

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;*

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.

- 1 *(6) This section shall not apply to an interactive computer service as defined in 47*
- 2 *U.S.C. sec. 230(f)(2) for content provided by another person.*