

1 AN ACT relating to domestic violence.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 209A IS CREATED TO  
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Center" means the Criminal Justice Statistical Analysis Center created in  
7 KRS 15.280;

8 (b) "Corollary victim" means an individual other than the victim who is  
9 directly impacted by domestic violence and abuse or dating violence and  
10 abuse, either through relationship or proximity;

11 (c) "Domestic violence fatalities" means deaths that occur as a result of  
12 domestic violence and abuse or dating violence and abuse, and includes but  
13 is not limited to homicides, related suicides, and corollary victims; and

14 (d) "Near fatality" means a crime where serious physical injury as defined in  
15 KRS 500.080 occurs.

16 (2) The center shall:

17 (a) Collect information on domestic violence fatalities, domestic violence and  
18 abuse, and dating violence and abuse within the Commonwealth from  
19 subsections (3) to (9) of this section;

20 (b) The center shall produce an annual report by July 1 of each year and  
21 submit the report to the:

22 1. Kentucky Coalition Against Domestic Violence;

23 2. Governor;

24 3. Cabinet for Health and Family Services;

25 4. Interim Joint Committee on Judiciary;

26 5. Interim Joint Committee on Health, Welfare, and Family Services;

27 and

1           6. Legislative Research Commission; and  
2           (c) The Kentucky Coalition Against Domestic Violence may provide the  
3           agencies listed in subparagraphs 1. to 6. of this paragraph with best  
4           practices and any other recommendations for public policy by November 1  
5           of each year.

6           (3) (a) The Department of Kentucky State Police shall provide the center with:  
7           1. The number of domestic violence and abuse and dating violence and  
8           abuse calls for service to which the Kentucky State Police and  
9           associated law enforcement agencies responded;  
10          2. The number of arrests by Kentucky State Police and associated  
11          agencies in response to calls of domestic violence and abuse or dating  
12          violence and abuse; and  
13          3. If an arrest was made, the arresting offense charged by Kentucky  
14          State Police or associated law enforcement agencies.

15          (b) The Department of Kentucky State Police shall separately report:  
16          1. The number of domestic violence and abuse and dating violence and  
17          abuse calls for service to which all other law enforcement agencies  
18          responded, if known;  
19          2. The number of arrests by all other local law enforcement agencies in  
20          response to calls of domestic violence and abuse and dating violence  
21          and abuse; and  
22          3. If an arrest was made, the arresting offense listed by all other local  
23          law enforcement agencies not reported under paragraph (a) of this  
24          subsection.

25          (4) The Administrative Office of the Courts shall provide the center with:  
26          (a) The number and type of petitions for orders of protection filed and denied  
27          under KRS 403.725;

- 1        (b) The number and type of petitions for interpersonal violence orders filed and  
2                denied under KRS 456.030;
- 3        (c) The number of emergency protective orders granted under KRS 403.730  
4                and temporary interpersonal protective orders granted under KRS 456.040;
- 5        (d) The number of domestic violence orders granted under KRS 403.740 and  
6                interpersonal protective orders granted under 456.060, excluding amended  
7                or corrected orders;
- 8        (e) The relationship between the petitioner and the respondent, if known;
- 9        (f) Demographics of the parties, including age, race, and gender;
- 10       (g) Information on whether the victim was or is pregnant, if indicated on the  
11               petition; and
- 12       (h) The number of criminal charges for a violation of an order of protection.
- 13       (5) The Law Information Network of Kentucky (LINK) shall provide the center with  
14               the:
- 15       (a) Number of orders of protection received to be served by law enforcement  
16               agencies;
- 17       (b) Number of orders of protection served by law enforcement agencies;
- 18       (c) Number of orders of protection in LINK; and
- 19       (d) Average time for actual service to be returned.
- 20       (6) The Cabinet for Health and Family Services shall provide the center with:
- 21       (a) The number of reports of alleged child abuse made to the cabinet through  
22               an adult or child abuse hotline in which there were also allegations of  
23               domestic violence; and
- 24       (b) Domestic violence and abuse and dating violence and abuse shelter  
25               statistics reported to the cabinet, including but not limited to the:
- 26               1. Number of beds;
- 27               2. Number of minors served in shelter;

- 1            3. Number of minors served in non-shelter services;
- 2            4. Number of adults served in shelter;
- 3            5. Number of adults served in non-shelter services;
- 4            6. Demographics, including age and race;
- 5            7. Number of crisis or hotline calls;
- 6            8. Number of minors receiving:
  - 7            a. Crisis intervention;
  - 8            b. Victim advocacy services; and
  - 9            c. Individual or group counseling or support group; and
- 10          9. Number of adult victims receiving:
  - 11          a. Crisis intervention;
  - 12          b. Victim advocacy services;
  - 13          c. Individual or group counseling or support group;
  - 14          d. Criminal or civil legal advocacy;
  - 15          e. Medical accompaniment; and
  - 16          f. Transportation services; and
- 17          10. Type of services provided.

18          (7) The Division of Kentucky State Medical Examiner's Office shall provide the  
 19          center with the number of deaths in which domestic violence and abuse or dating  
 20          violence and abuse was a contributing factor.

21          (8) Coroners shall provide the center with the number of deaths as a result of, or  
 22          suspected to be a result of, domestic violence and abuse or dating violence and  
 23          abuse.

