

1 AN ACT relating to sexual extortion.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 531 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) A person is guilty of sexual extortion when he or she communicates, through any*  
6 *means, a threat to injure the property or reputation of another person, commit*  
7 *violence against another person, or distribute any matter depicting another*  
8 *person engaged in sexual conduct or in a state of nudity or seminudity:*

9 *(a) With the intent to coerce that person to:*

- 10 *1. Engage in sexual conduct;*  
11 *2. Produce, provide, or distribute any matter depicting that person in a*  
12 *state of nudity or seminudity or engaging in sexual conduct;*  
13 *3. Provide the payment of money, property, services, or any other thing*  
14 *of value to the perpetrator; or*  
15 *4. Do any act or refrain from doing any act against his or her will; or*

16 *(b) That causes that person to:*

- 17 *1. Engage in sexual conduct;*  
18 *2. Produce, provide, or distribute any matter depicting that person in a*  
19 *state of nudity or seminudity or engaging in sexual conduct;*  
20 *3. Provide the payment of money, property, services, or any other thing*  
21 *of value to the perpetrator; or*  
22 *4. Do any act or refrain from doing any act against his or her will.*

23 *(2) (a) For a violation of subsection (1)(a) of this section, sexual extortion is a*  
24 *Class D felony.*

25 *(b) For violation of subsection (1)(b) of this section, sexual extortion is a Class*  
26 *C felony.*

27 *(3) Any person who is convicted of a violation of this section shall be penalized one*

1 (1) class more severely if:

2 (a) The person:

3 1. Was previously convicted of any sexual offense under KRS Chapter  
4 510 or a sex crime as defined in Section 3 of this Act;

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

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

9 (b) The victim:

10 1. Is a minor;

11 2. Suffered serious physical injury during or as a result of the offense; or

12 3. Attempted suicide resulting in serious physical injury or died by  
13 suicide within ninety (90) days of the commission of the offense as a  
14 proximate result of the trauma the victim experienced during or  
15 following the commission of the offense; or

16 (c) The offense was committed during the course of a kidnapping as described  
17 in KRS 509.040.

18 (4) Notwithstanding subsections (2) or (3) of this section, sexual extortion is a Class  
19 A felony if the victim is under twelve (12) years old and he or she:

20 (a) Attempted suicide resulting in serious physical injury or death within ninety  
21 (90) days of the commission of the offense as a proximate result of the  
22 trauma the victim experienced during or following the commission of the  
23 offense; or

24 (b) Suffered serious physical injury during or as a result of the offense.

25 (5) This section shall not apply to:

26 (a) Images involving voluntary nudity or sexual conduct in public, commercial  
27 settings, or in a place where a person does not have a reasonable

- 1           expectation of privacy;
- 2           **(b) Disclosures made in the public interest, including the reporting of unlawful**
- 3           **conduct, or lawful and common practices of law enforcement, criminal**
- 4           **reporting, corrections, legal proceedings, or medical treatment;**
- 5           **(c) Disclosures of materials that constitute a matter of public concern; or**
- 6           **(d) When acting in its capacity as a provider of those services, a:**
- 7                 **1. Broadband internet access service provider;**
- 8                 **2. Telecommunications service provider, an interconnected VoIP service**
- 9                 **provider, or a mobile service provider as defined in 47 U.S.C. sec. 153;**
- 10                **3. Commercial mobile service provider as defined in 47 U.S.C. sec. 332;**
- 11                 **or**
- 12                **4. Cable operator as defined in 47 U.S.C. sec. 522; or**
- 13           **(e) An interactive computer service, as defined in 47 U.S.C. sec. 230, related to**
- 14           **content provided by a user of the interactive computer service.**

15           ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO

16 READ AS FOLLOWS:

- 17           **(1) Any person who violates Section 1 of this Act shall be personally liable for actual**
- 18           **and punitive damages, court costs, and reasonable attorney's fees in a civil cause**
- 19           **of action brought against an alleged perpetrator by a:**
- 20                 **(a) Victim or the personal representative of his or her estate; or**
- 21                 **(b) Victim's parent or legal guardian on behalf of a victim who is a minor.**
- 22           **(2) The action may be filed in the Circuit Court for the county where the alleged**
- 23           **violation occurred or the county where the victim resides.**
- 24           **(3) An individual found liable under this section shall be jointly and severally liable**
- 25           **with each other person, if any, found liable under this section for the damages**
- 26           **arising from the same violation of Section 1 of this Act.**
- 27           **(4) Nothing in this section shall be construed to impose liability on:**

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

2 1. Broadband internet access service provider;

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

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

6 or

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

8 (b) An interactive computer service, as defined in 47 U.S.C. sec. 230, related to  
9 content provided by a user of the interactive computer service.

