

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
H.P. 356 - L.D. 537

**An Act to Prohibit the Doxing of a Minor and to Authorize a Related Civil
Action**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §4651, sub-§2, ¶C, as amended by PL 2017, c. 455, §1, is further amended to read:

C. A single act or course of conduct constituting a violation of section 4681; Title 14, section 9102; Title 17, section 2931; or Title 17-A, section 201, 202, 203, 204, 207, 208, 209, 210, 210-A, 211, 253, 254, 255-A, 256, 258, 259-A, 259-B, 260, 261, 282, 283, 301, 302, 303, 506, 506-A, 511, 511-A, 556, 802, 805, 806, 852 or 853.

Sec. 2. 14 MRSA c. 765 is enacted to read:

CHAPTER 765

DOXING OF MINOR PROHIBITED; CIVIL ACTION AUTHORIZED

§9101. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Close relation. "Close relation" means, with respect to a person, a current or former spouse or domestic partner, parent, child, sibling, stepchild, stepparent or grandparent of that person; a person who regularly resides or within the prior 6 months resided in the same household as that person; a person with a significant personal or professional relationship with that person; or a pet of that person or of that person's household or family.

2. Compensatory damages. "Compensatory damages" includes, but is not limited to, past and future medical expenses, lost earnings, pain, suffering, mental anguish, emotional distress and loss of enjoyment of life.

3. Disclosure. "Disclosure" means the dissemination, distribution, circulation, sharing, posting, publishing, transmittal or release of information through electronic or other means.

4. Doxing of a minor. "Doxing of a minor" means the intentional, knowing or reckless disclosure by a person of personal identifying information of a minor, when the person making the disclosure consciously disregards a substantial risk that the disclosure will cause, and in fact the disclosure either directly or indirectly causes:

A. A course of conduct directed at or concerning the minor or a close relation of the minor that constitutes stalking under Title 17-A, section 210-A;

B. Physical harm to the minor or a close relation of the minor;

C. Serious damage to the property of the minor or a close relation of the minor; or

D. The minor or a close relation of the minor to reasonably fear for the minor's physical safety or to reasonably fear for the physical safety of a close relation of the minor.

5. Minor. "Minor" means a person:

A. Who has not attained 18 years of age; or

B. Who is 18 years of age or older, meets the age requirement for enrollment under Title 20-A, section 5201, subsection 1 and is currently enrolled in a public or private secondary school in the State.

6. Personal identifying information. "Personal identifying information" means:

A. Any of the following information concerning a minor that the minor has not made and has not authorized another person to make readily apparent to the general public:

(1) Biometric data;

(2) Home address, personal e-mail address or personal telephone number;

(3) Employer's name, address or telephone number; address of employer's website; the minor's work e-mail address; or the minor's work telephone number;

(4) School name, address or telephone number; address of the school's website; or the minor's school e-mail address;

(5) Social security number, passport number, driver's license number or state-issued identification card number;

(6) Credit or debit card number;

(7) Citizenship status;

(8) Medical, financial, educational, consumer or employment information or records; or

(9) A photograph that was not taken in a public place and that has not previously been made available to the general public; or

B. A photograph or likeness of a minor, including a photograph that was taken in a public place or that has previously been made available to the general public, in combination with:

(1) The minor's legal name, prior name, alias or date or place of birth;

- (2) Information about the minor's relationship to a close relation; or
- (3) Any item of information concerning the minor specified in paragraph A.

§9102. Doxing of minor prohibited

A person may not engage in conduct that constitutes doxing of a minor. A person that violates this section may be subject to a civil action for damages pursuant to section 9103.

§9103. Civil action for damages

A minor may bring a civil action against a person who violates section 9102 for injunctive relief, actual damages, compensatory damages, any combination of those remedies or any other appropriate relief.

1. Attorney's fees and costs. A plaintiff who prevails in a civil action under this section is entitled to an award of attorney's fees and costs.

2. Punitive damages. A plaintiff who proves by clear and convincing evidence that the doxing of a minor was committed with malice or motivated by the race, color, religion, ethnicity, national origin, citizenship status, sex, gender, sexual orientation, gender identity or expression, physical or mental health condition or disability of the minor or of a close relation of the minor is entitled to an award of punitive damages in addition to any other remedy.

3. Defenses. It is a defense to a civil action brought pursuant to this section that a person disclosed personal identifying information of a minor for the sole purpose of:

A. Reporting conduct that was reasonably believed to be unlawful or to constitute a crime to a law enforcement officer or law enforcement agency;

B. Publishing, disseminating or reporting conduct by a public official, law enforcement officer or law enforcement agency that was reasonably believed to be unlawful, to constitute a crime or to constitute an abuse of authority; or

C. Engaging in lawful activity protected by the United States Constitution or the Constitution of Maine pertaining to speech, assembly, press or petition, including to address a matter of public concern.

4. Minors as parties. A minor may be a party to an action under this chapter only when the minor has a representative through whom the action is brought or defended pursuant to the Maine Rules of Civil Procedure, Rule 17(b).