

1 AN ACT relating to interpersonal violence.

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) "Domestic violence and abuse" means:

6 (a) Physical injury, serious physical injury, stalking, sexual abuse, strangulation,
7 assault, or the infliction of fear of imminent physical injury, serious physical
8 injury, sexual abuse, strangulation, or assault between family members or
9 members of an unmarried couple; or

10 (b) Any conduct prohibited by KRS 525.125, 525.130, 525.135, or 525.137
11 conducted towards a domestic animal when used as a method of coercion,
12 control, punishment, intimidation, or revenge directed against a family
13 member or member of an unmarried couple;

14 (2) "Family member" means a spouse, including a former spouse, a grandparent, a
15 grandchild, a parent, a child, a stepchild, or any other person living in the same
16 household as a child if the child is the alleged victim;

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

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

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

27 (6) "Order of protection" means an emergency protective order or a domestic violence

1 order and includes a foreign protective order;

2 (7) "Strangulation" refers to conduct prohibited by KRS 508.170 and 508.175; and

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

6 ➔Section 2. KRS 403.740 is amended to read as follows:

7 (1) Following a hearing ordered under KRS 403.730, if a court finds by a
8 preponderance of the evidence that domestic violence and abuse has occurred and
9 may again occur, the court may issue a domestic violence order:

10 (a) Restraining the adverse party from:

11 1. Committing further acts of domestic violence and abuse;

12 2. Any unauthorized contact or communication with the petitioner or other
13 person specified by the court;

14 3. Approaching the petitioner or other person specified by the court within
15 a distance specified in the order, not to exceed five hundred (500) feet;

16 4. Going to or within a specified distance of a specifically described
17 residence, school, or place of employment or area where such a place is
18 located; and

19 5. Disposing of or damaging any of the property of the parties;

20 (b) Directing or prohibiting any other actions that the court believes will be of
21 assistance in eliminating future acts of domestic violence and abuse, except
22 that the court shall not order the petitioner to take any affirmative action;

23 (c) Directing that either or both of the parties receive counseling services
24 available in the community in domestic violence and abuse cases; and

25 (d) Additionally, if applicable:

26 1. Directing the adverse party to vacate a residence shared by the parties to
27 the action;

- 1 2. Utilizing the criteria set forth in KRS 403.270, 403.320, and 403.822,
 2 grant temporary custody, subject to KRS 403.315;~~and~~
 3 3. Utilizing the criteria set forth in KRS 403.211, 403.212, and 403.213,
 4 award temporary child support; and
 5 **4. Awarding possession of any shared domestic animals to the petitioner.**

6 (2) In imposing a location restriction described in subsection (1)(a)4. of this section, the
 7 court shall:

- 8 (a) Afford the petitioner and respondent, if present, an opportunity to testify on
 9 the issue of the locations and areas from which the respondent should or
 10 should not be excluded;
 11 (b) Only impose a location restriction where there is a specific, demonstrable
 12 danger to the petitioner or other person protected by the order;
 13 (c) Specifically describe in the order the locations or areas prohibited to the
 14 respondent; and
 15 (d) Consider structuring a restriction so as to allow the respondent transit through
 16 an area if the respondent does not interrupt his or her travel to harass, harm, or
 17 attempt to harass or harm the petitioner.

18 (3) When temporary child support is granted under this section, the court shall enter an
 19 order detailing how the child support is to be paid and collected. Child support
 20 ordered under this section may be enforced utilizing the same procedures as any
 21 other child support order.

22 (4) A domestic violence order shall be effective for a period of time fixed by the court,
 23 not to exceed three (3) years, and may be reissued upon expiration for subsequent
 24 periods of up to three (3) years each. The fact that an order has not been violated
 25 since its issuance may be considered by a court in hearing a request for a reissuance
 26 of the order.

