
 - (f) Does any other act in furtherance of an escape from the penitentiary; or
 - (g) Does any act or omission constituting criminal attempt under KRS 506.010.
- (2) Attempting to escape from the penitentiary is a Class D felony.
- (3) No penalty provision of KRS 506.010 shall apply to an offense committed under this section.

KRS 520.020 Escape in the first degree

- (1) A person is guilty of escape in the first degree when he escapes from custody or a detention facility by the use of force or threat of force against another person.
- (2) Escape in the first degree is a Class C felony.

KRS 520.030 Escape in the second degree

- (1) A person is guilty of escape in the second degree when he escapes from a detention facility or, being charged with or convicted of a felony, he escapes from custody.
- (2) Escape in the second degree is a Class D felony.

KRS 520.040 Escape in the third degree

- (1) A person is guilty of escape in the third degree when he escapes from custody.
- (2) Escape in the third degree is a Class B misdemeanor.

KRS 520.050 Promoting contraband in the first degree

- (1) A person is guilty of promoting contraband in the first degree when:
 - (a) He knowingly introduces dangerous contraband into a detention facility or a penitentiary; or
 - (b) Being a person confined in a detention facility or a penitentiary, he knowingly makes, obtains or possesses dangerous contraband.
- (2) Promoting contraband in the first degree is a Class D felony.

KRS 520.060 Promoting contraband in the second degree

- (1) A person is guilty of promoting contraband in the second degree when:
 - (a) He knowingly introduces contraband into a detention facility or a penitentiary; or
 - (b) Being a person confined in a detention facility or a penitentiary, he knowingly makes, obtains or possesses contraband.
- (2) Promoting contraband in the second degree is a Class A misdemeanor.

KRS 520.070 Bail jumping in the first degree

- (1) A person is guilty of bail jumping in the first degree when, having been released from custody by court order, with or without bail, upon condition that
- (2) He will subsequently appear at a specified time and place in connection with a charge of having committed a felony, he intentionally fails to appear at that time and place.
- (3) In any prosecution for bail jumping, the defendant may prove in exculpation that his failure to appear was unavoidable and due to circumstances beyond his control.
- (4) Bail jumping in the first degree is a Class D felony.

KRS 520.080 Bail jumping in the second degree

- (1) A person is guilty of bail jumping in the second degree when, having been released from custody by court order, with or without bail, upon condition that he will subsequently appear at a specified time and place in connection with a charge of having committed a misdemeanor, he intentionally fails to appear at that time and place.
- (2) In any prosecution for bail jumping, the defendant may prove in exculpation that his failure to appear was unavoidable and due to circumstances beyond his control.
- (3) Bail jumping in the second degree is a Class A misdemeanor.

KRS 520.090 Resisting arrest

- (1) A person is guilty of resisting arrest when he intentionally prevents or attempts to prevent a peace officer, recognized to be acting under color of his official authority, from effecting an arrest of the actor or another by:
 - (a) Using or threatening to use physical force or violence against the peace officer or another; or
 - (b) Using any other means creating a substantial risk of causing physical injury to the peace officer or another.
- (2) Resisting arrest is a Class A misdemeanor.

KRS 520.095 Fleeing or evading police in the first degree

- (1) A person is guilty of fleeing or evading police in the first degree when, while operating a motor vehicle with intent to elude or flee, the person knowingly or wantonly disobeys a direction to stop his or her motor vehicle, given by a person recognized to be a police officer, and at least one (1) of the following conditions exists:
 - (a) The person is fleeing immediately after committing an act of domestic violence as defined in KRS 403.720;
 - (b) The person is driving under the influence of alcohol or any other substance or combination of substances in violation of KRS 189A.010;
 - (c) The person is driving while his or her driver's license is suspended for violating KRS 189A.010; or

- (d) By fleeing or eluding, the person is the cause, or creates substantial risk, of serious physical injury or death to any person or property; or
- (2) When, as a pedestrian, and with intent to elude or flee, the person knowingly or wantonly disobeys an order to stop, given by a person recognized to be a peace officer, and at least one (1) of the following conditions exists:
 - (a) The person is fleeing immediately after committing an act of domestic violence as defined in KRS 403.720; or
 - (b) By fleeing or eluding, the person is the cause of, or creates a substantial risk of serious physical injury or death to any person or property.
- (3) Fleeing or evading police in the first degree is a Class D felony.

