

1 AN ACT relating to the dissemination of personally identifying information.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO  
4 READ AS FOLLOWS:

5 (1) For the purposes of this section:

6 (a) "Dissemination" means electronically publishing, posting, or otherwise  
7 disclosing information to an Internet site or forum;

8 (b) "Household member" means anyone who has lived at the same address as  
9 the minor for the twelve (12) months prior to the dissemination in question;

10 (c) "Minor" means a person under the age of eighteen (18) who resides in the  
11 Commonwealth or a person over the age of eighteen (18) who is a pupil of  
12 any secondary school in the Commonwealth; and

13 (d) "Personally identifying information" means information that identifies or  
14 reasonably can be used to identify an individual, including but not limited  
15 to:

16 1. First and last name;

17 2. Social Security number or other government-issued identifier;

18 3. Date of birth;

19 4. Home or physical address;

20 5. Electronic mail address or telephone number;

21 6. Financial account number or credit or debit card number;

22 7. Biometric, health, or medical data, or insurance information; or

23 8. School or employment locations.

24 (2) A person is guilty of disseminating personally identifying information about a  
25 minor when, with the intent to intimidate, abuse, threaten, harass, or frighten the  
26 minor:

27 (a) He or she intentionally disseminates the personally identifying information

1                   of the minor; and

2                   (b) The dissemination places the minor in reasonable fear of physical injury.

3                   (3) This section shall apply to electronic communications originating or accessible  
4                   within the Commonwealth.

5                   (4) Disseminating personally identifying information about a minor is a Class A  
6                   misdeemeanor, unless the dissemination results in:

7                   (a) Physical injury to the minor, in which case it is a Class C felony;

8                   (b) Monetary loss of five hundred dollars (\$500) or more to the minor or the  
9                   minor's fellow household members, in which case:

10                   1. If the loss is five hundred dollars (\$500) or more but less than ten  
11                   thousand dollars (\$10,000), it is a Class D felony;

12                   2. If the loss is ten thousand dollars (\$10,000) or more but less than one  
13                   million dollars (\$1,000,000), it is a Class C felony; and

14                   3. If the loss is one million dollars (\$1,000,000) or more, it is a Class B  
15                   felony; or

16                   (c) Death of the minor, in which case it is a Class B felony.

17                   (5) (a) If this section is violated, regardless of the outcome of any potential  
18                   criminal prosecution, a civil action for actual and punitive damages, court  
19                   costs, and reasonable attorney's fees may be brought against a perpetrator:

20                   1. On behalf of an affected minor by a custodial parent or legal guardian  
21                   of that minor; and

22                   2. By any household member of the minor harmed by a violation of this  
23                   section, if the household member was also harmed by the same  
24                   violation.

25                   (b) The action may be filed in the Circuit Court for the county where the  
26                   alleged violation occurred or the county where the minor resides.

27                   (c) An individual found liable under this subsection shall be jointly and

1                   severally liable with each other person, if any, found liable under this  
2                   subsection for the damages arising from the same violation of this section.  
3   (6) This section shall not apply to an interactive computer service as defined in 47  
4                   U.S.C. sec. 230(f)(2) for content provided by another person.