27 ➔Section 3. KRS 456.010 is amended to read as follows:

1 As used in this chapter:

- 2 (1) "Dating relationship" means a relationship between individuals who have or have
3 had a relationship of a romantic or intimate nature. It does not include a casual
4 acquaintanceship or ordinary fraternization in a business or social context. The
5 following factors may be considered in addition to any other relevant factors in
6 determining whether the relationship is or was of a romantic or intimate nature:
- 7 (a) Declarations of romantic interest;
 - 8 (b) The relationship was characterized by the expectation of affection;
 - 9 (c) Attendance at social outings together as a couple;
 - 10 (d) The frequency and type of interaction between the persons, including whether
11 the persons have been involved together over time and on a continuous basis
12 during the course of the relationship;
 - 13 (e) The length and recency of the relationship; and
 - 14 (f) Other indications of a substantial connection that would lead a reasonable
15 person to understand that a dating relationship existed;
- 16 (2) "Dating violence and abuse" means:
- 17 **(a)** Physical injury, serious physical injury, stalking, sexual assault, strangulation,
18 or the infliction of fear of imminent physical injury, serious physical injury,
19 sexual abuse, strangulation, or assault occurring between persons who are or
20 have been in a dating relationship; **or**
 - 21 **(b) Any conduct prohibited by KRS 525.125, 525.130, 525.135, or 525.137**
22 **conducted towards a domestic animal when used as a method of coercion,**
23 **control, punishment, intimidation, or revenge directed against a person with**
24 **whom the perpetrator is or has been in a dating relationship;**
- 25 (3) "Foreign protective order" means any judgment, decree, or order of protection
26 which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 which was
27 not issued on the basis of domestic violence and abuse;

- 1 (4) "Global positioning monitoring system" means a system that electronically
2 determines a person's location through a device worn by the person which does not
3 invade his or her bodily integrity and which transmits the person's latitude and
4 longitude data to a monitoring entity;
- 5 (5) "Order of protection" means any interpersonal protective order, including those
6 issued on a temporary basis, and includes a foreign protective order;
- 7 (6) "Sexual assault" refers to conduct prohibited as any degree of rape, sodomy, or
8 sexual abuse under KRS Chapter 510 or incest under KRS 530.020;
- 9 (7) "Stalking" refers to conduct prohibited as stalking under KRS 508.140 or 508.150;
- 10 (8) "Strangulation" refers to conduct prohibited by KRS 508.170 and 508.175; and
- 11 (9) "Substantial violation" means criminal conduct which involves actual or threatened
12 harm to the person, family, or property, including a domestic animal, of an
13 individual protected by an order of protection.

14 ➔Section 4. KRS 456.060 is amended to read as follows:

- 15 (1) Following a hearing ordered under KRS 456.040, if a court finds by a
16 preponderance of the evidence that dating violence and abuse, sexual assault, or
17 stalking has occurred and may again occur, the court may issue an interpersonal
18 protective order:
- 19 (a) Restraining the adverse party from:
- 20 1. Committing further acts of dating violence and abuse, stalking, or sexual
21 assault;
 - 22 2. Any unauthorized contact or communication with the petitioner or other
23 person specified by the court;
 - 24 3. Approaching the petitioner or other person specified by the court within
25 a distance specified in the order, not to exceed five hundred (500) feet;
 - 26 4. Going to or within a specified distance of a specifically described
27 residence, school, or place of employment or area where such a place is

- 1 located; and
- 2 5. Disposing of or damaging any of the property of the parties;
- 3 (b) Directing or prohibiting any other actions that the court believes will be of
- 4 assistance in eliminating future acts of dating violence and abuse, stalking, or
- 5 sexual assault, except that the court shall not order the petitioner to take any
- 6 affirmative action;~~[-and]~~
- 7 (c) Directing that either or both of the parties receive counseling services
- 8 available in the community in dating violence and abuse cases; **and**
- 9 **(d) Awarding possession of any shared domestic animals to the petitioner.**
- 10 (2) In imposing a location restriction described in subsection (1)(a)4. of this section, the
- 11 court shall:
- 12 (a) Afford the petitioner and respondent, if present, an opportunity to testify on
- 13 the issue of the locations and areas from which the respondent should or
- 14 should not be excluded;
- 15 (b) Only impose a location restriction where there is a specific, demonstrable
- 16 danger to the petitioner or other person protected by the order;
- 17 (c) Specifically describe in the order the locations or areas prohibited to the
- 18 respondent; and
- 19 (d) Consider structuring a restriction so as to allow the respondent transit through
- 20 an area if the respondent does not interrupt his or her travel to harass, harm, or
- 21 attempt to harass or harm the petitioner.
- 22 (3) An interpersonal protective order shall be effective for a period of time fixed by the
- 23 court, not to exceed three (3) years, and may be reissued upon expiration for
- 24 subsequent periods of up to three (3) years each. The fact that an order has not been
- 25 violated since its issuance may be considered by a court in hearing a request for a
- 26 reissuance of the order.