GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2015 REGULAR SESSION

HOUSE BILL NO. 8

AS ENACTED

WEDNESDAY, MARCH 25, 2015

RECEIVED AND FILED
DATE April 1, 2015
12:00pm

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
K. Adler

1 AN ACT relating to protective orders.

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

3 ➔SECTION 1. KRS 403.715 IS REPEALED AND REENACTED TO READ AS

4 FOLLOWS:

5 ***KRS 403.715 to 403.785 shall be interpreted to:***

6 ***(1) Allow victims to obtain effective, short-term protection against further wrongful***

7 ***conduct in order that their lives may be as secure and as uninterrupted as***

8 ***possible;***

9 ***(2) Expand the ability of law enforcement officers to effectively respond to further***

10 ***wrongful conduct so as to prevent future incidents and to provide assistance to***

11 ***the victims;***

12 ***(3) Provide peace officers with the authority to immediately apprehend and charge***

13 ***for violation of an order of protection any person whom the officer has probable***

14 ***cause to believe has violated an order of protection and to provide courts with the***

15 ***authority to conduct contempt of court proceedings for these violations;***

16 ***(4) Provide for the collection of data concerning incidents of domestic violence and***

17 ***abuse in order to develop a comprehensive analysis of the numbers and causes of***

18 ***such incidents; and***

19 ***(5) Supplement and not repeal or supplant any duties, responsibilities, services, or***

20 ***penalties under KRS Chapters 209, 209A, and 620.***

21 ➔Section 2. KRS 403.720 is amended to read as follows:

22 As used in KRS 403.715 to 403.785:

23 (1) "Domestic violence and abuse" means physical injury, serious physical injury,

24 ***stalking,*** sexual abuse, assault, or the infliction of fear of imminent physical injury,

25 serious physical injury, sexual abuse, or assault between family members or

26 members of an unmarried couple;

27 (2) "Family member" means a spouse, including a former spouse, a grandparent, ***a***

1 ***grandchild,*** a parent, a child, a stepchild, or any other person living in the same
2 household as a child if the child is the alleged victim;
3 (3) ***"Foreign protective order" means any judgment, decree, or order of protection***
4 ***which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 that was***
5 ***issued on the basis of domestic violence and abuse;***
6 ***(4)*** "Global positioning monitoring system" means a system that electronically
7 determines a person's location through ***a device worn by the person which does not***
8 ***invade his or her bodily integrity and which transmits the person's latitude and***
9 ***longitude data to a monitoring entity;***[~~global positioning satellite technology, radio~~
10 ~~frequency technology, or a combination thereof and reports the location of an~~
11 ~~individual through the use of a transmitter or similar device worn by that individual~~
12 ~~and that transmits latitude and longitude data to a monitoring entity. The term does~~
13 ~~not include any system that contains or operates global positioning system~~
14 ~~technology, or any other similar technology, that is implanted or otherwise invades~~
15 ~~or violates the individual's body; and~~]
16 ***(5)***[~~(4)~~] "Member of an unmarried couple" means each member of an unmarried
17 couple which allegedly has a child in common, any children of that couple, or a
18 member of an unmarried couple who are living together or have formerly lived
19 together;[~~.~~]
20 ***(6) "Order of protection" means an emergency protective order or a domestic***
21 ***violence order and includes a foreign protective order; and***
22 ***(7) "Substantial violation" means criminal conduct which involves actual or***
23 ***threatened harm to the person, family, or property of an individual protected by***
24 ***an order of protection.***
25 ➔SECTION 3. KRS 403.725 IS REPEALED AND REENACTED TO READ AS
26 FOLLOWS:
27 ***(1) A petition for an order of protection may be filed by:***

