

## CHAPTER 199

( SB 267 )

AN ACT relating to the dissemination of personally identifying information.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO READ AS FOLLOWS:

(1) *For the purposes of this section:*

- (a) *"Dissemination" means electronically publishing, posting, or otherwise disclosing information to a public Internet site or public forum;*
- (b) *"Household member" means a person who regularly resides in the household or who within the six (6) months preceding the conduct of the offense regularly resided in the household;*
- (c) *"Immediate family member" means a parent, grandparent, spouse, child, stepchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, sibling, brother-in-law, sister-in-law, or grandchild; and*
- (d) *"Personally identifying information" means information that identifies or reasonably can be used to identify an individual, including but not limited to:*
  - 1. *Social Security number or other government-issued identifier;*
  - 2. *Date of birth;*
  - 3. *Home or physical address;*
  - 4. *Electronic-mail address or telephone number;*
  - 5. *Financial account number or credit or debit card number;*
  - 6. *Biometric, health, or medical data, or insurance information; or*
  - 7. *School or employment locations.*

(2) *A person is guilty of disseminating personally identifying information about another person when, with the intent to intimidate, abuse, threaten, harass, or frighten a person who resides in the Commonwealth, he or she:*

- (a) *Intentionally disseminates the personally identifying information of the person or a person's immediate family member or household member; and*
- (b) *The dissemination would cause a reasonable person to be in fear of physical injury to himself or herself, or to his or her immediate family member or household member.*

(3) *This section shall apply to electronic communications originating within or accessible within the Commonwealth.*

(4) *Disseminating personally identifying information is a Class A misdemeanor, unless the dissemination results in:*

- (a) *Physical injury to the victim or to a victim's immediate family member or household member, in which case it is a Class D felony;*
- (b) *Serious physical injury to the victim or to a victim's immediate family member or household member, in which case it is a Class C felony; or*
- (c) *Death of the victim or of a victim's immediate family member or household member, in which case it is a Class B felony.*

(5) *Nothing in this section shall be construed to impose liability on a broadband Internet access service provider, a telecommunications service provider, an interconnected VoIP provider, or a mobile service provider as defined in 47 U.S.C. sec. 153, a commercial mobile service provider as defined in 47 U.S.C. sec. 332(d), or a cable operator as defined in 47 U.S.C. sec. 522, when acting in its capacity as a provider of those services.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

- (1) *Any person who violates Section 1 of this Act shall be personally liable for actual and punitive damages, court costs, and reasonable attorney's fees in a civil cause of action brought against an alleged perpetrator:*
  - (a) *By a victim;*
  - (b) *By a victim's parent or legal guardian on behalf of a victim who is a minor; and*
  - (c) *By a victim's immediate family member or household member, if he or she is harmed as a result of the same violation against the victim.*
- (2) *The action may be filed in the Circuit Court for the county where the alleged violation occurred or the county where the victim resides.*
- (3) *An individual found liable under this section shall be jointly and severally liable with each other person found liable under this section for the damages arising from the same violation of this section.*
- (4) *Nothing in this section shall be construed to impose liability on a broadband Internet access service provider, a telecommunications service provider, an interconnected VoIP provider, or a mobile service provider as defined in 47 U.S.C. sec. 153, a commercial mobile service provider as defined in 47 U.S.C. sec. 332(d), or a cable operator as defined in 47 U.S.C. sec. 522, when acting in its capacity as a provider of those services.*

**Signed by Governor April 8, 2021.**