

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) "Sexual extortion" means to communicate, through any means, a threat to injure*
6 *the property or reputation of another person, commit violence against another*
7 *person, or distribute an image, video, or other recording depicting another person*
8 *that is of a sexual nature or that depicts the person in a state of nudity or semi-*
9 *nudity:*

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

11 *1. Engage in sexual contact, sexual intercourse, or conduct that is of a*
12 *sexual nature;*

13 *2. Produce, provide, or distribute an image, video, or other recording of*
14 *that person in a state of nudity or engaging in conduct of a sexual*
15 *nature;*

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

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

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

20 *1. Engage in sexual contact, sexual intercourse, or conduct that is of a*
21 *sexual nature;*

22 *2. Produce, provide, or distribute an image, video, or other recording of*
23 *that person in a state of nudity or engaging in conduct that is of a*
24 *sexual nature;*

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

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

1 (2) (a) Any person who engages in sexual extortion as defined in subsection (1)(a)
2 of this section is guilty of a Class D felony.

3 (b) Any person who engages in sexual extortion as defined in subsection (1)(b)
4 of this section is guilty of a Class C felony.

5 (c) Any person who is convicted of a violation of subsection (1)(a) or (b) of this
6 section shall be penalized one (1) class more severely if:

7 1. The victim is a minor;

8 2. The offense was committed by the use of a deadly weapon or
9 dangerous instrument;

10 3. The offense was committed during the course of a kidnapping;

11 4. The person caused physical injury to the victim during or as a result of
12 the offense;

13 5. The victim attempted suicide resulting in serious physical injury or
14 died by suicide within ninety (90) days of the commission of the
15 offense, as a proximate result of the trauma the victim experienced
16 during or stemming from the commission of the offense;

17 6. The person was previously convicted of any sexual offense under KRS
18 Chapter 510; or

19 7. The person occupied a position of special trust as defined in KRS
20 532.045 in relation to the victim.

21 (3) This section shall not apply to:

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

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

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

2 (d) Internet service providers or telecommunications services, or interactive
 3 computer services as defined in 47 U.S.C. sec. 230(f)(2), related to content
 4 provided by a user of the interactive computer service.

5 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO
 6 READ AS FOLLOWS:

7 (1) Any person who violates Section 1 of this Act shall be personally liable for actual
 8 and punitive damages, court costs, and reasonable attorney's fees in a civil cause
 9 of action brought against an alleged perpetrator:

10 (a) By a victim; or

11 (b) By a victim's parent or legal guardian on behalf of a victim who is a minor.

12 (2) The action may be filed in the Circuit Court of the county where the alleged
 13 violation occurred or the county where the victim resides.

14 (3) An individual found liable under this section shall be jointly and severally liable
 15 with each other person found liable under this section for the damages arising
 16 from the same violation of this section.

17 (4) Nothing in this section shall be construed to impose liability on:

18 (a) A broadband internet access service provider; a telecommunications service
 19 provider, an interconnected VoIP provider, or a mobile service provider as
 20 defined in 47 U.S.C. sec. 153; a commercial mobile service provider as
 21 defined in 47 U.S.C. sec. 332; or a cable operator as defined in 47 U.S.C.
 22 sec. 522, when acting in its capacity as a provider of those services; or

23 (b) An interactive computer service, as defined in 47 U.S.C. sec. 230(f)(2),
 24 related to content provided by a user of the interactive computer service.

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

26 As used in KRS 17.500 to 17.580:

27 (1) "Approved provider" means a mental health professional licensed or certified in

1 Kentucky whose scope of practice includes providing mental health treatment
2 services and who is approved by the Sex Offender Risk Assessment Advisory
3 Board, under administrative regulations promulgated by the board, to provide
4 comprehensive sex offender presentence evaluations or treatment to adults and
5 youthful offenders, as defined in KRS 600.020;

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

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

- 11 1. Kidnapping, as set forth in KRS 509.040, except by a parent;
- 12 2. Unlawful imprisonment, as set forth in KRS 509.020, except by a
13 parent;
- 14 3. Sex crime;
- 15 4. Promoting a sexual performance of a minor, as set forth in KRS
16 531.320;
- 17 5. Human trafficking involving commercial sexual activity, as set forth in
18 KRS 529.100;
- 19 6. Promoting human trafficking involving commercial sexual activity, as
20 set forth in KRS 529.110;
- 21 7. Promoting prostitution, as set forth in KRS 529.040, when the defendant
22 advances or profits from the prostitution of a person under the age of
23 eighteen (18);
- 24 8. Use of a minor in a sexual performance, as set forth in KRS 531.310;
- 25 9. Sexual abuse, as set forth in KRS 510.120 and 510.130;
- 26 10. Unlawful transaction with a minor in the first degree, as set forth in KRS
27 530.064(1)(a);