1 *(a) A victim of domestic violence and abuse; or*
2 *(b) An adult on behalf of a victim who is a minor otherwise qualifying for relief*
3 *under this subsection.*
4 *(2) The petition may be filed in the victim's county of residence or a county where the*
5 *victim has fled to escape domestic violence and abuse.*
6 *(3) The petition shall be verified and contain:*
7 *(a) The name, age, address, occupation, residence, and school or postsecondary*
8 *institution of the petitioner;*
9 *(b) The name, age, address, occupation, residence, and school or postsecondary*
10 *institution of the person or persons who have engaged in the alleged act or*
11 *acts complained of in the petition;*
12 *(c) The facts and circumstances which constitute the basis for the petition;*
13 *(d) The date and place of the marriage of the parties, if applicable; and*
14 *(e) The names, ages, and addresses of the petitioner's minor children, if*
15 *applicable.*
16 *(4) The petition shall be filed on forms prescribed by the Administrative Office of the*
17 *Courts and provided to the person seeking relief by the circuit clerk or by another*
18 *individual authorized by the court to provide and verify petitions in emergency*
19 *situations, such as law enforcement officers and Commonwealth's or county*
20 *attorneys.*
21 *(5) All petitions requested, completed, and signed by persons seeking protection*
22 *under this chapter shall be accepted and filed with the court.*
23 *(6) (a) Jurisdiction over petitions filed under this chapter shall be concurrent*
24 *between the District Court and Circuit Court and a petition may be filed by*
25 *a petitioner in either court, except that a petition shall be filed in a family*
26 *court if one has been established in the county where the petition is filed.*
27 *(b) The Court of Justice shall provide a protocol for twenty-four (24) hour*

1 *access to orders of protection in each county with any protocol, whether*
2 *statewide or local, being subject to Supreme Court review and approval of*
3 *the initial protocol and any subsequent amendments. This protocol may*
4 *allow for petitions to be filed in or transferred to a court other than those*
5 *specified in paragraph (a) of this subsection.*
6 *(c) The Court of Justice may authorize by rule that petitions in a specific*
7 *county be filed in accordance with a supplemental jurisdictional protocol*
8 *adopted for that county. This protocol may provide for petitions to be filed*
9 *in or transferred to a court other than those specified in paragraph (a) of*
10 *this subsection.*
11 *(7) Any judge to whom a petition is referred under subsection (6) of this section shall*
12 *have full authority to review and hear a petition and subsequently grant and*
13 *enforce an order of protection.*
14 *(8) If the judge of a court in which there is a pending request for modification or*
15 *enforcement of an existing order of protection is unavailable or unable to act*
16 *within a reasonable time, the proceedings may be conducted by any judge of the*
17 *county in accordance with court rules.*
18 ➔SECTION 4. KRS 403.730 IS REPEALED AND REENACTED TO READ AS
19 FOLLOWS:
20 *(1) (a) The court shall review a petition for an order of protection immediately*
21 *upon its filing. If the review indicates that domestic violence and abuse*
22 *exists, the court shall summons the parties to an evidentiary hearing not*
23 *more than fourteen (14) days in the future. If the review indicates that such*
24 *a basis does not exist, the court may consider an amended petition or*
25 *dismiss the petition without prejudice.*
26 *(b) Service of the summons and hearing order under this subsection shall be*
27 *made upon the adverse party personally and may be made in the manner*

