

1 AN ACT relating to domestic relations.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO
4 READ AS FOLLOWS:

5 **(1) The entering of a judgment of conviction for assault in the first degree or assault**
6 **in the second degree, or for a felony criminal attempt, conspiracy, facilitation, or**
7 **solicitation to commit assault in the first degree or assault in the second degree,**
8 **shall operate as an application for an order of protection issued under KRS**
9 **Chapter 403 or an interpersonal protective order issued under KRS Chapter 456,**
10 **as applicable, if the relationship between the defendant and the victim meets the**
11 **definition of:**

12 **(a) Family member or member of an unmarried couple as defined in KRS**
13 **403.720; or**
14 **(b) Dating relationship as defined in KRS 456.010;**
15 **unless the victim requests otherwise.**

16 **(2) Notwithstanding the provisions of KRS Chapter 403 or 456, as applicable:**

17 **(a) An order of protection or an interpersonal protective order requested under**
18 **this section may be issued by the court that entered the judgment of**
19 **conviction;**

20 **(b) The judgment of conviction shall constitute sufficient cause for entry of the**
21 **order without the necessity of further proof being taken; and**

22 **(c) The order may be effective for up to ten (10) years, with further renewals in**
23 **increments of up to ten (10) years.**

24 ➔Section 2. KRS 209A.122 is amended to read as follows:

25 (1) As used in this section:

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

- 1 (b) "Corollary victim" means an individual other than the victim who is directly
2 impacted by domestic violence and abuse or dating violence and abuse, either
3 through relationship or proximity;
- 4 (c) "Domestic violence fatalities" means deaths that occur as a result of domestic
5 violence and abuse or dating violence and abuse, and includes but is not
6 limited to homicides, related suicides, and corollary victims; and
- 7 (d) "Near fatality" means a crime where serious physical injury as defined in KRS
8 500.080 occurs.

9 (2) The center shall:

- 10 (a) Collect information on domestic violence fatalities, domestic violence and
11 abuse, and dating violence and abuse within the Commonwealth from
12 subsections (3) to (5) of this section; and

- 13 (b) Produce an annual report by July 1 of each year and submit the report to~~the~~:

- 14 1. **ZeroV**~~[Kentucky Coalition Against Domestic Violence];~~
15 2. **The** Governor;
16 3. **The** cabinet~~[for Health and Family Services];~~
17 4. **The** Interim Joint Committee on Judiciary;
18 5. **The** Interim Joint Committee on Families and Children;~~and~~
19 6. **The** Legislative Research Commission;
20 **7. The Administrative Office of the Courts; and**
21 **8. The Office of the Attorney General.**

22 **ZeroV**~~[The Kentucky Coalition Against Domestic Violence]~~ may provide the
23 agencies listed in **subparagraphs 2.**~~[paragraph (b)1.]~~ to **8.**~~[6.]~~ of this
24 **paragraph**~~[subsection]~~ with best practices and any other recommendations for
25 public policy by November **15**~~[1]~~ of each year.

- 26 (3) (a) The Department of Kentucky State Police shall provide the center with:

- 27 1. **The statistical information from all JC-3 forms and all fields on a JC-**

