CHAPTER 9

(SB 73)

AN ACT relating to sexual extortion.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 531 IS CREATED TO READ AS FOLLOWS:

(1) A person is guilty of sexual extortion when he or she communicates, through any means, a threat to:

(a) Injure the property or reputation of another person or commit violence against another person with the intent to coerce that person to:

1. Engage in sexual conduct; or

2. Produce, provide, or distribute any matter depicting that person engaging in sexual conduct or in a state of nudity or seminudity; or

(b) Distribute any matter depicting another person engaged in sexual conduct or in a state of nudity or seminudity with the intent to coerce that person to:

1. Engage in sexual conduct;

2. Produce, provide, or distribute any matter depicting that person engaging in sexual conduct or in a state of nudity or seminudity;

3. Provide the payment of money, property, services, or any other thing of value to the perpetrator; or

4. Do any act or refrain from doing any act against his or her will.

(2) Sexual extortion is a Class A misdemeanor unless:

(a) The victim, as a result of the commission of the offense:

1. Engages in sexual conduct;

2. Produces, provides, or distributes any matter depicting himself or herself engaging in sexual conduct or in a state of nudity or seminudity;

3. Provides the payment of money, property, services, or any other thing of value to the offender;

4. Does any act or refrains from doing any act against his or her will; or

5. Suffers serious physical injury;

in which case it is a Class D felony; or

(b) 1. The person:

a. Was previously convicted of any sexual offense under KRS Chapter 510 or a sex crime as defined in Section 3 of this Act;

b. Occupied a position of special trust or a position of authority as those terms are defined in KRS 532.045 in relation to the victim;

c. Used or threatened the use of a deadly weapon or dangerous instrument against the victim during the commission of the offense; or

d. Is an adult and the victim is a minor, and there is greater than a four (4) year difference in age between them; or

2. The offense was committed during the course of a kidnapping as described in KRS 509.040;

in which case the person shall be charged one (1) level higher than the level otherwise specified in this subsection.

(3) If the victim attempts suicide resulting in serious physical injury or dies by suicide within ninety (90) days of the commission of the offense as a proximate result of the trauma the victim experienced during or following the commission of the offense, the person may be prosecuted for homicide under KRS Chapter 507 or assault under KRS Chapter 508.

(4) This section shall not apply to:

(a) Images involving voluntary nudity or sexual conduct in public, commercial settings, or in a place where a person does not have a reasonable expectation of privacy;

(b) Disclosures made in the public interest, including the reporting of unlawful conduct, or lawful and common practices of law enforcement, criminal reporting, corrections, legal proceedings, or medical treatment;

(c) Disclosures of materials that constitute a matter of public concern; or

(d) When acting in its capacity as a provider of those services, a:

1. Broadband internet access service provider;

2. Telecommunications service provider, an interconnected VoIP service provider, or a mobile service provider as defined in 47 U.S.C. sec. 153;

3. Commercial mobile service provider as defined in 47 U.S.C. sec. 332; or

4. Cable operator as defined in 47 U.S.C. sec. 522; or

(e) An interactive computer service, as defined in 47 U.S.C. sec. 230, related to content provided by a user of the interactive computer service.

➔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 by a:

(a) Victim or the personal representative of his or her estate; or

(b) Victim's parent or legal guardian on behalf of a victim who is a minor.

(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, if any, found liable under this section for the damages arising from the same violation of Section 1 of this Act.

(4) Nothing in this section shall be construed to impose liability on:

(a) When acting in its capacity as a provider of those services, a:

1. Broadband internet access service provider;

2. Telecommunications service provider, an interconnected VoIP service provider, or a mobile service provider as defined in 47 U.S.C. sec. 153;

3. Commercial mobile service provider as defined in 47 U.S.C. sec. 332; or

4. Cable operator as defined in 47 U.S.C. sec. 522; or

(b) An interactive computer service, as defined in 47 U.S.C. sec. 230, related to content provided by a user of the interactive computer service.

