

510.030 Defenses.

In any prosecution under this chapter in which the victim's lack of consent is based solely on his incapacity to consent because he was less than sixteen (16) years old, mentally retarded, mentally incapacitated or physically helpless, the defendant may prove in exculpation that at the time he engaged in the conduct constituting the offense he did not know of the facts or conditions responsible for such incapacity to consent.

Effective: July 15, 1988

History: Amended 1988 Ky. Acts ch. 283, sec. 11, effective July 15, 1988. -- Created 1974 Ky. Acts ch. 406, sec. 83, effective January 1, 1975.