

1 AN ACT relating to coercive control.

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

3 ➔Section 1. KRS 403.720 is amended to read as follows:

4 As used in KRS 403.715 to 403.785:

5 (1) (a) ***"Coercive control" means a pattern of behavior that in purpose or effect***
 6 ***unreasonably interferes with the free will and personal liberty of another***
 7 ***person.***

8 (b) ***"Coercive control" includes but is not limited to unreasonably engaging in***
 9 ***any of the following:***

10 ***1. Isolating a person from friends, relatives, or other sources of support;***

11 ***2. Depriving a person of basic necessities;***

12 ***3. Controlling, regulating, or monitoring a person's movements,***
 13 ***communications, daily behavior, finances, economic resources, or***
 14 ***access to services;***

15 ***4. Compelling or inducing a person by force, threat, or intimidation,***
 16 ***including but not limited to threats based on actual or suspected***
 17 ***immigration status, to:***

18 ***a. Engage in conduct from which the person has a legal right to***
 19 ***abstain; or***

20 ***b. Abstain from conduct in which the person has a legal right to***
 21 ***pursue;***

22 ***5. Damaging or threatening to damage property or household goods of***
 23 ***another person; or***

24 ***6. Releasing or threatening to release sexual images of another person;***

25 (2) "Domestic animal" means a dog, cat, or other animal that is domesticated and kept
 26 as a household pet, but does not include animals normally raised for agricultural or
 27 commercial purposes;

1 ~~(3)~~~~(2)~~ "Domestic violence and abuse" means:

2 (a) Physical injury, serious physical injury, stalking, sexual assault, strangulation,
3 assault, or the infliction of fear of imminent physical injury, serious physical
4 injury, sexual assault, strangulation, or assault between family members or
5 members of an unmarried couple;~~or~~

6 (b) Any conduct prohibited under~~by~~ KRS 525.125, 525.130, 525.135, or
7 525.137, or the infliction of fear of such imminent conduct, taken against a
8 domestic animal when used as a method of coercion, control, punishment,
9 intimidation, or revenge directed against a family member or member of an
10 unmarried couple who has a close bond of affection to the domestic animal;
11 or

12 (c) *Coercive control of a family member or member of an unmarried couple:*

13 ~~(4)~~~~(3)~~ "Family member" means a spouse, including a former spouse, a grandparent,
14 a grandchild, a parent, an adult sibling, a child, a stepchild, or any other person
15 living in the same household as a child if the child is the alleged victim;

16 ~~(5)~~~~(4)~~ "Foreign protective order" means any judgment, decree, or order of protection
17 which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 that was
18 issued on the basis of domestic violence and abuse;

19 ~~(6)~~~~(5)~~ "Global positioning monitoring system" means a system that electronically
20 determines a person's location through a device worn by the person which does not
21 invade his or her bodily integrity and which transmits the person's latitude and
22 longitude data to a monitoring entity;

23 ~~(7)~~~~(6)~~ "Member of an unmarried couple" means each member of an unmarried
24 couple which allegedly has a child in common, any children of that couple, or a
25 member of an unmarried couple who are living together or have formerly lived
26 together;

27 ~~(8)~~~~(7)~~ "Order of protection" means an emergency protective order or a domestic

1 violence order and includes a foreign protective order;

2 ~~(9)~~~~(8)~~ "Sexual assault" refers to conduct prohibited as any degree of rape, sodomy,
3 or sexual abuse under KRS Chapter 510 or incest under KRS 530.020, or a criminal
4 attempt, conspiracy, facilitation, or solicitation to commit rape, sodomy, sexual
5 abuse, or incest;

6 **(10) "Stalking" refers to conduct prohibited under KRS 508.140 or 508.150, or a**
7 **criminal attempt, conspiracy, facilitation, or solicitation to commit the crime of**
8 **stalking;**

9 ~~(11)~~~~(9)~~ "Strangulation" refers to conduct prohibited ~~under~~~~by~~ KRS 508.170 ~~or~~~~and~~
10 508.175, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the
11 crime of strangulation; and

12 ~~(12)~~~~(10)~~ "Substantial violation" means criminal conduct which involves actual or
13 threatened harm to the person, family, or property, including a domestic animal, of
14 an individual protected by an order of protection.