1 *and by the persons authorized to serve subpoenas under Rule 45.03 of the*
2 *Rules of Civil Procedure. A summons may be reissued if service has not*
3 *been made on the adverse party by the fixed court date and time.*
4 *(2) (a) If the review under this section also indicates the presence of an immediate*
5 *and present danger of domestic violence and abuse, the court shall, upon*
6 *proper motion, issue ex parte an emergency protective order that:*
7 *1. Authorizes relief appropriate to the situation utilizing the alternatives*
8 *set out in Section 6 of this Act, other than awarding temporary support*
9 *or counseling;*
10 *2. Expires upon the conclusion of the evidentiary hearing required by*
11 *this section unless extended or withdrawn by subsequent order of the*
12 *court; and*
13 *3. Does not order or refer the parties to mediation unless requested by*
14 *the petitioner, and the court finds that:*
15 *a. The petitioner's request is voluntary and not the result of*
16 *coercion; and*
17 *b. Mediation is a realistic and viable alternative to or adjunct to the*
18 *issuance of an order sought by the petitioner.*
19 *(b) If an order is not issued under this subsection, the court shall note on the*
20 *petition, for the record, any action taken or denied and the reason for it.*
21 ➔SECTION 5. KRS 403.735 IS REPEALED AND REENACTED TO READ AS
22 FOLLOWS:
23 *(1) Prior to or at a hearing on a petition for an order of protection:*
24 *(a) The court may obtain the respondent's Kentucky criminal and protective*
25 *order history and utilize that information to assess what relief and which*
26 *sanctions may protect against danger to the petitioner or other person for*
27 *whom protection is being sought, with the information so obtained being*

1 *provided to the parties in accordance with the Rules of Civil Procedure; and*
2 *(b) If the petitioner or respondent is a minor, the court shall inquire whether*
3 *the parties attend school in the same school system to assist the court in*
4 *imposing conditions in the order that have the least disruption in the*
5 *administration of education to the parties while providing appropriate*
6 *protection to the petitioner.*
7 *(2) (a) If the adverse party is not present at the hearing ordered pursuant to*
8 *Section 4 of this Act and has not been served, a previously issued emergency*
9 *protective order shall remain in place, and the court shall direct the*
10 *issuance of a new summons for a hearing set not more than fourteen (14)*
11 *days in the future. If service has not been made on the adverse party before*
12 *that hearing or a subsequent hearing, the emergency protective order shall*
13 *remain in place, and the court shall continue the hearing and issue a new*
14 *summons with a new date and time for the hearing to occur, which shall be*
15 *within fourteen (14) days of the originally scheduled date for the continued*
16 *hearing. The court shall repeat the process of continuing the hearing and*
17 *reissuing a new summons until the adverse party is served in advance of the*
18 *scheduled hearing. If service has not been made on the respondent at least*
19 *seventy-two (72) hours prior to the scheduled hearing, the court may*
20 *continue the hearing no more than fourteen (14) days in the future. In*
21 *issuing the summons, the court shall simultaneously transmit a copy of the*
22 *summons or notice of its issuance and provisions to the petitioner.*
23 *(b) The provisions of this section permitting the continuance of an emergency*
24 *protective order shall be limited to six (6) months from the issuance of the*
25 *emergency protective order. If the respondent has not been served within*
26 *that period, the order shall be rescinded without prejudice. Prior to the*
27 *expiration of the emergency protective order, the court shall provide notice*

1 *to the petitioner stating that, if the petitioner does not file a new petition, the*
2 *order shall be rescinded without prejudice.*
3 ➔SECTION 6. KRS 403.740 IS REPEALED AND REENACTED TO READ AS
4 FOLLOWS:
5 *(1) Following a hearing ordered under Section 4 of this Act, if a court finds by a*
6 *preponderance of the evidence that domestic violence and abuse has occurred*
7 *and may again occur, the court may issue a domestic violence order:*
8 *(a) Restraining the adverse party from:*
9 *1. Committing further acts of domestic violence and abuse;*
10 *2. Any unauthorized contact or communication with the petitioner or*
11 *other person specified by the court;*
12 *3. Approaching the petitioner or other person specified by the court*
13 *within a distance specified in the order, not to exceed five hundred*
14 *(500) feet;*
15 *4. Going to or within a specified distance of a specifically described*
16 *residence, school, or place of employment or area where such a place*
17 *is located; and*
18 *5. Disposing of or damaging any of the property of the parties;*
19 *(b) Directing or prohibiting any other actions that the court believes will be of*
20 *assistance in eliminating future acts of domestic violence and abuse, except*
21 *that the court shall not order the petitioner to take any affirmative action;*
22 *(c) Directing that either or both of the parties receive counseling services*
23 *available in the community in domestic violence and abuse cases; and*
24 *(d) Additionally, if applicable:*
25 *1. Directing the adverse party to vacate a residence shared by the parties*
26 *to the action;*
27 *2. Utilizing the criteria set forth in KRS 403.270, 403.320, and 403.822,*

