

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" means a parent, grandparent, spouse, child, stepchild,*  
12 *father-in-law, mother-in-law, son-in-law, daughter-in-law, sibling, brother-*  
13 *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 member of the person's immediate family or household; and
- 2           (b) The dissemination would cause a reasonable person to be in fear of physical
- 3           injury to himself or herself, or to a member of his or her immediate family
- 4           or household.
- 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 a member of the victim's immediate family
- 10           or household, in which case it is a Class D felony;
- 11           (b) Serious physical injury to the victim or a member of the victim's immediate
- 12           family or household, in which case it is a Class C felony; or
- 13           (c) Death of the victim or a member of the victim's immediate family or
- 14           household, in which case it is a Class B felony.
- 15           (5) (a) If any provision of this section is violated, a civil action for actual and
- 16           punitive damages, court costs, and reasonable attorney's fees may be
- 17           brought against an alleged perpetrator:
- 18           1. By a victim;
- 19           2. By a victim's parent or legal guardian on behalf of a victim who is a
- 20           minor; and
- 21           3. By a member of a victim's immediate family or household, if he or she
- 22           is harmed as a result of the same violation against the victim.
- 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 victim resides.
- 25           (c) An individual found liable under this subsection shall be jointly and
- 26           severally liable with each other person, if any, found liable under this
- 27           subsection for the damages arising from the same violation of this section.