

## **Sexual Extortion**

### **DEFINITION**

A person is guilty of sexual extortion when he or she communicates, through any means, a threat to:

- (a) Injure the property or reputation of another person or commit violence against another person with the intent to coerce that person to:
  - 1. Engage in sexual conduct; or
  - 2. Produce, provide, or distribute any matter depicting that person engaging in sexual conduct or in a state of nudity or seminudity; or
- (b) Distribute any matter depicting another person engaged in sexual conduct or in a state of nudity or seminudity with the intent to coerce that person to:
  - 1. Engage in sexual conduct;
  - 2. Produce, provide, or distribute any matter depicting that person engaging in sexual conduct or in a state of nudity or seminudity;
  - 3. Provide the payment of money, property, services, or any other thing of value to the perpetrator; or
  - 4. Do any act or refrain from doing any act against his or her will.

Sexual extortion is a Class A misdemeanor unless:

- (a) The victim, as a result of the commission of the offense:
  - 1. Engages in sexual conduct;
  - 2. Produces, provides, or distributes any matter depicting himself or herself engaging in sexual conduct or in a state of nudity or seminudity;
  - 3. Provides the payment of money, property, services, or any other thing of value to the offender;
  - 4. Does any act or refrains from doing any act against his or her will; or
  - 5. Suffers serious physical injury;

In which case it is a Class D felony; or

- (b) 1. The person:
  - a. Was previously convicted of any sexual offense under KRS Chapter 510 or a sex crime as defined in [KRS 17.500](#);
  - b. Occupied a position of special trust or a position of authority as those terms are defined in [KRS 532.045](#) in relation to the victim;
  - c. Used or threatened the use of a deadly weapon or dangerous instrument against the victim during the commission of the offense; or
  - d. Is an adult and the victim is a minor, and there is greater than a four (4) year difference in age between them; or

**Sexual Extortion****DEFINITION (CONTINUED)**

2. The offense was committed during the course of a kidnapping as described in [KRS 509.040](#);

In which case the person shall be charged one (1) level higher than the level otherwise specified in this subsection.

If the victim attempts suicide resulting in serious physical injury or dies by suicide within ninety (90) days of the commission of the offense as a proximate result of the trauma the victim experience during or following the commission of the offense, the person may be prosecuted for homicide under KRS Chapter 507 or assault under KRS Chapter 508.

This section does not apply to:

- (a) Images involving voluntary nudity or sexual conduct in public, commercial settings, or in a place where a person does not have a reasonable expectation of privacy;
- (b) Disclosures made in the public interest, including the reporting of unlawful conduct, or lawful and common practices of law enforcement, criminal reporting, corrections, legal proceedings, or medical treatment;
- (c) Disclosures of materials that constitute a matter of public concern; or
- (d) When acting in its capacity as a provider of those services, a:
  1. Broadband internet access service provider;
  2. Telecommunications service provider, an interconnected VoIP service provider, or a mobile service providers as defined in 47 U.S.C. sec. 153;
  3. Commercial mobile service providers as defined in 47 U.S.C. sec. 332; or
  4. Cable operator as defined in 47 U.S.C. sect. 522; or
- (e) An interactive computer service, as defined in 47 U.S.C. sec. 230, related to content provided by a user of the interactive computer service.<sup>1</sup>

**STUDENT AND PARENT NOTIFICATION**

The Superintendent shall require the Principal of each school to provide written notice of the “Definition” section of this policy to students in grades four (4) and above in an age-appropriate manner and to parents or guardians of all students within ten (10) days of the first instructional day of each school year.<sup>2</sup>

**SIGNAGE**

By August 1, 2025, the Board shall require each school with instructional spaces for students in grades six (6) through twelve (12) to display, in a prominent location in each school building, a legible printed sign in English and Spanish at least eight and one-half (8.5) inches by eleven (11) inches in size that shall contain:

**Sexual Extortion****SIGNAGE (CONTINUED)**

- a. An age-appropriate description of sexual extortion consistent with the “Definition” section of this policy;
- b. Contact information for state or local law enforcement for reporting or seeking assistance relating to sexual extortion;
- c. Contact information for federal law enforcement for reporting or seeking assistance relating to sexual extortion;
- d. Contact information for a national suicide prevention hotline; and
- e. The Uniform Resource Locator (URL), a Quick Response (QR) code, or similar resource to identify the website address for informational and support resources regarding sexual extortion provided by the National Center for Missing and Exploited Children or any federally funded successor entity.<sup>3</sup>

The Kentucky Department of Education shall publish recommendations for information to be included consistent with district signage requirements.

**REFERENCES:**

<sup>1</sup>[KRS 531.125](#)

<sup>2</sup>[KRS 158.157](#)

<sup>3</sup>[KRS 158.158](#)

[KRS 17.500](#)

KRS Chapter 507; KRS Chapter 508; [KRS 509.040](#); KRS Chapter 510; [KRS 532.045](#)

47 U.S.C. sec. 153; 47 U.S.C. sec. 230; 47 U.S.C. sec. 332; 47 U.S.C. sec. 522

**RELATED POLICIES:**

08.2323

09.2211; 09.4; 09.42; 09.422; 09.425; 09.4261; 09.42811; 09.428111

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