

1 AN ACT relating to the dissemination of personally identifying information.

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

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

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

6 *(a) "Dissemination" means electronically publishing, posting, or otherwise*  
7 *disclosing information to an Internet site or forum; and*

8 *(b) "Personally identifying information" means information that identifies or*  
9 *reasonably can be used to identify an individual, including but not limited*  
10 *to:*

11 *1. First and last name;*

12 *2. Social Security number or other government-issued identifier;*

13 *3. Date of birth;*

14 *4. Home or physical address;*

15 *5. Electronic-mail address or telephone number;*

16 *6. Financial account number or credit or debit card number;*

17 *7. Biometric, health, or medical data, or insurance information; or*

18 *8. School or employment locations.*

19 *(2) A person is guilty of disseminating personally identifying information about a*  
20 *minor when, with the intent to intimidate, abuse, threaten, harass, or frighten a*  
21 *person under the age of eighteen (18) who resides in the Commonwealth, he or*  
22 *she:*

23 *(a) Intentionally disseminates the personally identifying information of the*  
24 *person under the age of eighteen (18); and*

25 *(b) The dissemination places the person under the age of eighteen (18) in*  
26 *reasonable fear of physical injury.*

27 *(3) This section shall apply to electronic communications originating within or*

1 accessible within the Commonwealth.

2 (4) Disseminating personally identifying information about a minor is a Class A  
3 misdemeanor, unless the dissemination results in:

4 (a) Physical injury to the minor, in which case it is a Class C felony;

5 (b) Monetary loss of five hundred dollars (\$500) or more to the minor, the  
6 minor's immediate family, or the minor's fellow household members, in  
7 which case:

8 1. If the loss is five hundred dollars (\$500) or more but less than ten  
9 thousand dollars (\$10,000), it is a Class D felony;

10 2. If the loss is ten thousand dollars (\$10,000) or more but less than one  
11 million dollars (\$1,000,000), it is a Class C felony; and

12 3. If the loss is one million dollars (\$1,000,000) or more, it is a Class B  
13 felony; or

14 (c) Death of the minor, in which case it is a Class B felony.

15 (5) (a) If this section is violated, a civil action for actual and punitive damages,  
16 court costs, and reasonable attorney's fees may be brought against a  
17 perpetrator:

18 1. On behalf of an affected minor by a parent or legal guardian of that  
19 minor; and

20 2. By any immediate family member or household member of a minor  
21 harmed by a violation of this section, if the immediate family member  
22 or household member was also harmed by the same violation.

23 (b) The action may be filed in the Circuit Court for the county where the  
24 alleged violation occurred, or the county where the minor resides, for actual  
25 and punitive damages, court costs, and reasonable attorney's fees.

26 (c) An individual found liable under this subsection shall be jointly and  
27 severally liable with each other person, if any, found liable under this

- 1                    subsection for the damages arising from the same violation of this section.
- 2   (6) This section shall not apply to an interactive computer service as defined in 47
- 3   U.S.C. sec. 230(f)(2) for content provided by another person.