

AN ACT relating to victims of sex offenses.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 510 IS CREATED TO READ AS FOLLOWS:

- (1) A conviction, plea of guilty, or entry into an Alford plea by a defendant for a violation of this chapter shall operate as an application for a restraining order that restricts the defendant's contact with the victim of the crime or crimes charged, unless the victim requests otherwise.
- (2) The court shall give the defendant notice of his or her right to request a hearing on the application for a restraining order. If the defendant waives his or her right to a hearing on this matter, then the court may issue the restraining order without a hearing.
- (3) If the defendant requests a hearing, it shall be held at the time of the verdict or plea of guilty, unless the victim or defendant requests otherwise. The hearing shall be held in the court where the verdict or plea of guilty was entered.
- (4) A restraining order issued under this section may grant the following relief:

 - (a) Prohibit the defendant from knowingly entering the residence, property, school, or place of employment of the victim and family or household members of the victim and require that the defendant stay away from any specified place that is named in the order and is frequented regularly by the victim and family or household members of the victim;
 - (b) Prohibit the defendant from knowingly making contact of any kind with the victim or other persons, including but not limited to forbidding the defendant from initiating any form of direct or indirect personal, written, telephonic, electronic or other communication likely to cause serious alarm, annoyance, intimidation, or harassment to the victim, family or household members of the victim, or their employers, employees, or fellow workers, or

others with whom communication would be likely to cause serious alarm, annoyance, intimidation, or harassment to the victim; and

(c) Any other appropriate prohibition necessary to protect the victim.

(5) Any order issued pursuant to this section relating to a school, place of business, or similar nonresidential location shall be sufficiently limited to protect the victim and the victim's family or household members but shall also protect the defendant's right to employment, education, or the right to do legitimate business.

(6) The provisions of this section shall not apply to contact by an attorney regarding a legal matter.

(7) Unless the defendant has been convicted of a felony, or is otherwise ineligible to purchase or possess a firearm under local or federal law, a restraining order issued pursuant to this section shall not operate as a ban on the purchase or possession of firearms or ammunition by the defendant.

(8) A restraining order issued pursuant to this section shall be valid for a period of not more than ten (10) years, the specific duration of which shall be determined by the court. The duration of the restraining order shall be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim, the victim's family or household members, or both.

(9) The restraining order shall be issued on a form prescribed by the Administrative Office of the Courts and may be lifted upon application of the victim to the court which granted the order.

(10) The court shall determine the appropriate level of identifying information for any place or person with which contact is restricted.

(11) Within twenty-four (24) hours of entry of a restraining order or entry of an order rescinding a restraining order, the circuit clerk shall forward a copy of the order to the Law Information Network of Kentucky (LINK).

(12) The circuit clerk or other person designated by the court shall provide a copy of

the restraining order to the victim immediately upon entry.

(13) A restraining order issued under this section shall be enforced in any county of the Commonwealth. Law enforcement officers acting in good faith in enforcing a restraining order shall be immune from criminal and civil liability.

(14) A violation by the defendant of an order issued pursuant to this section shall be a Class A misdemeanor.

(15) Notwithstanding any provision of the law to the contrary, any order issued by a court under this section shall continue in effect following the termination of any terms or conditions of a defendant's suspension of sentence, probation supervision, home incarceration, or any other post-conviction release of the defendant.

(16) Nothing in this section shall preclude the filing of a criminal complaint for a criminal violation based on the same act which is the basis for the violation of the restraining order.