1 *grant temporary custody; and*
2 *3. Utilizing the criteria set forth in KRS 403.211, 403.212, and 403.213,*
3 *award temporary child support.*
4 *(2) In imposing a location restriction described in subsection (1)(a)4. of this section,*
5 *the court shall:*
6 *(a) Afford the petitioner and respondent, if present, an opportunity to testify on*
7 *the issue of the locations and areas from which the respondent should or*
8 *should not be excluded;*
9 *(b) Only impose a location restriction where there is a specific, demonstrable*
10 *danger to the petitioner or other person protected by the order;*
11 *(c) Specifically describe in the order the locations or areas prohibited to the*
12 *respondent; and*
13 *(d) Consider structuring a restriction so as to allow the respondent transit*
14 *through an area if the respondent does not interrupt his or her travel to*
15 *harass, harm, or attempt to harass or harm the petitioner.*
16 *(3) When temporary child support is granted under this section, the court shall enter*
17 *an order detailing how the child support is to be paid and collected. Child support*
18 *ordered under this section may be enforced utilizing the same procedures as any*
19 *other child support order.*
20 *(4) A domestic violence order shall be effective for a period of time fixed by the court,*
21 *not to exceed three (3) years, and may be reissued upon expiration for subsequent*
22 *periods of up to three (3) years each. The fact that an order has not been violated*
23 *since its issuance may be considered by a court in hearing a request for a*
24 *reissuance of the order.*
25 ➔SECTION 7. KRS 403.745 IS REPEALED AND REENACTED TO READ AS
26 FOLLOWS:
27 *(1) An emergency protective order and a domestic violence order shall become*

1 *effective and binding on the respondent when the respondent is given notice of*
2 *the existence and terms of the order by a peace officer or the court or upon*
3 *personal service of the order, whichever is earlier. A peace officer or court giving*
4 *notice of an unserved order shall make all reasonable efforts to arrange for the*
5 *order's personal service upon the respondent. Once effective, a peace officer or*
6 *the court may enforce the order's terms and act immediately upon their violation.*
7 *(2) Costs, fees, or bond shall not be assessed against or required of a petitioner for*
8 *any filing, hearing, service, or order authorized by or required to implement KRS*
9 *403.715 to 403.785.*
10 *(3) A court shall not require mediation, conciliation, or counseling prior to or as a*
11 *condition of issuing an order of protection.*
12 *(4) Mutual orders of protection may be issued only if:*
13 *(a) Separate petitions have been filed by both parties; and*
14 *(b) The orders are written with sufficient specificity to allow any peace officer*
15 *to identify which party has violated the order.*
16 *(5) Upon proper filing of a motion, either party may seek to amend an order of*
17 *protection.*
18 *(6) Testimony offered by an adverse party in a hearing ordered pursuant to Section 4*
19 *of this Act shall not be admissible in any criminal proceeding involving the same*
20 *parties, except for purposes of impeachment.*
21 *(7) (a) The Court of Justice, county and Commonwealth's attorneys, law*
22 *enforcement agencies, and victim services organizations may jointly operate*
23 *a domestic violence intake center to assist persons who apply for relief*
24 *under KRS 403.715 to 403.785.*
25 *(b) In cases where criminal conduct is alleged, a court may suggest that a*
26 *petitioner voluntarily contact the county attorney. A court may not withhold*
27 *or delay relief if the petitioner elects to not contact the county attorney.*

