

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.