

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 a public Internet site or public forum;*

8 *(b) "Household member" means a person who regularly resides in the*
9 *household or who within the six (6) months preceding the conduct of the*
10 *offense regularly resided in the household;*

11 *(c) "Immediate family" means a parent, grandparent, spouse, child, stepchild,*
12 *father-in-law, mother-in-law, son-in-law, daughter-in-law, sibling, brother-*
13 *in-law, sister-in-law, or grandchild; and*

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

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

18 *2. Date of birth;*

19 *3. Home or physical address;*

20 *4. Electronic-mail address or telephone number;*

21 *5. Financial account number or credit or debit card number;*

22 *6. Biometric, health, or medical data, or insurance information; or*

23 *7. School or employment locations.*

24 *(2) A person is guilty of disseminating personally identifying information about*
25 *another person when, with the intent to intimidate, abuse, threaten, harass, or*
26 *frighten a person who resides in the Commonwealth, he or she:*

27 *(a) Intentionally disseminates the personally identifying information of the*

1 person or a member of the person's immediate family or household; and

2 (b) The dissemination would cause a reasonable person to be in fear of physical
3 injury to himself or herself, or to a member of his or her immediate family
4 or household.

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

7 (4) Disseminating personally identifying information is a Class A misdemeanor,
8 unless the dissemination results in:

9 (a) Physical injury to the victim or a member of the victim's immediate family
10 or household, in which case it is a Class D felony;

11 (b) Serious physical injury to the victim or a member of the victim's immediate
12 family or household, in which case it is a Class C felony; or

13 (c) Death of the victim or a member of the victim's immediate family or
14 household, in which case it is a Class B felony.

15 (5) (a) If any provision of this section is violated, a civil action for actual and
16 punitive damages, court costs, and reasonable attorney's fees may be
17 brought against an alleged perpetrator:

18 1. By a victim;

19 2. By a victim's parent or legal guardian on behalf of a victim who is a
20 minor; and

21 3. By a member of a victim's immediate family or household, if he or she
22 is harmed as a result of the same violation against the victim.

23 (b) The action may be filed in the Circuit Court for the county where the
24 alleged violation occurred or the county where the victim resides.

25 (c) An individual found liable under this subsection shall be jointly and
26 severally liable with each other person, if any, found liable under this
27 subsection for the damages arising from the same violation of this section.