1 *(8) A person's right to apply for relief under this chapter shall not be affected by that*
2 *person leaving his or her residence to avoid domestic violence and abuse.*
3 *(9) A court shall order the omission or deletion of the petitioner's address and the*
4 *address of any minor children from any orders or documents to be made*
5 *available to the public or to any person who engaged in the acts complained of in*
6 *the petition.*
7 *(10) (a) If a petition under KRS 403.715 to 403.785 did not result in the issuance of*
8 *a domestic violence order, the court in which the petition was heard may for*
9 *good cause shown order the expungement of the records of the case if:*
10 *1. Six (6) months have elapsed since the case was dismissed; and*
11 *2. During the six (6) months preceding the expungement request, the*
12 *respondent has not been bound by an order of protection issued for*
13 *the protection of any person, including an order of protection as*
14 *defined in Section 19 of this Act.*
15 *(b) As used in this subsection, "expungement" has the same meaning as in*
16 *KRS 431.079.*
17 ➔SECTION 8. KRS 403.750 IS REPEALED AND REENACTED TO READ AS
18 FOLLOWS:
19 *(1) Any family member or any member of an unmarried couple may file for and*
20 *receive protection under this chapter from domestic violence and abuse,*
21 *notwithstanding the existence of or intent to file an action under this chapter by*
22 *either party.*
23 *(2) (a) Any family member or member of an unmarried couple who files a petition*
24 *for an order of protection based upon domestic violence or abuse shall*
25 *make known to the court any custody or divorce actions involving both the*
26 *petitioner and the respondent that are pending in any court.*
27 *(b) If the petitioner or respondent to an order of protection initiates an action*

1 *under this chapter, the party initiating the action shall make known to the*
2 *court the existence and status of any orders of protection, which shall*
3 *remain effective and enforceable until superseded by order of the court in*
4 *which the case is filed.*
5 *(3) If a family member or member of an unmarried couple files an action for*
6 *dissolution of marriage, child custody, or visitation, the court hearing the case*
7 *shall have jurisdiction to issue an order of protection upon the filing of a verified*
8 *motion either at the commencement or during the pendency of the action.*
9 ➔SECTION 9. KRS 403.751 IS REPEALED AND REENACTED TO READ AS
10 FOLLOWS:
11 *(1) All forms, affidavits, and orders of protection issued or filed pursuant to KRS*
12 *403.715 to 403.785 which require entry into the Law Information Network of*
13 *Kentucky shall be entered on forms prescribed by the Administrative Office of the*
14 *Courts after consultation with the Justice and Public Safety Cabinet. If the*
15 *provisions of an order of protection are contained in an order which is narrative*
16 *in nature, the prescribed form shall be used in addition to the narrative order.*
17 *(2) The circuit clerk, in cooperation with the court, shall cause a copy of each*
18 *summons or order issued pursuant to KRS 403.715 to 403.785, or foreign*
19 *protective order, fully completed and authenticated pursuant to KRS 403.715 to*
20 *403.785, to be forwarded, by the most expedient means reasonably available and*
21 *within twenty-four (24) hours following its filing with the clerk, to the*
22 *appropriate agency designated for entry of orders of protection into the Law*
23 *Information Network of Kentucky and to the agency assigned service. Any order*
24 *or court record superseding, modifying, or otherwise affecting the status of an*
25 *earlier summons or order shall likewise be forwarded by the circuit clerk to the*
26 *appropriate Law Information Network of Kentucky entering agency and to the*
27 *agency assigned service, if service is required. The clerk and the court shall*

