

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; and*

7 *(b) "Domestic violence fatalities" means homicides that occur as a result of*
8 *domestic violence or abuse or dating violence and abuse, and includes but is*
9 *not limited to homicides, related suicides, and corollary victims.*

10 *(2) The center, created pursuant to KRS 15.280, shall:*

11 *(a) Collect information on domestic violence fatalities, domestic violence and*
12 *abuse, and dating violence and abuse as defined in KRS 209A.020 within*
13 *the Commonwealth; and*

14 *(b) Compile information in an annual report.*

15 *(3) The report shall include demographics for victims and perpetrators, instances of*
16 *domestic violence fatalities or near fatalities, petitions filed under KRS 403.725*
17 *and KRS 456.030, emergency protective orders entered under KRS 403.730,*
18 *temporary interpersonal protective orders entered under KRS 456.040, orders of*
19 *protection entered under KRS 403.740 and 456.060, violations of orders of*
20 *protection, and housing and resources data from shelters or independent services.*

21 *(4) The Department of Kentucky State Police shall provide the center with:*

22 *(a) Domestic and dating violence calls that were responded to by law*
23 *enforcement agencies responded to;*

24 *(b) Arrests made when responding to calls of domestic violence and abuse and*
25 *dating violence and abuse; and*

26 *(c) The resulting charges.*

27 *(5) The Administrative Office of the Courts shall provide the center with the:*

- 1 (a) Number and type of protective order petitions filed;
- 2 (b) Number of emergency protective orders and temporary interpersonal
- 3 protective orders entered;
- 4 (c) Number of domestic violence orders and interpersonal protective orders
- 5 entered; and
- 6 (d) Relationship between the petitioner and the respondent.
- 7 (6) The Law Information Network of Kentucky (LINK) shall provide the center with
- 8 the:
- 9 (a) Number of orders of protection received to be served by law enforcement;
- 10 (b) Number of orders of protection served;
- 11 (c) Number of protective orders in LINK; and
- 12 (d) Average time for service to occur.
- 13 (7) The Cabinet for Health and Family Services shall provide the center with:
- 14 (a) The number of reports of alleged child abuse made to the cabinet through
- 15 an adult or child abuse hotline where there were also allegations of
- 16 domestic violence; and
- 17 (b) Domestic violence and abuse and dating violence and abuse shelter
- 18 statistics reported to the cabinet.
- 19 (8) The Division of Kentucky State Medical Examiner's Office shall provide the
- 20 center with the number of deaths as a result of, or suspected to be a result of,
- 21 domestic violence and abuse or dating violence and abuse.
- 22 (9) Coroners shall provide the center with the number of deaths as a result of, or
- 23 suspected to be a result of, domestic violence and abuse or dating violence and
- 24 abuse.
- 25 (10) The Kentucky Coalition Against Domestic Violence shall provide the center with
- 26 housing and resources statistics.
- 27 (11) (a) The center shall produce an annual report of as outlined in this section by

1 July 1 of each year; and
 2 **(b) The Kentucky Coalition Against Domestic Violence and Kentucky**
 3 **Association of Sexual Assault Programs shall review the report and provide**
 4 **the Governor, the Cabinet for Health and Family Services, the Interim**
 5 **Joint Committee on Judiciary, the Interim Joint Committee on Health,**
 6 **Welfare, and Family Services, and the Legislative Research Commission**
 7 **with the best practices and any other recommendations for public policy by**
 8 **November 1 of each year.**

9 ➔Section 2. KRS 209A.110 is amended to read as follows:

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

13 **(b) Following a report to a local law enforcement officer, the professional shall**
 14 **also report his or her belief that the death of a victim is related to domestic**
 15 **violence and abuse or dating violence and abuse to the Criminal Justice**
 16 **Statistical Analysis Center.**

17 (2) Nothing in this chapter shall relieve a professional of the duty pursuant to KRS
 18 620.030 to report any known or suspected abuse, neglect, or dependency of a child.