KRS 520.100 Fleeing or evading police in the second degree

- (1) A person is guilty of fleeing or evading police in the second degree when:
 - (a) As a pedestrian, and with intent to elude or flee, the person knowingly or wantonly disobeys a direction to stop, given by a person recognized to be a peace officer who has an articulable reasonable suspicion that a crime has been committed by the person fleeing, and in fleeing or eluding the person is the cause of, or creates a substantial risk of, physical injury to any person; or
 - (b) While operating a motor vehicle with intent to elude or flee, the person knowingly or wantonly disobeys a recognized direction to stop his vehicle, given by a person recognized to be a peace officer.
- (2) No offense is committed under this section when the conduct involved constitutes a failure to comply with a directive of a traffic control officer.
- (3) Fleeing or evading police in the second degree is a Class A misdemeanor.

KRS 520.110 Definitions for KRS 520.120 and 520.130

- (1) For the purposes of KRS 520.120 and 520.130, a person renders assistance to another when he:
 - (a) Harbors or conceals such person; or
 - (b) Warns such person of impending discovery or apprehension, except that this does not apply to a warning given in connection with an effort to bring another into compliance with law; or
 - (c) Provides such person with money, transportation, weapon, disguise or other means of avoiding discovery or apprehension, or
 - (d) Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person; or
 - (e) Volunteers false information to a law enforcement officer; or
 - (f) Suppresses by an act of concealment, alteration or destruction any physical evidence that might aid in the discovery or apprehension of such person.
- (2) In any prosecution for hindering prosecution or apprehension it is a defense that the accused is the spouse, parent, child, brother, sister, grandparent or grandchild of the person whose discovery or apprehension he sought to prevent.

KRS 520.120 Hindering prosecution or apprehension in the first degree

- (1) A person is guilty of hindering prosecution or apprehension in the first degree when, with the intent to hinder the apprehension, prosecution, conviction or punishment of another whom he knows is being sought in connection with the commission of a capital offense or Class A felony, he renders assistance to such person.
- (2) Hindering prosecution or apprehension in the first degree is a Class D felony.

KRS 520.130 Hindering prosecution or apprehension in the second degree

- (1) A person is guilty of hindering prosecution or apprehension in the second degree when, with the intent to hinder the apprehension, prosecution, conviction or punishment of another who is being sought in connection with the commission of a criminal offense, he renders assistance to such person.
- (2) Hindering prosecution or apprehension in the second degree is a Class A misdemeanor.

KRS CHAPTER 521
BRIBERY AND CORRUPT INFLUENCES

KRS 521.010 Definitions

The following definitions apply in this chapter, unless the context otherwise requires:

- (1) **"Public servant"** means:
 - (a) Any public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state; or
 - (b) Any person exercising the functions of any such public officer or employee; or
 - (c) Any person participating as advisor, consultant or otherwise in performing a governmental function, but not including witnesses; or
 - (d) Any person elected, appointed or designated to become a public servant although not yet occupying that position.
- (2) **"Pecuniary benefit"** means benefit in the form of money, property, commercial interests or anything else the primary significance of which is economic gain.

KRS 521.020 Bribery of public servant

- (1) A person is guilty of bribery of a public servant when:
 - (a) He offers, confers or agrees to confer any pecuniary benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, exercise of discretion or other action in his official capacity as a public servant; or
 - (b) While a public servant, he solicits, accepts or agrees to accept any pecuniary benefit upon an agreement or understanding that his vote, opinion, judgment, exercise of discretion or other action as a public servant will thereby be influenced.
- (2) It is a defense under this section if a person confers or agrees to confer any pecuniary benefit upon a public servant as a result of conduct of the public servant which constitutes extortion or coercion.
- (3) It is no defense to a prosecution under this section that the person sought to be influenced was not qualified to act in the desired way because he had not yet assumed office, lacked jurisdiction, or for any other reason.
- (4) Bribery of a public servant is a Class C felony.

