

1 AN ACT relating to crimes and punishments.

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

3 ➔Section 1. KRS 505.010 is amended to read as follows:

4 (1) A person is not guilty of an offense arising out of proscribed conduct when:

5 (a) He ***or she*** was induced or encouraged to engage in that conduct by a public
6 servant or by a person acting in cooperation with a public servant seeking to
7 obtain evidence against him ***or her*** for the purpose of criminal prosecution;
8 and

9 (b) At the time of the inducement or encouragement, he ***or she*** was not otherwise
10 disposed to engage in such conduct.

11 (2) The relief afforded by subsection (1) is unavailable when:

12 (a) The public servant or the person acting in cooperation with a public servant
13 merely affords the defendant an opportunity to commit an offense; or

14 (b) The offense charged has physical injury or the threat of physical injury as one
15 (1) of its elements and the prosecution is based on conduct causing or
16 threatening such injury to a person other than the person perpetrating the
17 entrapment.

18 (3) The relief provided a defendant by subsection (1) is a defense.