

1 AN ACT relating to private information of public officials and declaring an
2 emergency.

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

4 ➔SECTION 1. A NEW SECTION OF KRS 61.870 TO 61.884 IS CREATED TO
5 READ AS FOLLOWS:

6 *(1) For the purposes of this section:*

7 *(a) "Judicial officer" means any current, former, or retired:*

- 8 *1. Federal justice, judge, or magistrate judge as defined in the United*
9 *States Code;*
- 10 *2. State justice, judge, or trial commissioner of the Court of Justice;*
- 11 *3. Administrative law judge pursuant to KRS Chapter 342; or*
- 12 *4. Hearing officer, qualified to conduct administrative hearings pursuant*
13 *to KRS Chapter 13B;*

14 *(b) "Prosecutor" means any current, former, or retired:*

- 15 *1. United States attorney or assistant United States attorney;*
- 16 *2. Commonwealth's attorney or assistant Commonwealth's attorney;*
- 17 *3. County attorney or assistant county attorney;*
- 18 *4. Attorney General or deputy or assistant attorney general; or*
- 19 *5. Special prosecutor appointed by law or executive or judicial order;*

20 *(c) "Law enforcement officer" means any current, former, or retired member*
21 *of a lawfully organized police unit or police force of federal, state, county,*
22 *city, or metropolitan government who is responsible for the detection of*
23 *crime and the enforcement of the general criminal laws of the state, as well*
24 *as sheriffs, sworn deputy sheriffs, campus police officers, law enforcement*
25 *support personnel, public airport authority security officers, other public*
26 *and federal peace officers responsible for law enforcement, and special*
27 *local peace officers licensed pursuant to KRS 61.360;*

1 (d) "Immediate family member" means:

2 1. A spouse, child, or parent of a judicial officer, prosecutor, or law
3 enforcement officer; or

4 2. A family member related by blood or law to the judicial officer,
5 prosecutor, or law enforcement officer who lives in the same
6 residence; and

7 (e) "Personally identifiable information" means information that identifies or
8 reasonably can be used to identify an individual, including:

9 1. First and last name;

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

11 3. Date of birth;

12 4. Home or physical address, including any second or vacation address,
13 property tax or property ownership records, or directions to or
14 identifying photographs of any primary, secondary, or vacation
15 residence;

16 5. Birth and marriage records;

17 6. Vehicle registration;

18 7. Photographs of any vehicle, including photographs of any license
19 plates, vehicle registration, or VIN numbers;

20 8. Identification of any children of the individual under the age of
21 eighteen (18);

22 9. Electronic mail address, or other personal e-mail addresses;

23 10. Home, personal mobile, or direct telephone number to the individual;

24 11. Financial account number or credit or debit card number;

25 12. Biometric, health, or medical data, or insurance information; or

26 13. School, day care, or employment locations.

27 (2) All personally identifiable information of a judicial officer, prosecutor, or law

1 enforcement officer shall be exempt from the Open Records Act, KRS 61.870 to
2 61.884, and shall not be released to the public. A public agency shall not post, re-
3 post, publish, or otherwise make known any personally identifiable information
4 of a judicial officer, prosecutor, or law enforcement officer.

5 (3) Any personally identifiable information currently published on the Internet or
6 any other medium under the control of a public agency shall be redacted within
7 seventy-two (72) hours of the effective date of this Act.

8 (4) Any personally identifiable information necessary for storage or use by a public
9 agency that is essential to perform a governmental function shall be exempt from
10 this section.

11 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO
12 READ AS FOLLOWS:

13 (1) For the purposes of this section:

14 (a) "Dissemination" means electronically publishing, posting, or otherwise
15 disclosing information to an Internet site, forum, or other medium for other
16 persons to access or view;

17 (b) "Law enforcement official" includes "judicial officer," "prosecutor," and
18 "law enforcement officer" as defined in Section 1 of this Act;

19 (c) "Immediate family member" has the same meaning as in Section 1 of this
20 Act;

21 (d) "Personally identifying information" has the same meaning as in Section 1
22 of this Act; and

23 (e) "Person" means an individual, proprietorship, firm, partnership, limited
24 partnership, joint venture, joint stock company, syndicate, business, trust,
25 estate, company, corporation, limited liability company, association, club,
26 committee, organization, or group of persons acting in concert.

27 (2) A person is guilty of dissemination of personally identifying information of a law

1 enforcement official, with the intent to intimidate, abuse, threaten, harass, or
2 frighten the law enforcement official when the person, either knowingly or
3 wantonly:

4 (a) Disseminates the personally identifiable information of the law enforcement
5 official or his or her immediate family; and

6 (b) Places the law enforcement official or his or her immediate family member
7 in reasonable fear of physical injury, or reasonable fear of harm to their
8 property.

9 (3) Disseminating personally identifiable information is a Class A misdemeanor
10 unless the dissemination was performed intentionally, in which case it is a Class
11 D felony.

12 (4) Any personally identifiable information disseminated before the effective date of
13 this section, shall be removed within seven (7) days of the effective date of this
14 Act, or within seventy-two (72) hours after a written request from the law
15 enforcement official or immediate family member affected by the dissemination,
16 whichever occurs sooner.

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 by the law enforcement official, or his or her immediate family member, if
21 the immediate family member was harmed by this violation.

22 (b) The action may be filed in Circuit Court in the county where the alleged
23 crime occurred, or where the law enforcement official or his or her
24 immediate family member 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.

1 ➔Section 3. Whereas because of the ease of publishing personal information over
2 the Internet and social media, and the increase in death threats and deaths to judges and
3 other public officials, an emergency is declared to exist, and this Act takes effect upon its
4 passage and approval by the Governor or upon its otherwise becoming a law.