KRS 521.030 Soliciting unlawful compensation

- (1) A public servant is guilty of soliciting unlawful compensation when he requests a pecuniary benefit for the performance of an official action knowing that he was required to perform that action without compensation or at a level of compensation lower than that requested.
- (2) Solicitation of unlawful compensation is a Class B misdemeanor.

KRS 521.040 Unlawful compensation for assistance in public matters

- (1) A person is guilty of unlawful compensation for assistance in public matters when:
 - (a) While a public servant, he solicits, accepts or agrees to accept compensation for advice or other assistance in preparing a bill, contract, claim or other transaction or proposal as to which he knows that he is likely to have an official discretion to exercise; or
 - (b) He offers, pays or agrees to pay compensation to a public servant for advice or other assistance in preparing or promoting a bill, contract, claim or other transaction with knowledge that acceptance by the public servant is unlawful.
- (2) Unlawful compensation for assistance in public matters is a Class A misdemeanor.

KRS 521.050 Providing a pecuniary benefit for bribery of a public servant

- (1) A person is guilty of providing a pecuniary benefit for bribery of a public servant when, while not engaging in the bribery directly, he intentionally provides the pecuniary benefit to the person who offers or accepts the bribe.

- (2) It is a defense under this section if a person provides the pecuniary benefit, confers, or agrees to confer any pecuniary benefit upon a public servant as a result of conduct of the public servant which constitutes extortion or coercion.
- (3) It is no defense to a prosecution under this section that the person sought to be influenced was not qualified to act in the desired way because he had not yet assumed office, because he lacked jurisdiction, or for any other reason.
- (4) Providing a pecuniary benefit for bribery of a public servant is a Class C felony.

KRS CHAPTER 522 ABUSE OF PUBLIC OFFICE

KRS 522.010 Definitions

The following definitions apply in this chapter, unless the context otherwise requires:

- (1) **"Public servant"** means:
 - (a) Any public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state; or
 - (b) Any person exercising the functions of any such public officer or employee; or
 - (c) Any person participating as advisor, consultant or otherwise in performing a governmental function, but not including witnesses; or
 - (d) Any person elected, appointed or designated to become a public servant although not yet occupying that position.
- (2) **"Benefit"** means gain or advantage to the beneficiary or to a third person pursuant to the desire or consent of the beneficiary.

KRS 522.020 Official misconduct in the first degree

- (1) A public servant is guilty of official misconduct in the first degree when, with intent to obtain or confer a benefit or to injure another person or to deprive another person of a benefit, he knowingly:
 - (a) Commits an act relating to his office which constitutes an unauthorized exercise of his official functions; or
 - (b) Refrains from performing a duty imposed upon him by law or clearly inherent in the nature of his office; or
 - (c) Violates any statute or lawfully adopted rule or regulation relating to his office.
- (2) Official misconduct in the first degree is a Class A misdemeanor.

KRS 522.030 Official misconduct in the second degree

- (1) A public servant is guilty of official misconduct in the second degree when he knowingly:
 - (a) Commits an act relating to his office which constitutes an unauthorized exercise of his official functions or
 - (b) Refrains from performing a duty imposed upon him by law or clearly inherent in the nature of his office; or
 - (c) Violates any statute or lawfully adopted rule or regulation relating to his office.
- (2) Official misconduct in the second degree is a Class B misdemeanor.

KRS 522.040 Misuse of confidential information

- (1) A public servant is guilty of misuse of confidential information when, in contemplation of official action by himself or by a governmental unit with which he is associated, or in reliance on information to which he has access in his official capacity and which has not been made public, he:
 - (a) Accepts or agrees to accept a pecuniary interest in any property, transaction or enterprise which may be affected by such information or official action; or
 - (b) Speculates or wagers on the basis of such information or official action; or
 - (c) Aids another to do any of the foregoing.
- (2) Misuse of confidential information is a Class D felony.

