

AN ACT relating to distribution of non-consensual pornography.

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

➔Section 1. KRS 531.010 is amended to read as follows:

As used in this chapter:

- (1) "Distribute" means to transfer possession of, whether with or without consideration.
- (2) "Matter" means any book, magazine, newspaper, or other printed or written material or any picture, drawing, photograph, motion picture, live image transmitted over the Internet or other electronic network, or other pictorial representation or any statue or other figure, or any recording transcription or mechanical, chemical or electrical reproduction or any other articles, equipment, machines, or materials.
- (3) "Obscene" means:
 - (a) To the average person, applying contemporary community standards, the predominant appeal of the matter, taken as a whole, is to prurient interest in sexual conduct; and
 - (b) The matter depicts or describes the sexual conduct in a patently offensive way; and
 - (c) The matter, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- (4) "Private erotic matter" means any matter originally created for private use with the consent of the person depicted and without express authorization for distribution to any third party, which depicts sexual conduct, or the exposure of unclothed or apparently unclothed human genitals, buttocks, or nipple of the female breast.**
- ~~(5)~~~~(4)~~ "Sexual conduct" means acts of masturbation, homosexuality, lesbianism, bestiality, sexual intercourse, or deviant sexual intercourse; or physical contact with the genitals, flagellation, or excretion for the purpose of sexual stimulation or gratification.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 531 IS CREATED TO
READ AS FOLLOWS:

(1) A person is guilty of distribution of non-consensual pornography when he or she intentionally distributes private erotic matter without the consent of the person depicted to any third party.

(2) Distribution of non-consensual pornography is a Class A Misdemeanor.