

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2025 REGULAR SESSION
Unofficial Document

Amend printed copy of **SB 73**

Starting on page 1, line 5, to page 3, line 14, delete Section 1 in its entirety and insert in lieu thereof the following:

"(1) A person is guilty of sexual extortion when he or she communicates, through any means, a threat to:

(a) Injure the property or reputation of another person or commit violence against another person with the intent to coerce that person to:

1. Engage in sexual conduct; or

2. Produce, provide, or distribute any matter depicting that person engaging in sexual conduct or in a state of nudity or seminudity; or

(b) Distribute any matter depicting another person engaged in sexual conduct or in a state of nudity or seminudity with the intent to coerce that person to:

1. Engage in sexual conduct;

2. Produce, provide, or distribute any matter depicting that person engaging in sexual conduct or in a state of nudity or seminudity;

3. Provide the payment of money, property, services, or any other thing of value to the perpetrator; or

4. Do any act or refrain from doing any act against his or her will.

(2) Sexual extortion is a Class A misdemeanor unless:

Amendment No. SFA 1

Rep. Sen. Julie Rague Adams

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRD Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXX

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(a) The victim, as a result of the commission of the offense:

1. Engages in sexual conduct;

2. Produces, provides, or distributes any matter depicting himself or herself engaging in sexual conduct or in a state of nudity or seminudity;

3. Provides the payment of money, property, services, or any other thing of value to the offender;

4. Does any act or refrains from doing any act against his or her will; or

5. Suffers serious physical injury;

in which case it is a Class D felony; or

(b) 1. The person:

a. Was previously convicted of any sexual offense under KRS Chapter 510 or a sex crime as defined in Section 3 of this Act;

b. Occupied a position of special trust or a position of authority as those terms are defined in KRS 532.045 in relation to the victim;

c. Used or threatened the use of a deadly weapon or dangerous instrument against the victim during the commission of the offense; or

d. Is an adult and the victim is a minor, and there is greater than a four (4) year difference in age between them; or

2. The offense was committed during the course of a kidnapping as described in KRS 509.040;

in which case the person shall be charged one (1) level higher than the level otherwise specified in this subsection.

(3) If the victim attempts suicide resulting in serious physical injury or dies by suicide within ninety (90) days of the commission of the offense as a proximate result of the trauma the victim experienced during or following the commission of the offense, the person may be

prosecuted for homicide under KRS Chapter 507 or assault under KRS Chapter 508.

(4) This section shall not apply to:

(a) Images involving voluntary nudity or sexual conduct in public, commercial settings, or in a place where a person does not have a reasonable expectation of privacy;

(b) Disclosures made in the public interest, including the reporting of unlawful conduct, or lawful and common practices of law enforcement, criminal reporting, corrections, legal proceedings, or medical treatment;

(c) Disclosures of materials that constitute a matter of public concern; or

(d) When acting in its capacity as a provider of those services, a:

1. Broadband internet access service provider;

2. Telecommunications service provider, an interconnected VoIP service provider, or a mobile service provider as defined in 47 U.S.C. sec. 153;

3. Commercial mobile service provider as defined in 47 U.S.C. sec. 332; or

4. Cable operator as defined in 47 U.S.C. sec. 522; or

(e) An interactive computer service, as defined in 47 U.S.C. sec. 230, related to content provided by a user of the interactive computer service."; and

On page 8, line 3, after "above", insert "in an age-appropriate manner"; and

On page 8, line 3, after the second occurrence of "and", insert "to"; and

On page 8, lines 10 through 11, delete "elementary and secondary"; and

On page 8, line 11, after the first occurrence of "school", insert "with instructional spaces for students in grades six (6) through twelve (12)"; and

On page 8, line 14, delete "A" and insert "An age-appropriate" in lieu thereof.