19 (3) Nothing in this chapter shall relieve a professional of the duty pursuant to KRS
 20 209.030 to report to the cabinet any known or suspected abuse, neglect, or
 21 exploitation of a person eighteen (18) years of age or older who because of mental
 22 or physical dysfunction is unable to manage his or her own resources, carry out the
 23 activity of daily living, or protect himself or herself from neglect, exploitation, or a
 24 hazardous or abusive situation without assistance from others.

25 ➔Section 3. KRS 209A.120 is amended to read as follows:

26 (1) If a law enforcement officer receives a report of domestic violence and abuse or
 27 dating violence and abuse, the officer shall use all reasonable means to provide

1 assistance as required under KRS 403.785 and 456.090.

2 (2) A law enforcement officer who responds to a report of domestic violence and abuse
3 or dating violence and abuse shall use the JC-3 form, or its equivalent replacement,
4 as provided by the Justice and Public Safety Cabinet to document any information
5 or injuries related to the domestic violence and abuse or dating violence and abuse.

6 (3) A completed JC-3 form, or its equivalent replacement, shall be kept in the records
7 of the law enforcement officer's agency of employment.

8 (4) If the JC-3 form, or its equivalent replacement, includes information that only
9 relates to a victim as defined in KRS 209A.020, the form shall not be forwarded to
10 the cabinet.

11 (5) If the JC-3 form, or its equivalent replacement, includes information on known or
12 suspected child abuse or neglect or the abuse or neglect of an elderly or disabled
13 adult, the form shall be forwarded to the cabinet.

14 **(6) The Kentucky State Police or the law enforcement officer's agency of**
15 **employment shall provide the preceding calendar year's JC-3 data, and all other**
16 **relevant data, to the Criminal Justice Statistical Analysis Center created pursuant**
17 **to KRS 15.280 by February 1 of each year.**

18 ➔Section 4. KRS 403.785 is amended to read as follows:

19 (1) A court issuing an order of protection shall direct the appropriate law enforcement
20 agency to assist the petitioner in having the provisions of the order complied with.

21 (2) When a law enforcement officer has reason to suspect that a person has been the
22 victim of domestic violence and abuse, the officer shall use all reasonable means to
23 provide assistance to the victim, including but not limited to:

24 (a) Remaining at the location of the call for assistance so long as the officer
25 reasonably suspects there is danger to the physical safety of individuals there
26 without the presence of a law enforcement officer;

27 (b) Assisting the victim in obtaining medical treatment, including transporting the

1 victim to the nearest medical facility capable of providing the necessary
2 treatment; ~~and~~

3 (c) Advising the victim immediately of the rights available to them as provided in
4 KRS 421.500, including the provisions of this chapter; and

5 *(d) Completing a JC-3 form, or its equivalent replacement, and distributing the*
6 *information pursuant to Section 2 of this Act.*

7 (3) Orders of protection shall be enforced in any county of the Commonwealth.

8 (4) Officers acting in good faith under this section shall be immune from criminal and
9 civil liability.

10 ➔Section 5. KRS 456.090 is amended to read as follows:

11 (1) A court issuing an interpersonal protective order shall direct the appropriate law
12 enforcement agency to assist the petitioner in having the provisions of the order
13 complied with.

14 (2) When a law enforcement officer has reason to suspect that a person has been the
15 victim of dating violence and abuse, sexual assault, or stalking, the officer shall use
16 all reasonable means to provide assistance to the victim, including but not limited
17 to:

18 (a) Remaining at the location of the call for assistance so long as the officer
19 reasonably suspects there is danger to the physical safety of individuals there
20 without the presence of a law enforcement officer;

21 (b) Assisting the victim in obtaining medical treatment, including transporting the
22 victim to the nearest medical facility capable of providing the necessary
23 treatment; ~~and~~

24 (c) Advising the victim immediately of the rights available to them, including the
25 provisions of this chapter; and

26 *(d) Completing a JC-3 form, or its equivalent replacement, and distributing the*
27 *information pursuant to Section 2 of this Act.*

- 1 (3) Orders of protection shall be enforced in any county of the Commonwealth.
- 2 (4) Officers acting in good faith under this chapter shall be immune from criminal and
- 3 civil liability.