KRS CHAPTER 523
PERJURY AND RELATED OFFENSES

KRS 523.010 Definitions

The following definitions apply in this chapter unless the context otherwise requires:

- (1) **"Material false statement"** means any false statement, regardless of its admissibility under the rules of evidence which could have affected the outcome of the proceeding. Whether a falsification is material in a given factual situation is a question of law.
- (2) **"Oath"** means an affirmation or other legally authorized manner of attesting to the truth of a statement. A written statement shall be treated as if made under oath when:
 - (a) The statement was made on or pursuant to a form bearing notice, authorized by law, that false statements made therein are punishable; or
 - (b) 1. The document recites that the statement was made under oath, and
 2. a. The declarant was aware of such recitation at the time he made the statement;
 - b. The declarant intended that the statement be represented as sworn; and
 - c. The statement was in fact so represented by its delivery or utterance with the signed jurat of an officer, authorized to administer oaths appended thereto.
- (3) **"Official proceeding"** means a proceeding heard before any legislative, judicial, administrative or other governmental agency or official authorized to hear evidence under oath, including any referee, hearing examiner, commissioner, notary or other person taking testimony or depositions in any such proceedings.
- (4) **"Required or authorized by law"** means the oath is provided for by statute, regulation, court rule, or otherwise by law.
- (5) **"Statement"** means any representation, but includes a representation of opinion, belief or other state of mind only if the representation clearly relates to state of mind apart from or in addition to any facts which are the subject of the representation.
- (6) **"Public servant"** means:
 - (a) Any public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state; or
 - (b) Any person exercising the functions of any such public officer or employee; or
 - (c) Any person participating as advisor, consultant or otherwise in performing a governmental function, but not including witnesses; or
 - (d) Any person elected, appointed or designated to become a public servant although not yet occupying that position.

KRS 523.020 Perjury in the first degree

- (1) A person is guilty of perjury in the first degree when he makes a material false statement which he does not believe in any official proceeding under an oath required or authorized by law; or
- (2) When he makes a material false statement which he does not believe in a subscribed written instrument for which an oath is required or authorized by law, with the intent to mislead a public servant in the performance of his official functions when such person is subscribing a warrant accusing his spouse of an offense under KRS Chapter 510.
- (3) Perjury in the first degree is a Class D felony.

KRS 523.030 Perjury in the second degree

- (1) A person is guilty of perjury in the second degree when he makes a material false statement which he does not believe in a subscribed written instrument for which an oath is required or authorized by law with the intent to mislead a public servant in the performance of his official functions.
- (2) Perjury in the second degree is a Class A misdemeanor.

KRS 523.040 False swearing

- (1) A person is guilty of false swearing when he makes a false statement which he does not believe under oath required or authorized by law.
- (2) False swearing is a Class B misdemeanor.

KRS 523.090 Retraction

No person shall be guilty of an offense under this chapter if he retracted the falsification in the course of the proceeding in which it was made before such false statement substantially affected the proceeding and before it became manifest that its falsity was or would be exposed.

KRS 523.100 Unsworn falsification to authorities

- (1) A person is guilty of unsworn falsification to authorities when with an intent to mislead a public servant in the performance of his duty he:
 - (a) Makes a material false written statement which he does not believe in an application for any pecuniary or other benefit or in a record required by law to be submitted to any governmental agency;
 - (b) Submits or invites reliance on any writing which he knows to be a forged instrument as defined in KRS 516.010; or
 - (c) Submits or invites reliance, except as provided in KRS 516.108, on any sample, specimen, map, boundary mark or other object he knows to be false.
- (2) Unsworn falsification to authorities is a Class B misdemeanor.

KRS 523.110 Giving peace officer false identifying information

- (1) A person is guilty of giving a peace officer false identifying information when he or she gives a false name, address, or date of birth to a peace officer who has asked for the same in the lawful discharge of his or her official duties with the intent to mislead the officer as to his or her identity. The provisions of this section shall not apply unless the peace officer has first warned the person whose identification he or she is seeking that giving false identifying information is a criminal offense.
- (2) Giving a peace officer a false name or address is a Class B Misdemeanor.

