

1 AN ACT relating to malicious distribution of images without consent.

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 malicious distribution of images without consent when:*

6 *(a) He or she uses a computer to intentionally distribute to any website or*
7 *application, an image, including a publicly available image, without the*
8 *consent of the person depicted, and does so with the intent to:*

9 *1. Sexually arouse or sexually gratify another person;*

10 *2. Degrade, exploit, or abuse the person depicted; or*

11 *3. Invite or encourage comments from another person that would*
12 *express intent or fantasies that are sexual, abusive, physically*
13 *punishing, or otherwise illegal toward or involving the person*
14 *depicted; and*

15 *(b) The disclosure would cause a reasonable person to suffer harm.*

16 *(2) This section shall not apply to internet service providers or telecommunications*
17 *services, or interactive computer services as defined in 47 U.S.C. sec. 230(f)(2),*
18 *for content solely provided by another person.*

19 *(3) Malicious distribution of images without consent is a Class B misdemeanor.*

20 *(4) Notwithstanding KRS 17.500 to 17.580, a conviction under this section shall not*
21 *result in the offender being deemed a registrant or being required to register as a*
22 *sex offender.*

23 *(5) For purposes of this section, "consent" means the consent to transmission of*
24 *images to a specific recipient or any website or application. Consent to the*
25 *creation of the image does not, by itself, constitute consent to the distribution of*
26 *the image.*