➔Section 3. KRS 17.500 is amended to read as follows:

As used in KRS 17.500 to 17.580:

(1) "Approved provider" means a mental health professional licensed or certified in Kentucky whose scope of practice includes providing mental health treatment services and who is approved by the Sex Offender Risk Assessment Advisory Board, under administrative regulations promulgated by the board, to provide comprehensive sex offender presentence evaluations or treatment to adults and youthful offenders, as defined in KRS 600.020;

(2) "Cabinet" means the Justice and Public Safety Cabinet;

(3) (a) Except as provided in paragraph (b) of this subsection, "criminal offense against a victim who is a minor" means any of the following offenses if the victim is under the age of eighteen (18) at the time of the commission of the offense:

1. Kidnapping, as set forth in KRS 509.040, except by a parent;

2. Unlawful imprisonment, as set forth in KRS 509.020, except by a parent;

3. Sex crime;

4. Promoting a sexual performance of a minor, as set forth in KRS 531.320;

5. Human trafficking involving commercial sexual activity, as set forth in KRS 529.100;

6. Promoting human trafficking involving commercial sexual activity, as set forth in KRS 529.110;

7. Promoting prostitution, as set forth in KRS 529.040, when the defendant advances or profits from the prostitution of a person under the age of eighteen (18);

8. Use of a minor in a sexual performance, as set forth in KRS 531.310;

9. Sexual abuse, as set forth in KRS 510.120 and 510.130;

10. Unlawful transaction with a minor in the first degree, as set forth in KRS 530.064(1)(a);

11. Any offense involving a minor or depictions of a minor, as set forth in KRS Chapter 531;

12. Any attempt to commit any of the offenses described in subparagraphs 1. to 11. of this paragraph;

13. Solicitation to commit any of the offenses described in subparagraphs 1. to 11. of this paragraph; or

14. Any offense from another state or territory, any federal offense, or any offense subject to a court martial of the United States Armed Forces, which is similar to any of the offenses described in subparagraphs 1. to 13. of this paragraph.

(b) Conduct which is criminal only because of the age of the victim shall not be considered a criminal offense against a victim who is a minor if the perpetrator was under the age of eighteen (18) at the time of the commission of the offense;

(4) "Law enforcement agency" means any lawfully organized investigative agency, sheriff's office, police unit, or police force of federal, state, county, urban-county government, charter county, city, consolidated local government, or a combination of these, responsible for the detection of crime and the enforcement of the general criminal federal or state laws;

(5) "Registrant" means:

(a) Any person eighteen (18) years of age or older at the time of the offense or any youthful offender, as defined in KRS 600.020, who has committed:

1. A sex crime; or

2. A criminal offense against a victim who is a minor; or

(b) Any person required to register under KRS 17.510; or

(c) Any sexually violent predator; or

(d) Any person whose sexual offense has been diverted pursuant to KRS 533.250, until the diversionary period is successfully completed;

(6) "Registrant information" means the name, including any lawful name change together with the previous name, Social Security number, age, race, sex, date of birth, height, weight, hair and eye color, fingerprints, palm prints, DNA sample, a photograph, aliases used, residence, motor vehicle operator's license number as well as any other government-issued identification card numbers, if any, a brief description of the crime or crimes committed, and other information the cabinet determines, by administrative regulation, may be useful in the identification of registrants;

(7) "Residence" means any place where a person sleeps. For the purposes of this statute, a registrant may have more than one (1) residence. A registrant is required to register each residence address;

(8) "Sex crime" means:

(a) A felony offense defined in KRS Chapter 510, KRS 529.100 or 529.110 involving commercial sexual activity, 530.020, 530.064(1)(a), 531.310, 531.320, 531.335, 531.340, 531.365, 531.366, 531.367,~~[or]~~ 531.368***, or Section 1 of this Act***;

(b) A felony attempt to commit a felony offense specified in paragraph (a) of this subsection; or