KRS CHAPTER 524
INTERFERENCE WITH JUDICIAL ADMINISTRATION

KRS 524.010 Definitions

The following definitions apply in this chapter unless the context otherwise requires:

- (1) "**Judge**" means, with reference to intimidating a participant in the legal process, any current justice or judge of the Court of Justice, a trial commissioner of the Court of Justice, and any person serving as a judge at a trial or judicial proceeding of or authorized by the Court of Justice. With reference to retaliating against a participant in the legal process, the term "judge" also includes a former justice or judge of the Court of Justice, a trial commissioner of the Court of Justice, and any person serving as a judge at a trial or judicial proceeding authorized by the Court of Justice. The term includes persons who have been elected or appointed, but have not yet taken office.
- (2) "**Juror**" means a person who is or has been a member of any impaneled jury, including a grand jury, and includes any person who has been drawn or summoned to attend as a prospective juror.
- (3) "**Participant in the legal process**" means any judge, prosecutor, attorney defending a criminal case, juror, or witness and includes members of the participant's immediate family.
- (4) "**Official proceeding**" means a proceeding heard before any legislative, judicial, administrative or other governmental agency or official authorized to hear evidence under oath, including any referee, hearing examiner, commissioner, notary or other person taking testimony or depositions in any such proceedings.
- (5) "**Pecuniary benefit**" means benefit in the form of money, property, commercial interests or anything else the primary significance of which is economic gain.
- (6) "**Physical evidence**" means any article, object, document, record or other thing of physical substance.
- (7) "**Prosecutor**" means, with reference to intimidating a participant in the legal process, a current Commonwealth's attorney, assistant Commonwealth's attorney, county attorney, assistant county attorney, attorney general, deputy attorney general, assistant attorney general, or special prosecutor appointed pursuant to law. With reference to retaliating against a participant in the legal process, the term "prosecutor" also includes a former Commonwealth's attorney, assistant Commonwealth's attorney, county attorney, assistant county attorney, attorney general, deputy attorney general, assistant attorney general, or special prosecutor appointed pursuant to law.
- (8) "**Threat**" means any direct threat to kill or injure a person protected by this chapter or an immediate family member of such a person. Persons protected by this chapter include persons who have been elected or appointed but have not yet taken office.
- (9) "**Witness**" means any person who may be called to testify in an official proceeding, has been called to testify in an official proceeding, is testifying in an official proceeding, or who has testified in an official proceeding.

KRS 524.020 Bribing a witness

- (1) A person is guilty of bribing a witness when he offers, confers or agrees to confer any pecuniary benefit upon a witness or a person he believes may be called as a witness in any official proceeding with intent to:
 - (a) Influence the testimony of that person; or
 - (b) Induce that person to avoid legal process summoning him to testify; or
 - (c) Induce that person to absent himself from an official proceeding to which he has been legally summoned.
- (2) Bribing a witness is a Class D felony.

KRS 524.030 Bribe receiving by a witness

- (1) A witness or a person believing he may be called as a witness in any official proceeding is guilty of bribe receiving by a witness when he solicits, accepts or agrees to accept any pecuniary benefit upon an agreement or understanding that:

- (a) His testimony will thereby be influenced; or
 - (b) He will attempt to avoid legal process summoning him to testify; or
 - (c) He will attempt to absent himself from an official proceeding to which he has been legally summoned.
- (2) Bribe receiving by a witness is a Class D felony.

KRS 524.040 Intimidating a participant in the legal process

- (1) A person is guilty of intimidating a participant in the legal process when, by use of physical force or a threat directed to a person he believes to be a participant in the legal process, he or she:
- (a) Influences, or attempts to influence, the testimony, vote, decision, or opinion of that person;
 - (b) Induces, or attempts to induce, that person to avoid legal process summoning him or her to testify;
 - (c) Induces, or attempts to induce, that person to absent himself or herself from an official proceeding to which he has been legally summoned;
 - (d) Induces, or attempts to induce, that person to withhold a record, document, or other object from an official proceeding;
 - (e) Induces, or attempts to induce, that person to alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding; or
 - (f) Hinders, delays, or prevents the communication to a law enforcement officer or judge of information relating to the possible commission of an offense or a violation of conditions of probation, parole or release pending judicial proceedings.
- (2) For purposes of this section:
- (a) An official proceeding need not be pending or about to be instituted at the time of the offense; and
 - (b) The testimony, record, document or other object need not be admissible in evidence or free of a claim of privilege.
- (3) Intimidating a participant in the legal process is a Class D felony.
- (4) In order for a person to be convicted of a violation of this section, the act against a participant in the legal process or the immediate family of a participant in the legal process shall be related to the performance of a duty or role played by the participant in the legal process.

