

AN ACT relating to harassing communications.

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

➔Section 1. KRS 525.080 is amended to read as follows:

- (1) As used in this section, "telecommunication" and "electronic communication" mean any type of telephonic, electronic, or radio communication, or transmission of signs, signals, data, writings, images, and sounds or intelligence of any nature by telephone, including cellular telephones, cable, radio, electromagnetic, photoelectronic, or photo-optical system or the creation, display, management, storage, processing, transmission, or distribution of images, text, voice, video, or data by wire, cable, or wireless means, including the Internet. The terms include:***
- (a) A communication initiated by electronic mail, instant message, network call, or facsimile machine; and***
- (b) A communication made to a pager.***

- (2)***~~*(1)*~~ A person is guilty of harassing communications when, with intent to intimidate, harass, annoy, or alarm another person, he or she:
- (a) Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, ***telecommunication, electronic communication,*** or any other form of written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication;
- (b) Makes a telephone call, whether or not conversation ensues, with no purpose of legitimate communication;~~*or*~~
- (c) Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves

no purpose of legitimate communication;

(d) Communicates any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent;

(e) Permits any telecommunication or other electronic communication device under his or her control to be used by another person for any purpose prohibited by this section; or

(f) He or she, or in conspiracy or concerted action with other persons, makes repeated or simultaneous telecommunications or electronic communications.

(3) [(2)] Harassing communications is a Class B misdemeanor for the first offense and a Class A misdemeanor for each subsequent offense.