- 1 11. Any offense involving a minor or depictions of a minor, as set forth in
2 KRS Chapter 531;
- 3 12. Any attempt to commit any of the offenses described in subparagraphs
4 1. to 11. of this paragraph;
- 5 13. Solicitation to commit any of the offenses described in subparagraphs 1.
6 to 11. of this paragraph; or
- 7 14. Any offense from another state or territory, any federal offense, or any
8 offense subject to a court martial of the United States Armed Forces,
9 which is similar to any of the offenses described in subparagraphs 1. to
10 13. of this paragraph.
- 11 (b) Conduct which is criminal only because of the age of the victim shall not be
12 considered a criminal offense against a victim who is a minor if the
13 perpetrator was under the age of eighteen (18) at the time of the commission
14 of the offense;
- 15 (4) "Law enforcement agency" means any lawfully organized investigative agency,
16 sheriff's office, police unit, or police force of federal, state, county, urban-county
17 government, charter county, city, consolidated local government, or a combination
18 of these, responsible for the detection of crime and the enforcement of the general
19 criminal federal or state laws;
- 20 (5) "Registrant" means:
- 21 (a) Any person eighteen (18) years of age or older at the time of the offense or
22 any youthful offender, as defined in KRS 600.020, who has committed:
- 23 1. A sex crime; or
- 24 2. A criminal offense against a victim who is a minor; or
- 25 (b) Any person required to register under KRS 17.510; or
- 26 (c) Any sexually violent predator; or
- 27 (d) Any person whose sexual offense has been diverted pursuant to KRS 533.250,

- 1 until the diversionary period is successfully completed;
- 2 (6) "Registrant information" means the name, including any lawful name change
3 together with the previous name, Social Security number, age, race, sex, date of
4 birth, height, weight, hair and eye color, fingerprints, palm prints, DNA sample, a
5 photograph, aliases used, residence, motor vehicle operator's license number as well
6 as any other government-issued identification card numbers, if any, a brief
7 description of the crime or crimes committed, and other information the cabinet
8 determines, by administrative regulation, may be useful in the identification of
9 registrants;
- 10 (7) "Residence" means any place where a person sleeps. For the purposes of this
11 statute, a registrant may have more than one (1) residence. A registrant is required
12 to register each residence address;
- 13 (8) "Sex crime" means:
- 14 (a) A felony offense defined in KRS Chapter 510, KRS 529.100 or 529.110
15 involving commercial sexual activity, 530.020, 530.064(1)(a), 531.310,
16 531.320,~~or~~ 531.335, or Section 1 of this Act;
- 17 (b) A felony attempt to commit a felony offense specified in paragraph (a) of this
18 subsection; or
- 19 (c) A federal felony offense, a felony offense subject to a court-martial of the
20 United States Armed Forces, or a felony offense from another state or a
21 territory where the felony offense is similar to a felony offense specified in
22 paragraph (a) of this subsection;
- 23 (9) "Sexual offender" means any person convicted of, pleading guilty to, or entering an
24 Alford plea to a sex crime as defined in this section, as of the date the verdict is
25 entered by the court;
- 26 (10) "Sexually violent predator" means any person who has been subjected to
27 involuntary civil commitment as a sexually violent predator, or a similar

1 designation, under a state, territory, or federal statutory scheme;

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

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

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

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

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

15 *The superintendent of each local school district shall require the principal of each*
16 *school within the district to provide written notice to students in grades six (6) and*
17 *above and parents or guardians of all students within ten (10) days of the first*
18 *instructional day of each school year of the provisions of Section 1 of this Act.*

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

21 *(1) By August 1, 2024, local boards shall require each public secondary school to*
22 *display, in a prominent location in each school building, a printed sign in English*
23 *and Spanish at least eight and one-half (8.5) inches by eleven (11) inches in size,*
24 *with letters at least one (1) inch high that shall contain:*

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

27 *(b) Contact information for state or local law enforcement for reporting or*

- 1 seeking assistance relating to sexual extortion;
 2 (c) Contact information for federal law enforcement for reporting or seeking
 3 assistance relating to sexual extortion;
 4 (d) Contact information for a national suicide prevention hotline; and
 5 (e) The Uniform Resource Locator (URL), a Quick Response (QR) code, or
 6 similar resource to identify the website address for informational and
 7 support resources regarding sexual extortion provided by the National
 8 Center for Missing and Exploited Children or any federally funded
 9 successor entity.

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

12 (3) By July 15, 2024, the Department of Education shall publish recommendations
 13 for information to be included consistent with subsection (1) of this section.

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

15 (1) ~~[Beginning August 1, 2020,]~~ Any student identification badge issued by a public or
 16 private postsecondary education institution, vocational school, or any other
 17 institution that offers a postsecondary degree, certificate, or licensure shall contain
 18 the contact information for:

19 (a)~~[(1)]~~ A national domestic violence hotline;

20 (b)~~[(2)]~~ A national sexual assault hotline; and

21 (c)~~[(3)]~~ A national suicide prevention hotline.

22 (2) Beginning August 1, 2024, a public or private postsecondary education
 23 institution, vocational school, or any other institution that offers a postsecondary
 24 degree, certificate, or licensure shall post in a prominent location in every
 25 residence hall, classroom building, and student center, a printed sign in English
 26 and Spanish at least eight and one-half (8.5) inches by eleven (11) inches in size,
 27 with letters at least one (1) inch high that shall contain:

- 1 (a) A description of sexual extortion consistent with the definition in Section 1
- 2 of this Act;
- 3 (b) Contact information for state or local law enforcement for reporting or
- 4 seeking assistance relating to sexual extortion;
- 5 (c) Contact information for federal law enforcement for reporting or seeking
- 6 assistance relating to sexual extortion;
- 7 (d) Contact information for a national suicide prevention hotline; and
- 8 (e) The Uniform Resource Locator (URL), a Quick Response (QR) code, or
- 9 similar resource to identify the website address for informational and
- 10 support resources regarding sexual extortion provided by the National
- 11 Center for Missing and Exploited Children or any federally funded
- 12 successor entity.