10 ➔Section 3. KRS 17.500 is amended to read as follows:

11 As used in KRS 17.500 to 17.580:

12 (1) "Approved provider" means a mental health professional licensed or certified in  
13 Kentucky whose scope of practice includes providing mental health treatment  
14 services and who is approved by the Sex Offender Risk Assessment Advisory  
15 Board, under administrative regulations promulgated by the board, to provide  
16 comprehensive sex offender presentence evaluations or treatment to adults and  
17 youthful offenders, as defined in KRS 600.020;

18 (2) "Cabinet" means the Justice and Public Safety Cabinet;

19 (3) (a) Except as provided in paragraph (b) of this subsection, "criminal offense  
20 against a victim who is a minor" means any of the following offenses if the  
21 victim is under the age of eighteen (18) at the time of the commission of the  
22 offense:

23 1. Kidnapping, as set forth in KRS 509.040, except by a parent;

24 2. Unlawful imprisonment, as set forth in KRS 509.020, except by a  
25 parent;

26 3. Sex crime;

27 4. Promoting a sexual performance of a minor, as set forth in KRS

- 1                   531.320;
- 2                   5. Human trafficking involving commercial sexual activity, as set forth in
- 3                   KRS 529.100;
- 4                   6. Promoting human trafficking involving commercial sexual activity, as
- 5                   set forth in KRS 529.110;
- 6                   7. Promoting prostitution, as set forth in KRS 529.040, when the defendant
- 7                   advances or profits from the prostitution of a person under the age of
- 8                   eighteen (18);
- 9                   8. Use of a minor in a sexual performance, as set forth in KRS 531.310;
- 10                  9. Sexual abuse, as set forth in KRS 510.120 and 510.130;
- 11                  10. Unlawful transaction with a minor in the first degree, as set forth in KRS
- 12                  530.064(1)(a);
- 13                  11. Any offense involving a minor or depictions of a minor, as set forth in
- 14                  KRS Chapter 531;
- 15                  12. Any attempt to commit any of the offenses described in subparagraphs
- 16                  1. to 11. of this paragraph;
- 17                  13. Solicitation to commit any of the offenses described in subparagraphs 1.
- 18                  to 11. of this paragraph; or
- 19                  14. Any offense from another state or territory, any federal offense, or any
- 20                  offense subject to a court martial of the United States Armed Forces,
- 21                  which is similar to any of the offenses described in subparagraphs 1. to
- 22                  13. of this paragraph.
- 23                  (b) Conduct which is criminal only because of the age of the victim shall not be
- 24                  considered a criminal offense against a victim who is a minor if the
- 25                  perpetrator was under the age of eighteen (18) at the time of the commission
- 26                  of the offense;
- 27                  (4) "Law enforcement agency" means any lawfully organized investigative agency,

1 sheriff's office, police unit, or police force of federal, state, county, urban-county  
2 government, charter county, city, consolidated local government, or a combination  
3 of these, responsible for the detection of crime and the enforcement of the general  
4 criminal federal or state laws;

5 (5) "Registrant" means:

6 (a) Any person eighteen (18) years of age or older at the time of the offense or  
7 any youthful offender, as defined in KRS 600.020, who has committed:

8 1. A sex crime; or

9 2. A criminal offense against a victim who is a minor; or

10 (b) Any person required to register under KRS 17.510; or

11 (c) Any sexually violent predator; or

12 (d) Any person whose sexual offense has been diverted pursuant to KRS 533.250,  
13 until the diversionary period is successfully completed;

14 (6) "Registrant information" means the name, including any lawful name change  
15 together with the previous name, Social Security number, age, race, sex, date of  
16 birth, height, weight, hair and eye color, fingerprints, palm prints, DNA sample, a  
17 photograph, aliases used, residence, motor vehicle operator's license number as well  
18 as any other government-issued identification card numbers, if any, a brief  
19 description of the crime or crimes committed, and other information the cabinet  
20 determines, by administrative regulation, may be useful in the identification of  
21 registrants;

22 (7) "Residence" means any place where a person sleeps. For the purposes of this  
23 statute, a registrant may have more than one (1) residence. A registrant is required  
24 to register each residence address;

25 (8) "Sex crime" means:

26 (a) A felony offense defined in KRS Chapter 510, KRS 529.100 or 529.110  
27 involving commercial sexual activity, 530.020, 530.064(1)(a), 531.310,

1 531.320, 531.335, 531.340, 531.365, 531.366, 531.367,~~[or]~~ 531.368, or

2 **Section 1 of this Act;**

3 (b) A felony attempt to commit a felony offense specified in paragraph (a) of this  
4 subsection; or

