

1 AN ACT relating to nondisclosure and confidentiality agreements.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 372 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section, "act of sexual abuse" means:

6 (a) Sexual abuse or sexual exploitation as those terms are defined in KRS

7 600.020;

8 (b) Rape as described in KRS 510.040, 510.050, or 510.060;

9 (c) Sodomy as described in KRS 510.070, 510.080, or 510.090;

10 (d) Sexual abuse as described in KRS 510.110, 510.120, or 510.130;

11 (e) Sexual misconduct as described in KRS 510.140;

12 (f) Indecent exposure as described in KRS 510.148 or 510.150;

13 (g) Human trafficking as described in KRS 529.100(1)(b);

14 (h) Unlawful transaction with a minor as described in KRS 530.064(1)(a);

15 (i) Sexual extortion as described in KRS 531.125;

16 (j) Sexual exploitation of minors as described in KRS 531.310, 531.320, or

17 531.370; or

18 (k) Grooming behavior. As used in this paragraph, "grooming behavior"

19 means a course of conduct directed at a minor that is intended to establish

20 an emotional connection with a minor through manipulation, trust-

21 building, or influence to facilitate future acts of sexual conduct or

22 normalize or desensitize the minor to acts of sexual conduct, even if no in-

23 person meeting or act of sexual conduct is completed. This conduct may

24 occur online or in person, through third parties, or by other indirect

25 methods to facilitate the manipulation of a minor.

26 (2) Any:

27 (a) Provision of a nondisclosure agreement or confidentiality agreement; or

1 **(b) Nondisclosure or confidentiality provision of an employment agreement,**
2 **settlement agreement, or any other agreement;**
3 **is void to the extent the provision prohibits a person or party from disclosing an**
4 **act of sexual abuse or facts related to an act of sexual abuse to any other person,**
5 **regardless of whether the act of sexual abuse has led to a criminal charge,**
6 **conviction, adjudication, or sentence.**

7 **(3) This section shall not prohibit a person or party from agreeing to keep**
8 **confidential any other provision of a settlement agreement, including the amount**
9 **or payment terms of a settlement.**

10 **(4) (a) This section shall be retroactive, subject to paragraph (b) of this subsection.**
11 **(b) A person or party shall not enforce or attempt to enforce an agreement or a**
12 **provision of an agreement described in subsection (2) of this section entered**
13 **into before the effective date of this Act unless the person or party obtains a**
14 **declaratory judgment under KRS Chapter 418 that:**

- 15 **1. Is final and not subject to appeal; and**
16 **2. Declares that the agreement or provision is enforceable.**

17 ➔Section 2. This Act may be cited as Trey's Law.