24          ➔Section 2. KRS 15A.190 is amended to read as follows:

25          (1) The Justice and Public Safety Cabinet, in consultation with the Cabinet for Health  
 26          and Family Services, the Kentucky Commission on Women, and any other agency  
 27          concerned with particular acts of criminal activity, shall:

1        (a) Design, print, and distribute to all law enforcement agencies in the  
2            Commonwealth, a uniform reporting form which provides statistical  
3            information relating to the crimes involving domestic violence, child abuse,  
4            victimization of the elderly, including but not limited to elder abuse, neglect,  
5            and exploitation and other crimes against the elderly, or any other particular  
6            area of criminal activity deemed by the secretary of justice and public safety to  
7            require research as to its frequency; and

8        (b) Provide that the information required in Section 1 of this Act be included in  
9            the uniform reporting form.

10       (2) The provision of subsection (1) of this section concerning the distribution of forms  
11           shall become effective on January 1, 2006.

12       ➔Section 3. KRS 209A.110 is amended to read as follows:

13       (1) (a) A professional shall report to a law enforcement officer his or her belief that  
14           the death of a victim with whom he or she has had a professional interaction is  
15           related to domestic violence and abuse or dating violence and abuse.

16       (b) Following a report to a local law enforcement officer, the local law  
17           enforcement officer shall indicate a report was made by a professional on  
18           the JC-3 or equivalent form.

19       (2) Nothing in this chapter shall relieve a professional of the duty pursuant to KRS  
20           620.030 to report any known or suspected abuse, neglect, or dependency of a child.

21       (3) Nothing in this chapter shall relieve a professional of the duty pursuant to KRS  
22           209.030 to report to the cabinet any known or suspected abuse, neglect, or  
23           exploitation of a person eighteen (18) years of age or older who because of mental  
24           or physical dysfunction is unable to manage his or her own resources, carry out the  
25           activity of daily living, or protect himself or herself from neglect, exploitation, or a  
26           hazardous or abusive situation without assistance from others.

27       ➔Section 4. KRS 209A.120 is amended to read as follows:

- 1 (1) If a law enforcement officer receives a report of domestic violence and abuse or  
2 dating violence and abuse, the officer shall use all reasonable means to provide  
3 assistance as required under KRS 403.785 and 456.090.
- 4 (2) A law enforcement officer who responds to a report of domestic violence and abuse  
5 or dating violence and abuse shall use the JC-3 form, or its equivalent replacement,  
6 as provided by the Justice and Public Safety Cabinet to document any information  
7 or injuries related to the domestic violence and abuse or dating violence and abuse.
- 8 (3) A completed JC-3 form, or its equivalent replacement, shall be kept in the records  
9 of the law enforcement officer's agency of employment.
- 10 (4) If the JC-3 form, or its equivalent replacement, includes information that only  
11 relates to a victim as defined in KRS 209A.020, the form shall not be forwarded to  
12 the cabinet.
- 13 (5) If the JC-3 form, or its equivalent replacement, includes information on known or  
14 suspected child abuse or neglect or the abuse or neglect of an elderly or disabled  
15 adult, the form shall be forwarded to the cabinet.
- 16 **(6) The Kentucky State Police or the law enforcement officer's agency of**  
17 **employment shall provide the preceding calendar year's JC-3 data, and all other**  
18 **relevant data, to the Criminal Justice Statistical Analysis Center created in KRS**  
19 **15.280 by February 1 of each year.**

20 ➔Section 5. KRS 403.785 is amended to read as follows:

- 21 (1) A court issuing an order of protection shall direct the appropriate law enforcement  
22 agency to assist the petitioner in having the provisions of the order complied with.
- 23 (2) When a law enforcement officer has reason to suspect that a person has been the  
24 victim of domestic violence and abuse, the officer shall use all reasonable means to  
25 provide assistance to the victim, including but not limited to:
- 26 (a) Remaining at the location of the call for assistance so long as the officer  
27 reasonably suspects there is danger to the physical safety of individuals there

- 1 without the presence of a law enforcement officer;
- 2 (b) Assisting the victim in obtaining medical treatment, including transporting the  
3 victim to the nearest medical facility capable of providing the necessary  
4 treatment;~~and~~
- 5 (c) Advising the victim immediately of the rights available to them as provided in  
6 KRS 421.500, including the provisions of this chapter; and
- 7 (d) Completing a JC-3 form, or its equivalent replacement, and providing the  
8 information to the Criminal Justice Statistical Analysis Center pursuant to  
9 Section 3 of this Act.
- 10 (3) Orders of protection shall be enforced in any county of the Commonwealth.
- 11 (4) Officers acting in good faith under this section shall be immune from criminal and  
12 civil liability.
- 13 ➔Section 6. KRS 456.090 is amended to read as follows:
- 14 (1) A court issuing an interpersonal protective order shall direct the appropriate law  
15 enforcement agency to assist the petitioner in having the provisions of the order  
16 complied with.
- 17 (2) When a law enforcement officer has reason to suspect that a person has been the  
18 victim of dating violence and abuse, sexual assault, or stalking, the officer shall use  
19 all reasonable means to provide assistance to the victim, including but not limited  
20 to:
- 21 (a) Remaining at the location of the call for assistance so long as the officer  
22 reasonably suspects there is danger to the physical safety of individuals there  
23 without the presence of a law enforcement officer;
- 24 (b) Assisting the victim in obtaining medical treatment, including transporting the  
25 victim to the nearest medical facility capable of providing the necessary  
26 treatment;~~and~~
- 27 (c) Advising the victim immediately of the rights available to them, including the

- 1 provisions of this chapter; and
- 2 (d) Completing a JC-3 form, or its equivalent replacement, and providing the
- 3 information to the Criminal Justice Statistical Analysis Center pursuant to
- 4 Section 3 of this Act.
- 5 (3) Orders of protection shall be enforced in any county of the Commonwealth.
- 6 (4) Officers acting in good faith under this chapter shall be immune from criminal and
- 7 civil liability.