1 *comply with all provisions and guidelines of the Law Information Network of*
2 *Kentucky for entry of the records.*
3 *(3) Each agency designated for entry of summonses and orders issued pursuant to*
4 *KRS 403.715 to 403.785, or foreign protective orders authenticated pursuant to*
5 *this chapter, into the Law Information Network of Kentucky shall, consistent*
6 *with the provisions and guidelines of the Law Information Network of Kentucky,*
7 *enter the records immediately upon receipt of copies forwarded to the agency in*
8 *accordance with subsection (2) of this section.*
9 ➔SECTION 10. KRS 403.7521 IS REPEALED AND REENACTED TO READ
10 AS FOLLOWS:
11 *(1) All foreign protective orders shall have the rebuttable presumption of validity.*
12 *The validity of a foreign protective order shall only be determined by a court of*
13 *competent jurisdiction. Until a foreign protective order is declared to be invalid by*
14 *a court of competent jurisdiction, it shall be given full faith and credit by all*
15 *peace officers and courts in the Commonwealth.*
16 *(2) All peace officers shall treat a foreign protective order as a legal document valid*
17 *in Kentucky, and shall make arrests for a violation thereof in the same manner as*
18 *for a violation of an order of protection issued in Kentucky.*
19 *(3) The fact that a foreign protective order has not been entered into the Law*
20 *Information Network of Kentucky shall not be grounds for a peace officer not to*
21 *enforce the provisions of the order unless it is readily apparent to the peace*
22 *officer to whom the order is presented that the order has either expired according*
23 *to a date shown on the order, or that the order's provisions clearly do not prohibit*
24 *the conduct being complained of. Officers acting in good faith shall be immune*
25 *from criminal and civil liability.*
26 *(4) If the order has expired or its provisions do not prohibit the conduct being*
27 *complained of, the officer shall not make an arrest unless the provisions of a*

1 *Kentucky statute have been violated, in which case the peace officer shall take the*
2 *action required by Kentucky law.*
3 *(5) Civil proceedings and criminal proceedings for violation of a foreign protective*
4 *order for the same violation of the protective order shall be mutually exclusive.*
5 *Once either proceeding has been initiated, the other shall not be undertaken,*
6 *regardless of the outcome of the original proceeding.*
7 ➔SECTION 11. KRS 403.7524 IS REPEALED AND REENACTED TO READ
8 AS FOLLOWS:
9 *(1) In order to assist a court of another state in determining whether an order issued*
10 *under KRS 403.715 to 403.785 is entitled to full faith and credit pursuant to 18*
11 *U.S.C. sec. 2265:*
12 *(a) All domestic violence orders shall include a statement certifying that the*
13 *issuing court had jurisdiction over the parties and the matter, and that*
14 *reasonable notice and opportunity to be heard has been given to the person*
15 *against whom the order is sought sufficient to protect that person's right to*
16 *due process; and*
17 *(b) All emergency protective orders shall include a statement certifying that*
18 *notice and opportunity to be heard has been provided within the time*
19 *required by state law, and in any event within a reasonable time after the*
20 *order is issued, sufficient to protect the respondent's due process rights.*
21 *(2) The Administrative Office of the Courts shall prescribe the form to be used for*
22 *the purposes of this section.*
23 ➔SECTION 12. KRS 403.7527 IS REPEALED AND REENACTED TO READ
24 AS FOLLOWS:
25 *(1) A copy of a foreign protective order may be filed in the office of the clerk of any*
26 *court of competent jurisdiction of this state. A foreign protective order so filed*
27 *shall have the same effect and shall be enforced in the same manner as an order*

1 *of protection issued by a court of this state.*
2 *(2) (a) At the time of the filing of the foreign protective order, the person filing the*
3 *order shall file with the clerk of the court an affidavit on a form prescribed*
4 *and provided by the Administrative Office of the Courts. The affidavit shall*
5 *set forth the name, city, county, and state or other jurisdiction of the issuing*
6 *court. The person shall certify in the affidavit the validity and status of the*
7 *foreign protective order, and attest to the person's belief that the order has*
8 *not been amended, rescinded, or superseded by any orders from a court of*
9 *competent jurisdiction. All foreign protective orders presented with a*
10 *completed and signed affidavit shall be accepted and filed.*
11 *(b) The affidavit signed by the applicant shall have space where the reviewing*
12 *judge shall place information necessary to allow the order's entry into the*
13 *Law Information Network of Kentucky in the same manner as a Kentucky*
14 *order.*
15 *(3) (a) If the person seeking to file the order presents a copy of the foreign order*
16 *which is current by the terms of the order and has been certified by the clerk*
17 *or other authorized officer of the court which issued it, the circuit clerk*
18 *shall present it to the District Judge or Circuit Judge, who shall read the*
19 *order and enter on the affidavit the information necessary to allow the*
20 *order's entry into the Law Information Network of Kentucky. The order*
21 *shall not be subject to further verification and shall be accepted as*
22 *authentic, current, and subject to full faith and credit.*
23 *(b) If the order presented is current by the terms of the order but is not certified*
24 *in the manner specified in paragraph (a) of this subsection, the circuit clerk*
25 *shall present the order and the affidavit to the District Judge or Circuit*
26 *Judge, who shall read the order and enter on the affidavit the information*
27 *necessary to allow the order's entry into the Law Information Network of*