KRS 524.050 Tampering with a witness

- (1) A person is guilty of tempering with a witness when, knowing that a person is or may be called as a witness in an official proceeding, he:
- (a) Induces or attempts to induce the witness to absent himself or otherwise avoid appearing or testifying at the official proceeding with intent to influence the outcome thereby; or
 - (b) Knowingly makes any false statement or practices any fraud or deceit with intent to affect the testimony of the witness.
- (2) Tampering with a witness is a Class D felony.

KRS 524.055 Retaliating against a participant in the legal process

- (1) A person is guilty of retaliating against a participant in the legal process when he or she engages or threatens to engage in conduct causing or intended to cause bodily injury or damage to the tangible property of a participant in the legal process or a person he or she believes may be called as a participant in the legal process in any official proceeding or because the person has participated in a legal proceeding:
- (a) Attending an official proceeding, or giving or producing any testimony, record, document, or other object produced at that proceeding;
 - (b) Giving information to a law enforcement officer relating to the possible commission of an offense or a violation of conditions of probation, parole, or release pending judicial proceedings;
 - (c) Vote, decision, or opinion; or
 - (d) Performance of his or her duty.
- (2) Retaliating against a participant in the legal process is a Class D felony.

- (3) In order for a person to be convicted of a violation of this section, the act against a participant in the legal process or the immediate family of a participant in the legal process shall be related to the performance of a duty or role played by the participant in the legal process.

KRS 524.060 Bribing a juror

- (1) A person is guilty of bribing a juror when he offers, confers or agrees to confer any pecuniary benefit upon a juror with intent to influence the juror's vote, opinion, decision or other action as a juror.
- (2) Bribing a juror is a Class D felony.

KRS 524.070 Bribe receiving by a juror

- (1) A person is guilty of bribe receiving by a juror when he solicits, accepts or agrees to accept any pecuniary benefit upon an agreement or understanding that his vote, opinion, decision or other action as a juror will thereby be influenced.
- (2) Bribe receiving by a juror is a Class D felony.

KRS 524.090 Jury tampering

- (1) A person is guilty of jury tampering when, with intent to influence a juror's vote, opinion, decision or other action in a case, he communicates or attempts to communicate, directly or indirectly, with a juror other than as a part of the proceedings in the trial of the case.
- (2) Jury tampering is a Class D felony.

KRS 524.100 Tampering with physical evidence

- (1) A person is guilty of tampering with physical evidence when, believing that an official proceeding is pending or may be instituted, he:
- (a) Destroys, mutilates, conceals, removes or alters physical evidence which he believes is about to be produced or used in the official proceeding with intent to impair its verity or availability in the official proceeding; or
 - (b) Fabricates any physical evidence with intent that it be introduced in the official proceeding or offers any physical evidence, knowing it to be fabricated or altered.
- (2) Tampering with physical evidence is a Class D felony.

KRS 524.110 Simulating legal process

- (1) A person is guilty of simulating legal process when he delivers or causes to be delivered to another a request for the payment of money on behalf of a creditor knowing that in form and substance it simulates any legal process issued by any court of this state.
- (2) Simulating legal process is a Class B misdemeanor.

KRS 524.130 Unauthorized practice of law

- (1) Except as provided in KRS 341.470 and subsection (2) of this section, a person is guilty of unlawful practice of law when, without a license issued by the Supreme Court, he engages in the practice of law, as defined by rule of the Supreme Court.
- (2) A licensed nonresident attorney in good standing, although not licensed in Kentucky, is not guilty of unlawful practice if, in accordance with rules adopted by the Supreme Court, he practices law under specific authorization of a court.
- (3) Unlawful practice of law is a Class B misdemeanor.

