

AN ACT relating to interpersonal violence.

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

➔Section 1. KRS 431.064 is amended to read as follows:

- (1) ***(a)*** In making a decision concerning pretrial release of a person who is arrested for a violation of KRS Chapter 508 or 510, or charged with a crime involving a violation of an order of protection as defined in KRS 403.720 and 456.010, the court or agency having authority to make a decision concerning pretrial release shall review the facts of the arrest and detention of the person and determine whether the person:

~~1.(a)~~ Is a threat to the alleged victim or other family or household member; and

~~2.(b)~~ Is reasonably likely to appear in court.

***(b) If review indicates that the arrested person is a threat to another person who is:***

***1. A family member as defined in KRS 403.720 of the arrested person;***

***2. A member of an unmarried couple as defined in KRS 403.720 with the arrested person;***

***3. A person who is in a dating relationship as defined on KRS 456.010 with the arrested person; or***

***4. A victim of sexual assault as defined KRS 456.010 and the arrested person is alleged to be the victim's assailant,***

***the arrested person shall not be released from custody until at least twelve (12) hours have expired from the time of the person's arrest.***

- (2) Before releasing a person arrested for or charged with a crime specified in subsection (1) of this section, the court shall make findings, on the record if possible, concerning the determination made in accordance with subsection (1) of this section, and may impose conditions of release or bail on the person to protect

the alleged victim of domestic violence or abuse and to ensure the appearance of the person at a subsequent court proceeding. The conditions may include:

- (a) An order enjoining the person from threatening to commit or committing acts of domestic violence or abuse against the alleged victim or other family or household member;
  - (b) An order prohibiting the person from harassing, annoying, telephoning, contacting, or otherwise communicating with the alleged victim, either directly or indirectly;
  - (c) An order directing the person to vacate or stay away from the home of the alleged victim and to stay away from any other location where the victim is likely to be;
  - (d) An order prohibiting the person from using or possessing a firearm or other weapon specified by the court;
  - (e) An order prohibiting the person from possession or consumption of alcohol or controlled substances;
  - (f) Any other order required to protect the safety of the alleged victim and to ensure the appearance of the person in court; or
  - (g) Any combination of the orders set out in paragraphs (a) to (f) of this subsection.
- (3) If conditions of release are imposed, the court imposing the conditions on the arrested or charged person shall:
- (a) Issue a written order for conditional release; and
  - (b) Immediately distribute a copy of the order to pretrial services.
- (4) The court shall provide a copy of the conditions to the arrested or charged person upon release. Failure to provide the person with a copy of the conditions of release does not invalidate the conditions if the arrested or charged person has notice of the conditions.

- (5) If conditions of release are imposed without a hearing, the arrested or charged person may request a prompt hearing before the court to review the conditions. Upon request, the court shall hold a prompt hearing to review the conditions.
- (6) The victim, as defined in KRS 421.500, of the defendant's alleged crime, or an individual designated by the victim in writing, shall be entitled to a free certified copy of the defendant's conditions of release, or modified conditions of release, upon request to the clerk of the court which issued the order releasing the defendant. The victim or the victim's designee may personally obtain the document at the clerk's office or may have it delivered by mail.
- (7) The circuit clerk or the circuit clerk's designee, in cooperation with the court that issued the order releasing the defendant, shall cause the conditions of release to be entered into the computer system maintained by the clerk and the Administrative Office of the Courts within twenty-four (24) hours following its filing, excluding weekends and holidays. Any modification of the release conditions shall likewise be entered by the circuit clerk, or the circuit clerk's designee.
- (8) The information entered under this section shall be accessible to any agency designated by the Department of Kentucky State Police as a terminal agency for the Law Information Network of Kentucky.
- (9) All orders issued under this section which require entry into the Law Information Network of Kentucky shall be entered on forms prescribed by the Administrative Office of the Courts. If the conditions of pretrial release are contained in an order which is narrative in nature, the prescribed form shall be used in addition to the narrative order.
- (10) Any person who violates any condition of an order issued pursuant to this section is guilty of a Class A misdemeanor.