

TITLE XIII: GENERAL OFFENSES

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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	508.080	A misdemeanor
UNLAWFUL IMPRISONMENT		
First degree	509.020	D felony
Second degree	509.030	A misdemeanor

<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

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 or civil offense

<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 A, B, 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 A, B, 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

2013 S-26 Repl.

AGAINST PUBLIC MORALS

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.

OFFENSE KRS SECTION PENALTY CLASS

PORNOGRAPHY

Advertising obscene material	531.050	B misdemeanor
Distribution		
Distribution of obscene	531.020	A or B
matter		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	531.360	A misdemeanor
containing		
Distributing matter	531.340	A misdemeanor
containing		or
D felony		
Promoting sale of matter	531.350	A misdemeanor;
containing		C or D felony
Using minors to distribute	531.370	C or D felony
such matter		
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		

PROSTITUTION OFFENSES

Loitering for prostitution	529.080	Violation
purposes		
or		
B misdemeanor		
Permitting prostitution	529.070	B misdemeanor
Promoting prostitution		
First degree	529.030	A, B, or C

	felony		
Second degree	529.040	D felony	
Third degree	529.050	A misdemeanor	
Prostitution	529.020	B misdemeanor	

Penalty, see Ch. 139

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	558.120	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

Section

- 135.01 Interference with city officers or employees
- 135.02 References to statutory offenses

- 135.99 Penalty

§ 135.01 INTERFERENCE WITH CITY OFFICERS OR EMPLOYEES.

It shall be unlawful for any person to interfere with, hamper, or harass any city officer or employee who is engaged in the official performance of his duties.

('78 Code, § 9-4) Penalty, see § 135.99

§ 135.02 REFERENCES TO 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 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	D 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

<u>OFFENSE</u>	<u>KRS SECTION</u>	<u>PENALTY CLASS</u>
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
Harassing a witness	524.045	A misdemeanor
Intimidating a judicial officer	524.120	D felony
Intimidating a juror	524.080	D felony
Intimidating a witness	524.040	D felony
Jury tampering	524.090	A misdemeanor
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	A misdemeanor
Unlawful practice of law	524.130	B misdemeanor
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	A misdemeanor
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 § 135.99

§ 135.99 PENALTY.

(A) Whoever violates § 135.01 shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned for not more than 30 days, or both, for each offense.

(B) See Chapter 139 for descriptions of statutory penalties for those statutory offenses listed in § 135.02 above.
1993 S-6

CHAPTER 136: OFFENSES AGAINST PUBLIC ORDER

Section

- 136.01 Curfew
- 136.02 Discharging firearms; possession or use of air guns or pellet guns
- 136.03 References to statutory offenses
- 136.04 Reward policy

- 136.99 Penalty

§ 136.01 CURFEW.

(A) Curfew for minors.

(1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) "MINOR." Any person under the age of 18.

(b) "PARENT." Any person having legal custody of a minor:

1. As a natural or adoptive parent;
2. As a legal guardian;
3. As a person who stands "in loco parentis";
4. Or as a person whom legal custody has been given by Order of Court.

(c) "REMAIN." To stay behind, to tarry, or to stay unnecessarily upon or in any public assembly, building, place, street, or highway.

(d) "ALLOW." Either permit or neglect to prevent. It requires actual or constructive knowledge on the part of the parent or guardian, that is, the parent or guardian must actually know about the child violating this section, or the circumstances must be such that a reasonably prudent parent or guardian should have known the child was violating this section.

(2) (a) It shall be unlawful for any person under the age of 18 to be or remain in or upon any public assembly, building, place, street or highway within the city at night during the following periods:

- 1:00 a.m. to 6:00 a.m. Saturday
- 1:00 a.m. to 6:00 a.m. Sunday
- 11:00 p.m. Sunday to 6:00 a.m. Monday
- 11:00 p.m. Monday to 6:00 a.m. Tuesday

11:00 p.m. Tuesday to 6:00 a.m. Wednesday
11:00 p.m. Wednesday to 6:00 a.m. Thursday
11:00 p.m. Thursday to 6:00 a.m. Friday

(b) It shall be unlawful for any parent or guardian having legal custody of a minor to allow such minor to be or remain in or upon a public assembly, building, place, street or highway in the city under circumstances not constituting an exception as enumerated in subdivision (3) during the time periods contained in subdivision (a) of this subdivision (2).