15 ➔Section 2. KRS 456.010 is amended to read as follows:

16 As used in this chapter:

17 (1) **(a) "Coercive control" means a pattern of behavior that in purpose or effect**
18 **unreasonably interferes with the free will and personal liberty of another**
19 **person.**

20 **(b) "Coercive control" includes but is not limited to unreasonably engaging in**
21 **any of the following:**

- 22 **1. Isolating a person from friends, relatives, or other sources of support;**
- 23 **2. Depriving a person of basic necessities;**
- 24 **3. Controlling, regulating, or monitoring a person's movements,**
25 **communications, daily behavior, finances, economic resources, or**
26 **access to services;**
- 27 **4. Compelling or inducing a person by force, threat, or intimidation,**

1 including but not limited to threats based on actual or suspected
 2 immigration status, to:

3 a. Engage in conduct from which the person has a legal right to
 4 abstain; or

5 b. Abstain from conduct in which the person has a legal right to
 6 pursue;

7 5. Damaging or threatening to damage property or household goods of
 8 another person; or

9 6. Releasing or threatening to release sexual images of another person;

10 (2) "Dating relationship" means a relationship between individuals who have or have
 11 had a relationship of a romantic or intimate nature. It does not include a casual
 12 acquaintanceship or ordinary fraternization in a business or social context. The
 13 following factors may be considered in addition to any other relevant factors in
 14 determining whether the relationship is or was of a romantic or intimate nature:

- 15 (a) Declarations of romantic interest;
- 16 (b) The relationship was characterized by the expectation of affection;
- 17 (c) Attendance at social outings together as a couple;
- 18 (d) The frequency and type of interaction between the persons, including whether
 19 the persons have been involved together over time and on a continuous basis
 20 during the course of the relationship;
- 21 (e) The length and recency of the relationship; and
- 22 (f) Other indications of a substantial connection that would lead a reasonable
 23 person to understand that a dating relationship existed;

24 (3)~~(2)~~ "Dating violence and abuse" means:

- 25 (a) Physical injury, serious physical injury, stalking, sexual assault, strangulation,
 26 or the infliction of fear of imminent physical injury, serious physical injury,
 27 sexual abuse, strangulation, or assault occurring between persons who are or

1 have been in a dating relationship;~~or~~

2 (b) Any conduct prohibited under~~by~~ KRS 525.125, 525.130, 525.135, or
 3 525.137, or the infliction of fear of such imminent conduct, taken against a
 4 domestic animal when used as a method of coercion, control, punishment,
 5 intimidation, or revenge directed against a person with whom the perpetrator
 6 is or has been in a dating relationship, when that person has a close bond of
 7 affection to the domestic animal; or

8 (c) *Coercive control of a person with whom the perpetrator is or has been in a*
 9 *dating relationship;*

10 ~~(4)~~~~(3)~~ "Domestic animal" means a dog, cat, or other animal that is domesticated and
 11 kept as a household pet, but does not include animals normally raised for
 12 agricultural or commercial purposes;

13 ~~(5)~~~~(4)~~ "Foreign protective order" means any judgment, decree, or order of protection
 14 which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 which was
 15 not issued on the basis of domestic violence and abuse;

16 ~~(6)~~~~(5)~~ "Global positioning monitoring system" means a system that electronically
 17 determines a person's location through a device worn by the person which does not
 18 invade his or her bodily integrity and which transmits the person's latitude and
 19 longitude data to a monitoring entity;

20 ~~(7)~~~~(6)~~ "Order of protection" means any interpersonal protective order, including
 21 those issued on a temporary basis, and includes a foreign protective order;

22 ~~(8)~~~~(7)~~ "Sexual assault" refers to conduct prohibited as any degree of rape, sodomy,
 23 or sexual abuse under KRS Chapter 510 or a criminal attempt, conspiracy,
 24 facilitation, or solicitation to commit any degree of rape, sodomy, or sexual abuse,
 25 or incest under KRS 530.020;

26 ~~(9)~~~~(8)~~ "Stalking" refers to conduct prohibited ~~as stalking~~ under KRS 508.140 or
 27 508.150, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the

1 crime of stalking;

2 ~~(10)~~~~(9)~~ "Strangulation" refers to conduct prohibited under~~by~~ KRS 508.170 or~~and~~
3 508.175, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the
4 crime of strangulation; and

5 ~~(11)~~~~(10)~~ "Substantial violation" means criminal conduct which involves actual or
6 threatened harm to the person, family, or property, including a domestic animal, of
7 an individual protected by an order of protection.

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