

1 AN ACT relating to serious physical injury.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 500.080 is amended to read as follows:

4 As used in the Kentucky Penal Code, unless the context otherwise requires:

- 5 (1) "Actor" means any natural person and, where relevant, a corporation or an
6 unincorporated association;
- 7 (2) "Crime" means a misdemeanor or a felony;
- 8 (3) "Dangerous instrument" means any instrument, including parts of the human body
9 when a serious physical injury is a direct result of the use of that part of the human
10 body, article, or substance which, under the circumstances in which it is used,
11 attempted to be used, or threatened to be used, is readily capable of causing death or
12 serious physical injury;
- 13 (4) "Deadly weapon" means any of the following:
- 14 (a) A weapon of mass destruction;
- 15 (b) Any weapon from which a shot, readily capable of producing death or other
16 serious physical injury, may be discharged;
- 17 (c) Any knife other than an ordinary pocket knife or hunting knife;
- 18 (d) Billy, nightstick, or club;
- 19 (e) Blackjack or slapjack;
- 20 (f) Nunchaku karate sticks;
- 21 (g) Shuriken or death star; or
- 22 (h) Artificial knuckles made from metal, plastic, or other similar hard material;
- 23 (5) "Felony" means an offense for which a sentence to a term of imprisonment of at
24 least one (1) year in the custody of the Department of Corrections may be imposed;
- 25 (6) "Government" means the United States, any state, county, municipality, or other
26 political unit, or any department, agency, or subdivision of any of the foregoing, or
27 any corporation or other association carrying out the functions of government;

- 1 (7) "He" means any natural person and, where relevant, a corporation or an
2 unincorporated association;
- 3 (8) "Law" includes statutes, ordinances, and properly adopted regulatory provisions.
4 Unless the context otherwise clearly requires, "law" also includes the common law;
- 5 (9) "Minor" means any person who has not reached the age of majority as defined in
6 KRS 2.015;
- 7 (10) "Misdemeanor" means an offense, other than a traffic infraction, for which a
8 sentence to a term of imprisonment of not more than twelve (12) months can be
9 imposed;
- 10 (11) "Offense" means conduct for which a sentence to a term of imprisonment or to a
11 fine is provided by any law of this state or by any law, local law, or ordinance of a
12 political subdivision of this state or by any law, order, rule, or regulation of any
13 governmental instrumentality authorized by law to adopt the same;
- 14 (12) "Person" means a human being, and where appropriate, a public or private
15 corporation, an unincorporated association, a partnership, a government, or a
16 governmental authority;
- 17 (13) "Physical injury" means substantial physical pain or any impairment of physical
18 condition;
- 19 (14) "Possession" means to have actual physical possession or otherwise to exercise
20 actual dominion or control over a tangible object;
- 21 (15) "Serious physical injury" means physical injury which creates a substantial risk of
22 death, or which causes serious and prolonged disfigurement, prolonged impairment
23 of health, or prolonged loss or impairment of the function of any bodily organ, **For**
24 **a child (12) years of age or less at the time of the injury, a serious physical injury**
25 **includes but not limited to the following:**
26 **(a) Bruising near the eyes, or on the head, neck, or lower back overlying the**
27 **kidneys;**

- 1 (b) Any bruising severe enough to cause underlying muscle damage as
2 determined by elevated creatine kinase levels in the blood;
- 3 (c) Any bruising or soft tissue injury to the genitals that affects the ability to
4 urinate or defecate;
- 5 (d) Any testicular injury sufficient to put fertility at risk;
- 6 (e) Any burn near the eyes or involving the mouth, airway, or esophagus;
- 7 (f) Any burn deep enough to leave scarring or dysfunction of the body;
- 8 (g) Any burn requiring hospitalization, debridement in the operating room, IV
9 fluids, intubation, or admission to a hospital's intensive care unit;
- 10 (h) Rib fracture;
- 11 (i) Scapula or sternum fractures;
- 12 (j) Any broken bone that requires surgery;
- 13 (k) Head injuries that result in intracranial bleeding, skull fracture, or brain
14 injury;
- 15 (l) A concussion that results in the child becoming limp, unresponsive, or
16 results in seizure activity;
- 17 (m) Abdominal injuries that indicate internal organ damage regardless of
18 whether surgery is required;
- 19 (n) Any injury requiring surgery;
- 20 (o) Any injury that requires a blood transfusion; and
- 21 (p) Any injury requiring admission to a hospital's critical care unit;
- 22 (16) "Unlawful" means contrary to law or, where the context so requires, not permitted
23 by law. It does not mean wrongful or immoral;
- 24 (17) "Violation" means an offense, other than a traffic infraction, for which a sentence to
25 a fine only can be imposed; and
- 26 (18) "Weapon of mass destruction" means:
- 27 (a) Any destructive device as defined in KRS 237.030, but not fireworks as

- 1 defined in KRS 227.700;
- 2 (b) Any weapon that is designed or intended to cause death or serious physical
- 3 injury through the release, dissemination, or impact of toxic or poisonous
- 4 chemicals or their precursors;
- 5 (c) Any weapon involving a disease organism; or
- 6 (d) Any weapon that is designed to release radiation or radioactivity at a level
- 7 dangerous to human life.