(3) In the following exceptional cases, a minor in or upon any public assembly, building, place, street or highway in the city during the nocturnal hours provided for in subdivision (2) above shall not be considered in violation of this section:

(a) When the minor is accompanied by a parent or legal guardian;

(b) When accompanied by an adult with the prior express verbal or written authorization of a parent or legal guardian of such minor;

(c) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly, provided that written notice signed by the minor and countersigned by a parent or legal guardian is in the possession of such minor specifying when, where, and in what manner said minor will be exercising such First Amendment rights;

(d) In case of reasonable necessity but only after such minor's parent or legal guardian has communicated to the Police Department the circumstances establishing such reasonable necessity;

(e) When returning home, by a direct route from, and within one hour of the termination of, an organized school activity, or any organized activity sponsored by a religious or other voluntary association, provided that justification indicating the place and time of termination of said event can be provided to any investigating law enforcement officer;

(f) When authorized by regulation issued by the Mayor and Council in cases of reasonable necessity involving more minors than may reasonably be dealt with on an individual basis. Such regulation should be issued sufficiently in advance to permit publicity through news media and through other agencies such as the schools. The regulation shall define the activity, the scope of the use of the public assembly, building, place, street, or highway permitted, and the period of time involved not to extend more than one hour beyond the time for termination of the activity, and the reason for finding that such regulation is reasonably necessary.

(g) When engaged in a business or occupation which the laws of Kentucky authorize a person under 18 years of age to perform, and for which the employer, upon request of an investigating law enforcement officer, would provide verbal or written explanation of necessity;

(h) When the minor is, with the express verbal or written consent of a parent or legal guardian, in a motor vehicle with a lawfully authorized driver;

(i) When the minor, who is a duly authorized and licensed driver, is operating a motor vehicle within the city for the purpose of passing through, by direct route, from one location to another either within or out of the city which is included within the above-described exceptions, including all minors that may also be within the vehicle provided that an exception as described above also applies to each said minor.

(4) (a) A police officer upon finding or being notified of any minor in or upon any public assembly, building, place, street, or highway whose parent is believed to be in violation of this section may stop and question such minor and request such information as his or her name and age and the name and address of his or her parent, guardian, or person having legal custody.

(b) If the police officer determines or has reasonable cause to believe that a curfew violation has occurred, the police officer may obtain from the minor the information necessary to issue a citation to the minor's parent, guardian, or person having legal custody and then either take the minor to his or her home or direct the minor to proceed immediately to his or her home.

(B) Penalty. Any parent, guardian, or person having legal custody allowing a minor to violate division (A)(2)(a) shall be subject to a fine of no more than \$500 or imprisonment for a period not to exceed six months or both.

(Ord. 95-01, passed 1-11-95; Am. Ord. 96-30, passed 9-24-96)

§ 136.02 DISCHARGING FIREARMS; POSSESSION OR USE OF AIR GUNS OR PELLETT GUNS.

(A) For the purpose of this division (A), "FIREARM" means any weapon which will expel a projectile by the action of an explosive.

(1) It shall be unlawful for any person to intentionally fire or discharge a firearm within the city.

(2) This division (A) shall not apply to the lawful discharge of a firearm by a duly authorized police official or to the discharge of a firearm under circumstances constituting self-protection or self-defense under state law.

(Ord., passed 8-11-82)

1997 S-10

(B) It shall be unlawful for any person less than 18 years of age to have in his possession or to shoot or fire any air rifle, air gun, or pellet gun anywhere within the city limits, unless he is accompanied by and under the immediate control of an adult person responsible for the care, supervision, and conduct of that person less than 18 years of age. It shall be unlawful for any parent, guardian, or other person responsible for the care and supervision of a person less than 18 years of age to permit such person to possess, shoot, or fire an air rifle, air gun, or pellet gun within the city limits, unless that person is accompanied by an adult responsible for such person's conduct or behavior. (Ord. 87-03, passed 3-26-87)
 Penalty, see § 136.99

§ 136.03 REFERENCES TO 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	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	D felony
Second degree	525.110	A misdemeanor
DISORDERLY CONDUCT	525.060	B misdemeanor
DISRUPTING MEETINGS OR PROCESSIONS	525.150	B misdemeanor
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

HARASSING COMMUNICATIONS

525.080

B misdemeanor

2020 S-33

<u>OFFENSE</u>	<u>KRS SECTION</u>	<u>PENALTY CLASS</u>
HARASSMENT	525.070	Violation or B misdemeanor
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 § 136.99

§ 136.04 REWARD POLICY.

The city shall authorize rewards to be paid to those individuals who step forward and report incidents of vandalism which they witness in the community and testify against the responsible individuals, if necessary, and for which a criminal conviction results. For each incident of vandalism for which a successful prosecution results, the city will pay a total of \$250.00 to the person or persons who have reported and participated in a misdemeanor prosecution, and a total of \$500.00 to the person or persons who have reported and participated in a felony prosecution.
(Res. 96-22, passed 9-10-96)

§ 136.99 PENALTY.

(A) Whoever violates § 136.01 or § 136.02(A) shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned for not more than 30 days, or both, for each offense.

(B) Whoever violates § 136.02(B) shall be guilty of a misdemeanor and shall be fined not less than \$10 nor more than \$100, or imprisoned for not less than one or more than ten days, or both. In addition, any air rifle, air gun, or pellet gun found in the possession of a person violating § 136.02(B) shall be confiscated and forfeited to the state. (Ord. 87-03, passed 3-26-87)

(C) See Chapter 139 for descriptions of statutory penalties for those statutory offenses listed in § 136.03 above.

2001 S-14

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	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

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)

