

## **529.010 Definitions.**

The following definitions apply in this chapter unless the context otherwise requires:

- (1) "Advancing prostitution" -- A person "advances prostitution" when acting other than as a prostitute or as a patron thereof, he or she knowingly causes or aids a person to engage in prostitution, procures or solicits patrons for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any conduct designed to institute, aid or facilitate an act or enterprise of prostitution;
- (2) "Commercial sexual activity" means prostitution, regardless of whether the trafficked person can be charged with prostitution, participation in the production of obscene material as set out in KRS Chapter 531, or engaging in a sexually explicit performance;
- (3) "Forced labor or services" means labor or services that are performed or provided by another person and that are obtained through force, fraud, or coercion;
- (4) "Force, fraud, or coercion" may only be accomplished by the same means and methods as a person may be restrained under KRS 509.010;
- (5) "Human trafficking" refers to criminal activity whereby one (1) or more persons are subjected to engaging in:
  - (a) Forced labor or services; or
  - (b) Commercial sexual activity through the use of force, fraud, or coercion, except that if the trafficked person is under the age of eighteen (18), the commercial sexual activity need not involve force, fraud, or coercion;
- (6) "Human trafficking victims fund" is the fund created in KRS 529.140;
- (7) "Labor" means work of economic or financial value;
- (8) "Minor" means a person under the age of eighteen (18) years;
- (9) "Profiting from prostitution" -- A person "profits from prostitution" when acting other than as a prostitute receiving compensation for personally rendered prostitution services, he or she knowingly accepts or receives or agrees to accept or receive money or other property pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in proceeds of prostitution activity;
- (10) "Services" means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor;
- (11) "Sexual conduct" means sexual intercourse or any act of sexual gratification involving the sex organs;
- (12) "Sexually explicit performance" means a performance of sexual conduct involving:
  - (a) Acts of masturbation, homosexuality, lesbianism, bestiality, sexual intercourse, or deviant sexual intercourse, actual or simulated;
  - (b) Physical contact with, or willful or intentional exhibition of, the genitals;
  - (c) Flagellation or excretion for the purpose of sexual stimulation or gratification;

or

- (d) The exposure, in an obscene manner, of the unclothed or apparently unclothed human male or female genitals, pubic area, or buttocks, or the female breast, whether or not subsequently obscured by a mark placed thereon, or otherwise altered, in any resulting motion picture, photograph, or other visual representation, exclusive of exposure portrayed in matter of a private, family nature not intended for distribution outside the family; and
- (13) "Victim of human trafficking" is a person who has been subjected to human trafficking.

**Effective:** June 25, 2013

**History:** Amended 2013 Ky. Acts ch. 25, sec. 7, effective June 25, 2013. -- Amended 2007 Ky. Acts ch. 19, sec. 4, effective June 26, 2007. -- Created 1974 Ky. Acts ch. 406, sec. 250, effective January 1, 1975.