

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 a public Internet site or public forum;*

8 *(b) "Household member" means a person who regularly resides in the*  
9 *household or who within the six (6) months preceding the conduct of the*  
10 *offense regularly resided in the household;*

11 *(c) "Immediate family member" means a parent, grandparent, spouse, child,*  
12 *stepchild, father-in-law, mother-in-law, son-in-law, daughter-in-law,*  
13 *sibling, brother-in-law, sister-in-law, or grandchild; and*

14 *(d) "Personally identifying information" means information that identifies or*  
15 *reasonably can be used to identify an individual, including but not limited*  
16 *to:*

17 *1. Social Security number or other government-issued identifier;*

18 *2. Date of birth;*

19 *3. Home or physical address;*

20 *4. Electronic-mail address or telephone number;*

21 *5. Financial account number or credit or debit card number;*

22 *6. Biometric, health, or medical data, or insurance information; or*

23 *7. School or employment locations.*

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

27 *(a) Intentionally disseminates the personally identifying information of the*

- 1           person or a person's immediate family member or household member; and  
 2           **(b) The dissemination would cause a reasonable person to be in fear of physical**  
 3           **injury to himself or herself, or to his or her immediate family member or**  
 4           **household member.**
- 5           **(3) This section shall apply to electronic communications originating within or**  
 6           **accessible within the Commonwealth.**
- 7           **(4) Disseminating personally identifying information is a Class A misdemeanor,**  
 8           **unless the dissemination results in:**
- 9           **(a) Physical injury to the victim or to a victim's immediate family member or**  
 10           **household member, in which case it is a Class D felony;**
- 11           **(b) Serious physical injury to the victim or to a victim's immediate family**  
 12           **member or household member, in which case it is a Class C felony; or**
- 13           **(c) Death of the victim or of a victim's immediate family member or household**  
 14           **member, in which case it is a Class B felony.**
- 15           **(5) Nothing in this section shall be construed to impose liability on a broadband**  
 16           **Internet access service provider, a telecommunications service provider, an**  
 17           **interconnected VoIP provider, or a mobile service provider as defined in 47**  
 18           **U.S.C. sec. 153, a commercial mobile service provider as defined in 47 U.S.C. sec.**  
 19           **332(d), or a cable operator as defined in 47 U.S.C. sec. 522, when acting in its**  
 20           **capacity as a provider of those services.**

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

- 23           **(1) Any person who violates Section 1 of this Act shall be personally liable for actual**  
 24           **and punitive damages, court costs, and reasonable attorney's fees in a civil cause**  
 25           **of action brought against an alleged perpetrator:**
- 26           **(a) By a victim;**
- 27           **(b) By a victim's parent or legal guardian on behalf of a victim who is a minor;**

- 1           and
- 2           (c) By a victim's immediate family member or household member, if he or she
- 3           is harmed as a result of the same violation against the victim.
- 4           (2) The action may be filed in the Circuit Court for the county where the alleged
- 5           violation occurred or the county where the victim resides.
- 6           (3) An individual found liable under this section shall be jointly and severally liable
- 7           with each other person found liable under this section for the damages arising
- 8           from the same violation of this section.
- 9           (4) Nothing in this section shall be construed to impose liability on a broadband
- 10           Internet access service provider, a telecommunications service provider, an
- 11           interconnected VoIP provider, or a mobile service provider as defined in 47
- 12           U.S.C. sec. 153, a commercial mobile service provider as defined in 47 U.S.C. sec.
- 13           332(d), or a cable operator as defined in 47 U.S.C. sec. 522, when acting in its
- 14           capacity as a provider of those services.