(c) A federal felony offense, a felony offense subject to a court-martial of the United States Armed Forces, or a felony offense from another state or a territory where the felony offense is similar to a felony offense specified in paragraph (a) of this subsection;

(9) "Sexual offender" means any person convicted of, pleading guilty to, or entering an Alford plea to a sex crime as defined in this section, as of the date the verdict is entered by the court;

(10) "Sexually violent predator" means any person who has been subjected to involuntary civil commitment as a sexually violent predator, or a similar designation, under a state, territory, or federal statutory scheme;

(11) "The board" means the Sex Offender Risk Assessment Advisory Board created under KRS 17.554;

(12) "Victim" has the same meaning as in KRS 421.500;

(13) "DNA sample" or "deoxyribonucleic acid sample" means a blood or swab specimen from a person, as prescribed by administrative regulation, that is required to provide a DNA sample pursuant to KRS 17.170 or 17.510, that shall be submitted to the Department of Kentucky State Police forensic laboratory for law enforcement identification purposes and inclusion in law enforcement identification databases; and

(14) "Authorized personnel" means an agent of state government who is properly trained in DNA sample collection pursuant to administrative regulation.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

(1) The superintendent of each local school district shall require the principal of each school within the district to provide written notice of the provisions of Section 1 of this Act to students in grades four (4) and above in an age-appropriate manner and to parents or guardians of all students within ten (10) days of the first instructional day of each school year.

(2) The requirements of subsection (1) of this section shall apply to public charter schools as a health and safety requirement under KRS 160.1592(1).

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

(1) By August 1, 2025, local boards shall require each public school with instructional spaces for students in grades six (6) through twelve (12) to display, in a prominent location in each school building, a legible printed sign in English and Spanish at least eight and one-half (8.5) inches by eleven (11) inches in size that shall contain:

(a) An age-appropriate description of sexual extortion consistent with the definition in Section 1 of this Act;

(b) Contact information for state or local law enforcement for reporting or seeking assistance relating to sexual extortion;

(c) Contact information for federal law enforcement for reporting or seeking assistance relating to sexual extortion;

(d) Contact information for a national suicide prevention hotline; and

(e) The Uniform Resource Locator (URL), a Quick Response (QR) code, or similar resource to identify the website address for informational and support resources regarding sexual extortion provided by the National Center for Missing and Exploited Children or any federally funded successor entity.

(2) The requirements of subsection (1) of this section shall apply to public charter schools as a health and safety requirement under KRS 160.1592(1).

(3) By July 15, 2025, the department shall publish recommendations for information to be included consistent with subsection (1) of this section.

➔Section 6. KRS 164.2815 is amended to read as follows:

(1) ~~[Beginning August 1, 2020,]~~Any student identification badge issued by a public or private postsecondary education institution, vocational school, or any other institution that offers a postsecondary degree, certificate, or licensure shall contain the contact information for:

(a) ~~[(1)]~~ A national domestic violence hotline;

(b) ~~[(2)]~~ A national sexual assault hotline; and

(c) ~~[(3)]~~ A national suicide prevention hotline.

(2) Beginning August 1, 2025, a public or private postsecondary education institution, vocational school, or any other institution that offers a postsecondary degree, certificate, or licensure shall post in a prominent location in every residential facility and buildings containing instructional spaces, student services, or academic support services, a legible printed sign in English and Spanish at least eight and one-half (8.5) inches by eleven (11) inches in size that shall contain:

(a) A description of sexual extortion consistent with the definition in Section 1 of this Act;

(b) Contact information for state or local law enforcement for reporting or seeking assistance relating to sexual extortion;

(c) Contact information for federal law enforcement for reporting or seeking assistance relating to sexual extortion;

(d) Contact information for a national suicide prevention hotline; and

(e) The Uniform Resource Locator (URL), a Quick Response (QR) code, or similar resource to identify the website address for informational and support resources regarding sexual extortion provided by the National Center for Missing and Exploited Children or any federally funded successor entity.

Signed by Governor March 12, 2025.