KRS 524.140 Disposal of evidence that may be subject to DNA testing – Motion to destroy – Liability for destruction –Penalty – Retention of biological material

- (1) As used in this section:
- (a) "**Defendant**" means a person charged with a:

1. Capital offense, Class A felony, Class B felony, or Class C felony; or
 2. Class D felony under KRS Chapter 510; and
- (b) "**Following trial**" means after:
1. The first appeal authorized by the Constitution of Kentucky in a criminal case has been decided; or
 2. The time for the first appeal authorized by the Constitution of Kentucky in a criminal case has lapsed without an appeal having been filed.
- (2) No item of evidence gathered by law enforcement, prosecutorial, or defense authorities that may be subject to deoxyribonucleic acid (DNA) evidence testing and analysis in order to confirm the guilt or innocence of a criminal defendant shall be disposed of prior to trial of a criminal defendant unless:
- (a) The evidence has been in custody not less than fifty (50) years; or
 - (b) The evidence has been in custody not less than ten (1) years; and
1. The prosecution has determined that the defendant will not be tried for the criminal offense; and
 2. The prosecution has made a motion before the court in which the case would have been tried to destroy the evidence.
- (3) No item of evidence gathered by law enforcement, prosecutorial, or defense authorities that may be subject to deoxyribonucleic acid (DNA) evidence testing and analysis in order to confirm the guilt or innocence of a criminal defendant shall be disposed of following the trial unless:
- (a) The evidence, together with DNA evidence testing and analysis results, has been presented at the trial, and the defendant has been found guilty, pled guilty, or entered an Alford plea at the trial;
 - (b) The evidence was not introduced at the trial, or if introduced at the trial was not the subject of DNA testing and analysis, and the defendant has been found guilty, pled guilty, or entered an Alford plea at the trial, and the trial court has ordered the destruction of the evidence after an adversarial hearing conducted upon motion of either the prosecution or the defendant;
 - (c) The trial resulted in the defendant being found not guilty or the charges were dismissed after jeopardy attached, whether or not the evidence was introduced at the trial or was subject to DNA testing and analysis or not, and the trial court ordered the destruction of the evidence after an adversarial hearing conducted upon motion of either the prosecution or the defendant; or
 - (d) The trial resulted in the dismissal of charges against the defendant, and the defendant may be subject to retrial, in which event the evidence shall be retained until after the retrial, which shall be considered a new trial for the purposes of this section.
- (4) The burden of proof for a motion to destroy evidence that may be subject to DNA testing and analysis shall be upon the party making the motion, and the court may permit the destruction of the evidence under this section upon good cause shown favoring its destruction.
- (5) It is recognized by the General Assembly that the DNA evidence laboratory testing and analysis procedure consumes and destroys a portion of the evidence or may destroy all of the evidence if the sample is small. The consuming and destruction of evidence during the laboratory analysis process shall not result in liability for its consumption or destruction if the following conditions are met:
- (a) The Kentucky State Police laboratory uses a method of testing and analysis which preserves as much of the biological material or other evidence tested and analyzed as is reasonably possible; or
 - (b) If the Kentucky State Police laboratory knows or reasonably believes that the entire sample of evidence to be tested and analyzed that the laboratory, prior to the testing or analysis of the evidence, notifies in writing the court which ordered the testing and analysis and counsel for all parties:
 1. That the entire sample of evidence may be destroyed by the testing and analysis;
 2. The possibility that another laboratory may be able to perform the testing and analysis in a less destructive manner with at least equal results;
 3. The name of the laboratory capable of performing the testing and analysis, the costs of testing and analysis, the advantages of sending the material to that other laboratory, and

- the amount of biological material or other evidence which might be saved by alternative testing and analysis; and
4. The Kentucky State Police laboratory follows the directive of the court with regard to the testing and analysis; or
- (c) If the Kentucky State Police laboratory knows or reasonably believes that so much of the biological material or evidence may be consumed or destroyed in the testing and analysis that an insufficient sample will remain for independent testing and analysis that the laboratory follows the procedure specified in paragraph (b) of this subsection.
- (6) Destruction of evidence in violation of this section shall be a violation of KRS 524.100.
 - (7) Subject to KRS 17.172(9), the appropriate governmental entity shall retain any biological material secured in connection with a criminal case for the period of time that any person remains incarcerated in connection with that case. The governmental entity shall have the discretion to determine how the evidence is retained pursuant to this section, provided that the evidence is retained in a condition suitable for DNA testing and analysis