

CHAPTER 75

(HB 38)

AN ACT relating to orders of protection.

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

➔Section 1. KRS 403.735 is amended to read as follows:

- (1) Prior to or at a hearing on a petition for an order of protection:
 - (a) The court may obtain the respondent's Kentucky criminal and protective order history and utilize that information to assess what relief and which sanctions may protect against danger to the petitioner or other person for whom protection is being sought, with the information so obtained being provided to the parties in accordance with the *Kentucky* Rules of Civil Procedure; and
 - (b) If the petitioner or respondent is a minor, the court shall inquire whether the parties attend school in the same school system to assist the court in imposing conditions in the order that have the least disruption in the administration of education to the parties while providing appropriate protection to the petitioner.
- (2)
 - (a) If the adverse party is not present at the hearing ordered pursuant to KRS 403.730 and has not been served, a previously issued emergency protective order shall remain in place, and the court shall direct the issuance of a new summons for a hearing set not more than fourteen (14) days in the future. If service has not been made on the adverse party before that hearing or a subsequent hearing, the emergency protective order shall remain in place, and the court shall continue the hearing and issue a new summons with a new date and time for the hearing to occur, which shall be within fourteen (14) days of the originally scheduled date for the continued hearing. The court shall repeat the process of continuing the hearing and reissuing a new summons until the adverse party is served in advance of the scheduled hearing. If service has not been made on the respondent at least seventy-two (72) hours prior to the scheduled hearing, the court may continue the hearing no more than fourteen (14) days in the future. In issuing the summons, the court shall simultaneously transmit a copy of the summons or notice of its issuance and provisions to the petitioner. ***Upon the request of the petitioner, the court may excuse the petitioner from future court appearances until the respondent has been served.***
 - (b) The provisions of this section permitting the continuance of an emergency protective order shall be limited to six (6) months from the issuance of the emergency protective order. If the respondent has not been served within that period, the order shall be rescinded without prejudice. Prior to the expiration of the emergency protective order, the court shall provide notice to the petitioner stating that, if the petitioner does not file a new petition, the order shall be rescinded without prejudice.

➔Section 2. KRS 403.763 is amended to read as follows:

- (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, subsection (4)(a) of Section 4 of this Act, or KRS 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.

➔Section 3. KRS 456.050 is amended to read as follows:

- (1) Prior to or at a hearing on a petition for an interpersonal protective order:
 - (a) The court may obtain the respondent's Kentucky criminal and protective order history and utilize that information to assess what relief and which sanctions may protect against danger to the petitioner or other person for whom protection is being sought, with the information so obtained being provided to the parties in accordance with the **Kentucky** Rules of Civil Procedure; and
 - (b) If the petitioner or respondent is a minor, the court shall inquire whether the parties attend school in the same school system to assist the court in imposing conditions in the order that have the least disruption in the administration of education to the parties while providing appropriate protection to the petitioner.
- (2) (a) If the adverse party is not present at the hearing ordered pursuant to KRS 456.040 and has not been served, a previously issued temporary interpersonal protective order shall remain in place, and the court shall direct the issuance of a new summons for a hearing set not more than fourteen (14) days in the future. If service has not been made on the adverse party before that hearing or a subsequent hearing, the temporary interpersonal protective order shall remain in place, and the court shall continue the hearing and issue a new summons with a new date and time for the hearing to occur, which shall be within fourteen (14) days of the originally scheduled date for the continued hearing. The court shall repeat the process of continuing the hearing and reissuing a new summons until the adverse party is served in advance of the scheduled hearing. If service has not been made on the respondent at least seventy-two (72) hours prior to the scheduled hearing, the court may continue the hearing no more than fourteen (14) days in the future. In issuing the summons, the court shall simultaneously transmit a copy of the summons or notice of its issuance and provisions to the petitioner. ***Upon the request of the petitioner, the court may excuse the petitioner from future court appearances until the respondent has been served.***
 - (b) The provisions of this section permitting the continuance of an interpersonal protective order shall be limited to six (6) months from the issuance of the temporary interpersonal protective order. If the respondent has not been served within that period, the order shall be rescinded without prejudice. Prior to the expiration of the temporary interpersonal protective order, the court shall provide notice to the petitioner stating that, if the petitioner does not file a new petition, the order shall be rescinded without prejudice.

➔Section 4. KRS 456.180 is amended to read as follows:

- (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 interpersonal protective order 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, subsection (4)(a) of Section 2 of this Act, or KRS 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.

Signed by Governor March 24, 2025.