

403.763 Violation of order of protection constitutes contempt of court and criminal offense.

- (1) Violation of the terms or conditions of an order of protection after the person has been served or given notice of the order shall constitute contempt of court and a criminal offense under this section. Once a criminal or contempt proceeding has been initiated, the other shall not be undertaken regardless of the outcome of the original proceeding.
- (2)
 - (a) Court proceedings for contempt of court for violation of an order of protection shall be held in the county where the order was issued or filed.
 - (b) Court proceedings for a criminal violation of an order of protection shall follow the rules of venue applicable to criminal cases generally.
- (3) Nothing in this section shall preclude the Commonwealth from prosecuting and convicting the respondent of criminal offenses other than violation of an order of protection.
- (4)
 - (a) A person is guilty of a violation of an order of protection when he or she intentionally violates the provisions of an order of protection after the person has been served or given notice of the order.
 - (b) Violation of an order of protection is a Class A misdemeanor, unless the person who stands convicted of a violation under this subsection has been convicted of two (2) or more previous violations of orders of protection under this subsection or KRS 456.180(4)(a), 508.155, or 510.037 within the last five (5) years, in which case it is a Class D felony if the third or subsequent violation involves the:
 1. Use or attempted use of physical force; or
 2. Threat of physical harm.

The protected person in the third or subsequent violation is not required to be the same protected person in the previous violations. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered.

Effective: June 27, 2025

History: Amended 2025 Ky. Acts ch. 75, sec. 2, effective June 27, 2025. -- Repealed and reenacted 2015 Ky. Acts ch. 102, sec. 17, effective January 1, 2016. -- Created 1992 Ky. Acts ch. 172, sec. 15, effective July 14, 1992.

Legislative Research Commission Note (1/1/2016). In 2015 Ky. Acts ch. 102, sec. 17, this statute was repealed and reenacted with language substantially different from that contained in the version current at that time. In Section 51 of that Act, KRS 403.763 (this statute) was also included in the list of statutes to be repealed. In codification, the Reviser of Statutes has determined that there was no intention to both repeal and repeal and reenact the same statute and that the inclusion of KRS 403.763 in the list of statutes to be repealed was a manifest clerical or typographical error. As such, that repeal will not prevail over its repeal and reenactment in the same Act under the authority of KRS 7.136(1)(h).