

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM  
2021 REGULAR SESSION  
**Unofficial Document**

Amend printed copy of **SB 48/GA**

On page 11, after line 4, by inserting:

"➔SECTION 3. A NEW SECTION OF KRS 61.870 TO 61.884 IS CREATED TO READ AS FOLLOWS:

**(1) As used in this section:**

**(a) "Immediate family member" means:**

- 1. A spouse, child, parent, or person under the familial custody or care of a judicial officer, prosecutor, or law enforcement agent;**
- 2. A person related by blood, law, or marriage to the judicial officer, prosecutor, or law enforcement agent; or**
- 3. A person who lives in the same residence as the judicial officer, prosecutor, or law enforcement agent;**

**(b) "Judicial officer" means any current, former, or retired:**

- 1. Administrative law judge or member of the Workers' Compensation Board pursuant to KRS Chapter 342;**
- 2. Federal justice, judge, or magistrate judge as defined in the Constitution of the United States or the United States Code;**
- 3. Hearing officer, qualified to conduct administrative hearings pursuant to KRS Chapter 13B;**

Amendment No. HFA

Rep. \_\_\_\_\_

Committee Amendment \_\_\_\_\_

Floor Amendment \_\_\_\_\_

Adopted: \_\_\_\_\_

Rejected: \_\_\_\_\_

Signed: \_\_\_\_\_

LRC Drafter: \_\_\_\_\_

Date: \_\_\_\_\_

Doc. ID: XXXX

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4. Justice, judge, trial commissioner, or domestic relations commissioner of the Kentucky Court of Justice; or
5. Circuit Court clerk;
- (c) "Law enforcement agent" means any "peace officer" as defined in KRS 446.010 and any "law enforcement officer" as defined in KRS 15.310 and 209A.020;
- (d) "Personally identifiable information" means the following:
  1. Biometric, health, or medical data, or insurance information;
  2. Birth and marriage records;
  3. Date of birth;
  4. Financial account number or credit or debit card number;
  5. Home or physical address, including:
    - a. Any secondary or vacation address;
    - b. Any property tax or property ownership records; or
    - c. Any directions to or identifying photographs of any primary, secondary, or vacation residence;
  6. Home, personal mobile, or direct personal telephone number to the individual, except that nothing in this section shall be construed to include any record made in the course of performing an official duty regardless of the nature of the device used;
  7. Identification of any children of the individual under the age of eighteen (18);
  8. Personal electronic mail addresses, except that nothing in this section shall be construed to include any record made in the course of performing an official duty regardless of the nature of the device used;
  9. Photographs of any vehicle personally owned, leased, or operated by the

individual, including photographs of any license plates, vehicle registration, or vehicle identification numbers;

10. School, day care, or employment locations or assignments;

11. Social Security number; or

12. Vehicle registration;

(e) "Prosecutor" means any current, former, or retired:

1. Attorney General or deputy or assistant attorney general;

2. Commonwealth's attorney or assistant Commonwealth's attorney;

3. County attorney or assistant county attorney;

4. Special prosecutor appointed by law or executive or judicial order; or

5. United States attorney or assistant United States attorney;

(f) "Public agency" has the same meaning as in Section 1 of this Act; and

(g) "Public defender" means a defending attorney, as defined in KRS 31.100.

(2) In addition to any protections provided under Section 2 of this Act:

(a) Upon written request of a judicial officer, law enforcement agent, prosecutor, public defender, or immediate family member, or their authorized agent, a public agency shall designate any of the requestor's personally identifiable information as confidential and shall not post, re-post, publish, or otherwise make known the personally identifiable information. Any person, or authorized agent, who has requested their information be made confidential may withdraw the request or permit release of their personally identifiable information at any time;

(b) When a public agency receives a written request pursuant to paragraph (a) of this subsection, the agency shall redact and remove the personally identifiable information within three (3) business days of receipt of the request from any public posting or publication existing at the time the request is received to the extent

practicable; and

(c) If a public agency cannot redact and remove the personally identifiable information within three (3) business days, then it shall notify the requestor, in writing, within twenty-four (24) hours of the failure to redact or remove the information, specifically identify the information that was not redacted or removed, and state the reasons that redaction or removal was not practicable.

(3) The exemptions in this section are supplemental to the exemptions provided in Section 2 of this Act and shall not be deemed to replace any exemptions or personal privacy protections provided in Section 2 of this Act.

(4) Nothing in this section shall prevent a public agency from using personally identifiable information as required to perform the routine functions of the agency.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

(1) For the purposes of this section:

(a) "At-risk individual" includes "judicial officer," "law enforcement agent," "prosecutor," and "public defender" as defined in Section 3 of this Act;

(b) "Dissemination" or "disseminating" means the public publishing, posting, or otherwise disclosing or selling of information, whether electronically, by print, or through any other medium, for other persons or entities to access or view, with no purpose of legitimate communication;

(c) "Immediate family member" has the same meaning as in Section 3 of this Act;

(d) "Person" means an individual, proprietorship, firm, partnership, limited partnership, joint venture, joint stock company, syndicate, business, trust, estate, company, corporation, limited liability company, association, club, committee, organization, or group of persons acting in concert; and

- (e) "Personally identifiable information" has the same meaning as in Section 3 of this Act.
- (2) In addition to pursuing any other remedy provided by law, an at-risk individual or his or her immediate family member may file a civil action against a person who:
- (a) Disseminates the personally identifiable information of the person who files an action under this section:
1. In response to a decision or action, or to influence or impact any future action, taken by the at-risk individual as part of his or her official duties; and
  2. With the intent to intimidate, harass, annoy, or alarm; and
- (b) The dissemination places the at-risk individual or his or her immediate family member in reasonable fear of physical injury, or reasonable fear of harm to their property.
- (3) An at-risk individual, or his or her immediate family member, may recover damages, including punitive damages, court costs, and reasonable attorney's fees from a person who has disseminated their personally identifiable information.
- (4) The action may be filed in Circuit Court in the county where the alleged violation occurred, or where the at-risk individual or his or her immediate family member resides.
- (5) A civil action brought under this section is remedial and does not limit any other civil or criminal action provided by law. Civil remedies under this section are supplemental and not exclusive.
- (6) A person or entity found liable under this section shall be jointly and severally liable with each other person found liable for the damages arising from the same violation of this section.
- (7) Nothing in this section shall be construed to impose liability on a broadband Internet access service provider, a telecommunications service provider, an interconnected VoIP

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*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."*