

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  
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  
531.370; or
- 18       (k) Grooming behavior. As used in this paragraph, "grooming behavior"  
means a course of conduct directed at a minor that is intended to establish  
an emotional connection with a minor through manipulation, trust-  
building, or influence to facilitate future acts of sexual conduct or  
normalize or desensitize the minor to acts of sexual conduct, even if no in-  
person meeting or act of sexual conduct is completed. This conduct may  
occur online or in person, through third parties, or by other indirect  
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.