5 (c) A federal felony offense, a felony offense subject to a court-martial of the  
6 United States Armed Forces, or a felony offense from another state or a  
7 territory where the felony offense is similar to a felony offense specified in  
8 paragraph (a) of this subsection;

9 (9) "Sexual offender" means any person convicted of, pleading guilty to, or entering an  
10 Alford plea to a sex crime as defined in this section, as of the date the verdict is  
11 entered by the court;

12 (10) "Sexually violent predator" means any person who has been subjected to  
13 involuntary civil commitment as a sexually violent predator, or a similar  
14 designation, under a state, territory, or federal statutory scheme;

15 (11) "The board" means the Sex Offender Risk Assessment Advisory Board created  
16 under KRS 17.554;

17 (12) "Victim" has the same meaning as in KRS 421.500;

18 (13) "DNA sample" or "deoxyribonucleic acid sample" means a blood or swab specimen  
19 from a person, as prescribed by administrative regulation, that is required to provide  
20 a DNA sample pursuant to KRS 17.170 or 17.510, that shall be submitted to the  
21 Department of Kentucky State Police forensic laboratory for law enforcement  
22 identification purposes and inclusion in law enforcement identification databases;  
23 and

24 (14) "Authorized personnel" means an agent of state government who is properly trained  
25 in DNA sample collection pursuant to administrative regulation.

26 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO  
27 READ AS FOLLOWS:

1 (1) The superintendent of each local school district shall require the principal of  
 2 each school within the district to provide written notice of the provisions of  
 3 Section 1 of this Act to students in grades four (4) and above and parents or  
 4 guardians of all students within ten (10) days of the first instructional day of each  
 5 school year.

6 (2) The requirements of subsection (1) of this section shall apply to public charter  
 7 schools as a health and safety requirement under KRS 160.1592(1).

8 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO  
 9 READ AS FOLLOWS:

10 (1) By August 1, 2025, local boards shall require each public elementary and  
 11 secondary school to display, in a prominent location in each school building, a  
 12 legible printed sign in English and Spanish at least eight and one-half (8.5)  
 13 inches by eleven (11) inches in size that shall contain:

14 (a) A description of sexual extortion consistent with the definition in Section 1  
 15 of this Act;

16 (b) Contact information for state or local law enforcement for reporting or  
 17 seeking assistance relating to sexual extortion;

18 (c) Contact information for federal law enforcement for reporting or seeking  
 19 assistance relating to sexual extortion;

20 (d) Contact information for a national suicide prevention hotline; and

21 (e) The Uniform Resource Locator (URL), a Quick Response (QR) code, or  
 22 similar resource to identify the website address for informational and  
 23 support resources regarding sexual extortion provided by the National  
 24 Center for Missing and Exploited Children or any federally funded  
 25 successor entity.

26 (2) The requirements of subsection (1) of this section shall apply to public charter  
 27 schools as a health and safety requirement under KRS 160.1592(1).



1 **(3) By July 15, 2025, the department shall publish recommendations for information**  
2 **to be included consistent with subsection (1) of this section.**

3 ➔Section 6. KRS 164.2815 is amended to read as follows:

4 **(1) ~~Beginning August 1, 2020,~~ Any student identification badge issued by a public or**  
5 **private postsecondary education institution, vocational school, or any other**  
6 **institution that offers a postsecondary degree, certificate, or licensure shall contain**  
7 **the contact information for:**

8 **(a)~~(1)~~ A national domestic violence hotline;**

9 **(b)~~(2)~~ A national sexual assault hotline; and**

10 **(c)~~(3)~~ A national suicide prevention hotline.**

11 **(2) Beginning August 1, 2025, a public or private postsecondary education**  
12 **institution, vocational school, or any other institution that offers a postsecondary**  
13 **degree, certificate, or licensure shall post in a prominent location in every**  
14 **residential facility and buildings containing instructional spaces, student services,**  
15 **or academic support services, a legible printed sign in English and Spanish at**  
16 **least eight and one-half (8.5) inches by eleven (11) inches in size that shall**  
17 **contain:**

18 **(a) A description of sexual extortion consistent with the definition in Section 1**  
19 **of this Act;**

20 **(b) Contact information for state or local law enforcement for reporting or**  
21 **seeking assistance relating to sexual extortion;**

22 **(c) Contact information for federal law enforcement for reporting or seeking**  
23 **assistance relating to sexual extortion;**

24 **(d) Contact information for a national suicide prevention hotline; and**

25 **(e) The Uniform Resource Locator (URL), a Quick Response (QR) code, or**  
26 **similar resource to identify the website address for informational and**  
27 **support resources regarding sexual extortion provided by the National**

1            *Center for Missing and Exploited Children or any federally funded*  
2            *successor entity.*