- 1 **3 form that relate to domestic violence and abuse and dating violence**
2 **and abuse** ~~[The number of domestic violence and abuse and dating~~
3 ~~violence and abuse calls for service to which the Kentucky State Police~~
4 ~~and associated law enforcement agencies responded];~~
5 2. The number of arrests by Kentucky State Police and associated agencies
6 in response to ~~[calls of]~~domestic violence and abuse or dating violence
7 and abuse; and
8 3. If an arrest was made, the arresting offense charged by Kentucky State
9 Police or associated law enforcement agencies.
10 (b) The Department of Kentucky State Police shall separately provide the center
11 with information reported to the Law Information Network of Kentucky
12 (LINK). The Department of Kentucky State Police shall provide the center
13 with the:
14 1. Number of orders of protection **entered** ~~[received]~~ to be served by law
15 enforcement agencies;
16 2. Number of orders of protection served by law enforcement agencies;
17 **and**
18 3. ~~[Number of orders of protection in LINK; and~~
19 4. ~~—]~~ Average time for ~~[actual]~~ service ~~[to be returned]~~.
20 (4) The Administrative Office of the Courts shall provide the center with:
21 (a) The number and type of petitions for orders of protection filed and denied
22 under KRS 403.725;
23 (b) The number and type of petitions for interpersonal violence orders filed and
24 denied under KRS 456.030;
25 (c) The number of emergency protective orders granted under KRS 403.730 and
26 temporary interpersonal protective orders granted under KRS 456.040;
27 (d) The number of domestic violence orders granted under KRS 403.740 and

1 interpersonal protective orders granted under 456.060, excluding amended or
2 corrected orders;

3 (e) **Information on whether the parties were represented by legal counsel or**
4 **guardians ad litem;**

5 **(f)** The relationship between the petitioner and the respondent, if known;

6 **(g)**~~(f)~~ Demographics of the parties, including age, race, and gender;

7 **(h)**~~(g)~~ Information on whether the victim was or is pregnant, if indicated on the
8 petition; and

9 **(i)**~~(h)~~ The number of criminal charges for a violation of an order of protection.

10 (5) The cabinet ~~for Health and Family Services~~ shall provide the center with:

11 (a) The number of reports of **substantiated**~~alleged~~ child **dependency, neglect,**
12 **or** abuse **with family violence as a factor**~~made to the cabinet through an~~
13 ~~adult or child abuse hotline in which there were also allegations of domestic~~
14 ~~violence~~; and

15 (b) Domestic violence and abuse and dating violence and abuse shelter statistics
16 reported to the cabinet, including but not limited to the:

- 17 1. Number of minors served in shelter;
- 18 2. Number of minors served in **nonshelter**~~non-shelter~~ services;
- 19 3. Number of adults served in shelter;
- 20 4. Number of adults served in **nonshelter**~~non-shelter~~ services;
- 21 5. Demographics, including age and race;
- 22 6. Number of crisis or hotline calls;
- 23 7. Number of minors receiving:
 - 24 a. Crisis intervention;
 - 25 b. Victim advocacy services; and
 - 26 c. Individual or group counseling or support group; and
- 27 8. Number of adult victims receiving:

- 1 a. Crisis intervention;
- 2 b. Victim advocacy services;
- 3 c. Individual or group counseling or support group;
- 4 d. Criminal or civil legal advocacy;
- 5 e. Medical accompaniment; and
- 6 f. Transportation services.

7 ➔ Section 3. KRS 15A.190 is amended to read as follows:

8 The ~~[Justice and Public Safety]~~ cabinet, in consultation with the Cabinet for Health and
9 Family Services, the Kentucky Commission on Women, and any other agency concerned
10 with particular acts of criminal activity, shall:

11 (1) Design~~[, print,]~~ and **make available**~~[distribute]~~ to all law enforcement agencies in
12 the Commonwealth, an electronic ~~[or paper]~~ uniform reporting form, to be known
13 as the JC-3, which provides statistical information relating to ~~[the]~~ crimes
14 involving:

- 15 (a) Domestic violence;
- 16 (b) Child abuse;
- 17 (c) Childhood sexual assault or abuse as defined in KRS 413.249;
- 18 (d) Victimization of the elderly, including but not limited to elder abuse, neglect,
19 and exploitation and other crimes against the elderly; or
- 20 (e) Any other particular area of criminal activity deemed by the secretary ~~[of~~
21 ~~justice and public safety]~~ to require research as to its frequency; and

22 (2) Promulgate administrative regulations~~[,]~~ in accordance with KRS Chapter 13A~~[,]~~ to
23 provide that the information required in KRS 209A.122 be provided to the Criminal
24 Justice Statistical Analysis Center.