

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 ***for the first***  
20 ***offense.***
- 21 ***(c) 1. A second or subsequent violation of an order of protection within five***  
22 ***(5) years is a Class D felony.***
- 23 ***2. It shall not be required for the victim in a second or subsequent***  
24 ***violation to be the same person who was the victim in one (1) or more***  
25 ***of the prior violations for the provisions of this paragraph to apply.***
- 26 ***3. The five (5) year period under this paragraph shall be measured from***  
27 ***the dates of the occurrence of the violations for which the judgments***

1 *of conviction were entered by a court of competent jurisdiction.*

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

- 3 (1) Violation of the terms or conditions of an order of protection after the person has  
4 been served or given notice of the order shall constitute contempt of court and a  
5 criminal offense under this section. Once a criminal or contempt proceeding has  
6 been initiated, the other shall not be undertaken regardless of the outcome of the  
7 original proceeding.
- 8 (2) (a) Court proceedings for contempt of court for violation of an order of protection  
9 shall be held in the county where the order was issued or filed.
- 10 (b) Court proceedings for a criminal violation of an order of protection shall  
11 follow the rules of venue applicable to criminal cases generally.
- 12 (3) Nothing in this section shall preclude the Commonwealth from prosecuting and  
13 convicting the respondent of criminal offenses other than violation of an order of  
14 protection.
- 15 (4) (a) A person is guilty of a violation of an order of protection when he or she  
16 intentionally violates the provisions of an interpersonal protective order after  
17 the person has been served or given notice of the order.
- 18 (b) Violation of an order of protection is a Class A misdemeanor *for the first*  
19 *offense.*
- 20 (c) *1. A second or subsequent violation of an order of protection within five*  
21 *(5) years is a Class D felony.*
- 22 *2. It shall not be required for the victim in a second or subsequent*  
23 *violation to be the same person who was the victim in one (1) or more*  
24 *of the prior violations for the provisions of this paragraph to apply.*
- 25 *3. The five (5) year period under this paragraph shall be measured from*  
26 *the dates of the occurrence of the violations for which the judgments*  
27 *of conviction were entered by a court of competent jurisdiction.*