

1           AN ACT relating to ex parte orders.

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

3           ➔ SECTION 1. A NEW SECTION OF KRS 237.060 TO 237.090 IS CREATED  
4    TO READ AS FOLLOWS:

5    Notwithstanding any other provision of law, ex parte orders issued in the  
6    Commonwealth shall not prohibit a person from possessing, purchasing, selling, or  
7    otherwise transferring firearms, ammunition, firearm accessories, holsters, or firearm  
8    storage devices, nor compel a person to surrender his or her firearms, ammunition,  
9    firearm accessories, holsters, or firearm storage devices.

10           ➔ Section 2. KRS 403.730 is amended to read as follows:

11    (1) (a) The court shall review a petition for an order of protection immediately upon  
12       its filing. If the review indicates that domestic violence and abuse exists, the  
13       court shall summons the parties to an evidentiary hearing not more than  
14       fourteen (14) days in the future. If the review indicates that such a basis does  
15       not exist, the court may consider an amended petition or dismiss the petition  
16       without prejudice.

17    (b) Service of the summons and hearing order under this subsection shall be made  
18       upon the adverse party personally and may be made in the manner and by the  
19       persons authorized to serve subpoenas under Rule 45.03 of the Rules of Civil  
20       Procedure. A summons may be reissued if service has not been made on the  
21       adverse party by the fixed court date and time.

22    (2) (a) If the review under this section also indicates the presence of an immediate  
23       and present danger of domestic violence and abuse, the court shall, upon the  
24       filing of the petition, issue ex parte an emergency protective order that:

25       1. Authorizes relief appropriate to the situation utilizing the alternatives set  
26       out in KRS 403.740, other than awarding temporary support or  
27       counseling;

- 1                   2. Sets forth which communications, if any, as requested by the petitioner,  
2                   are authorized and which communications are unauthorized;
- 3                   3. Allows either party to retrieve his or her personal belongings from the  
4                   parties' shared residence and directs law enforcement to assist, if  
5                   requested;
- 6                   4. Expires upon the conclusion of the evidentiary hearing required by this  
7                   section unless extended or withdrawn by subsequent order of the court;  
8                   and
- 9                   5. Does not order or refer the parties to mediation unless requested by the  
10                  petitioner, and the court finds that:
  - 11                  a. The petitioner's request is voluntary and not the result of coercion;  
12                  and
  - 13                  b. Mediation is a realistic and viable alternative to or adjunct to the  
14                  issuance of an order sought by the petitioner.

15                  ~~Nothing in }~~ This paragraph shall not be interpreted to place any restriction or  
16                  restraint on the petitioner.

- 17                  (b) An order issued under this subsection shall not prohibit a person from  
18                  possessing, purchasing, selling, or otherwise transferring firearms,  
19                  ammunition, firearm accessories, holsters, or firearm storage devices, nor  
20                  compel a person to surrender his or her firearms, ammunition, firearm  
21                  accessories, holsters, or firearm storage devices.

- 22                  (c) If an order is not issued under this subsection, the court shall note on the  
23                  petition, for the record, any action taken or denied and the reason for it.

24                  ➔ Section 3. KRS 456.040 is amended to read as follows:

- 25                  (1) (a) The court shall review a petition for an interpersonal protective order  
26                  immediately upon its filing. If the review indicates that dating violence and  
27                  abuse, stalking, or sexual assault exists, the court shall summons the parties to

1 an evidentiary hearing not more than fourteen (14) days in the future. If the  
2 review indicates that such a basis does not exist, the court may consider an  
3 amended petition or dismiss the petition without prejudice.

4 (b) Service of the summons and hearing order under this subsection shall be made  
5 upon the adverse party personally and may be made in the manner and by the  
6 persons authorized to serve subpoenas under Rule 45.03 of the Rules of Civil  
7 Procedure. A summons may be reissued if service has not been made on the  
8 adverse party by the fixed court date and time.

9 (2) (a) If the review under this section also indicates the presence of an immediate  
10 and present danger of dating violence and abuse, sexual assault, or stalking,  
11 the court shall, upon the filing of the petition, issue ex parte a temporary  
12 interpersonal protective order that:

1. Authorizes relief appropriate to the situation utilizing the alternatives set  
2. out in KRS 456.060;
  3. Sets forth which communications, if any, as requested by the petitioner,  
4. are authorized and which communications are unauthorized;
  5. Expires upon the conclusion of the evidentiary hearing required by this  
6. section unless extended or withdrawn by subsequent order of the court;
  7. and
  8. Does not order or refer the parties to mediation unless requested by the  
9. petitioner, and the court finds that:
    10. a. The petitioner's request is voluntary and not the result of coercion;  
11. and
    12. b. Mediation is a realistic and viable alternative to or adjunct to the  
13. issuance of an order sought by the petitioner.

26 [Nothing in ]This paragraph shall not be interpreted to place any restriction or  
27 restraint on the petitioner.

