

1 AN ACT relating to orders of protection.

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

3 ➔Section 1. KRS 403.763 is amended to read as follows:

- 4 (1) Violation of the terms or conditions of an order of protection after the person has
5 been served or given notice of the order shall constitute contempt of court and a
6 criminal offense under this section. Once a criminal or contempt proceeding has
7 been initiated, the other shall not be undertaken regardless of the outcome of the
8 original proceeding.
- 9 (2) (a) Court proceedings for contempt of court for violation of an order of protection
10 shall be held in the county where the order was issued or filed.
- 11 (b) Court proceedings for a criminal violation of an order of protection shall
12 follow the rules of venue applicable to criminal cases generally.
- 13 (3) Nothing in this section shall preclude the Commonwealth from prosecuting and
14 convicting the respondent of criminal offenses other than violation of an order of
15 protection.
- 16 (4) (a) A person is guilty of a violation of an order of protection when he or she
17 intentionally violates the provisions of an order of protection after the person
18 has been served or given notice of the order.
- 19 (b) Violation of an order of protection is a Class A misdemeanor, ***unless the***
20 ***person who stands convicted of a violation under this subsection has been***
21 ***convicted of two (2) or more previous violations under this subsection***
22 ***within the last five (5) years, in which case it is a Class D felony if:***
- 23 ***1. The third or subsequent violation involves the:***
- 24 ***a. Use or attempted use of physical force; or***
- 25 ***b. Threat of physical harm; and***
- 26 ***2. The victim in the third or subsequent violation is the same person who***
27 ***was the victim in the prior violations.***

1 *The five (5) year period shall be measured from the dates on which the*
2 *offenses occurred for which the judgments of conviction were entered.*

3 ➔Section 2. KRS 456.180 is amended to read as follows:

- 4 (1) Violation of the terms or conditions of an order of protection after the person has
5 been served or given notice of the order shall constitute contempt of court and a
6 criminal offense under this section. Once a criminal or contempt proceeding has
7 been initiated, the other shall not be undertaken regardless of the outcome of the
8 original proceeding.
- 9 (2) (a) Court proceedings for contempt of court for violation of an order of protection
10 shall be held in the county where the order was issued or filed.
- 11 (b) Court proceedings for a criminal violation of an order of protection shall
12 follow the rules of venue applicable to criminal cases generally.
- 13 (3) Nothing in this section shall preclude the Commonwealth from prosecuting and
14 convicting the respondent of criminal offenses other than violation of an order of
15 protection.
- 16 (4) (a) A person is guilty of a violation of an order of protection when he or she
17 intentionally violates the provisions of an interpersonal protective order after
18 the person has been served or given notice of the order.
- 19 (b) Violation of an order of protection is a Class A misdemeanor, *unless the*
20 *person who stands convicted of a violation under this subsection has been*
21 *convicted of two (2) or more previous violations under this subsection*
22 *within the last five (5) years, in which case it is a Class D felony if:*
- 23 *1. The third or subsequent violation involves the:*
- 24 *a. Use or attempted use of physical force; or*
- 25 *b. Threat of physical harm; and*
- 26 *2. The victim in the third or subsequent violation is the same person who*
27 *was the victim in the prior violations.*

1 *The five (5) year period shall be measured from the dates on which the*
2 *offenses occurred for which the judgments of conviction were entered.*