

**510.040 Rape in the first degree.**

- (1) A person is guilty of rape in the first degree when:
  - (a) He engages in sexual intercourse with another person by forcible compulsion;  
or
  - (b) He engages in sexual intercourse with another person who is incapable of consent because he:
    1. Is physically helpless; or
    2. Is less than twelve (12) years old.
- (2) Rape in the first degree is a Class B felony unless the victim is under twelve (12) years old or receives a serious physical injury in which case it is a Class A felony.

**Effective:** January 1, 1975

**History:** Created 1974 Ky. Acts ch. 406, sec. 84, effective January 1, 1975.