1 *Kentucky. The order shall be subject to full faith and credit in the same*
2 *manner as a Kentucky order of protection, but shall be subject to*
3 *verification by the circuit clerk. The order shall be valid for a period of*
4 *fourteen (14) days and may be renewed once for a period of fourteen (14)*
5 *days if the circuit clerk has not received a certified copy of the order from*
6 *the issuing jurisdiction. The clerk shall treat the foreign protective order in*
7 *the same manner as an order of protection issued pursuant to Section 6 of*
8 *this Act, except that no service on the adverse party shall be required*
9 *pursuant to 18 U.S.C. sec. 2265.*
10 *(c) Upon the filing of an uncertified protective order, the circuit clerk shall,*
11 *within two (2) business days, contact the issuing court to request a certified*
12 *copy of the order. If the certified copy of the order is received by the circuit*
13 *clerk within the initial fourteen (14) day period, the clerk shall cause the*
14 *information that certification has been received to be entered into the Law*
15 *Information Network of Kentucky and shall notify the applicant for the*
16 *order of the fact of its certification. A facsimile copy of a certified foreign*
17 *protective order shall be grounds for the issuance of an order of protection.*
18 *(d) If the clerk has not received a certified copy of the foreign protective order*
19 *within ten (10) days, the clerk shall notify the court and the applicant that*
20 *the order has not been received. The notice to the applicant, on a form*
21 *prepared by the Administrative Office of the Courts, shall state that the*
22 *foreign protective order will be extended for another fourteen (14) days, but*
23 *will be dismissed at the expiration of that time. If the clerk informs the*
24 *judge in writing that the certified foreign protective order has been*
25 *requested but has not yet been received, the judge shall extend the foreign*
26 *protective order for a period of fourteen (14) days. If certification of the*
27 *foreign protective order is not received within twenty-eight (28) days, the*

1 *foreign protective order shall expire and shall not be reissued. If the*
2 *applicant meets the qualifications for the issuance of a Kentucky domestic*
3 *violence order, the court may, upon proper application and showing of*
4 *evidence, issue a Kentucky order in accordance with this chapter.*
5 *(4) The right of a person filing a foreign protective order to bring an action to*
6 *enforce the order instead of proceeding under this chapter remains unimpaired.*
7 ➔SECTION 13. KRS 403.7529 IS REPEALED AND REENACTED TO READ
8 AS FOLLOWS:
9 *(1) Upon ex parte review of the foreign protective order and the affidavit filed*
10 *pursuant to Section 12 of this Act, and after determining the order is entitled to*
11 *full faith and credit in this Commonwealth pursuant to 18 U.S.C. sec. 2265, the*
12 *court shall declare the order to be authenticated and record the finding on the*
13 *affidavit.*
14 *(2) If the court declares the order to be authenticated, the court shall:*
15 *(a) Direct the appropriate law enforcement agency to assist the petitioner in*
16 *having the provisions of the order complied with, if applicable; and*
17 *(b) Order its enforcement in any county of the Commonwealth in the same*
18 *manner as an domestic violence order of this state issued pursuant to*
19 *Section 6 of this Act.*
20 *(3) The clerk shall notify the person who filed the foreign protective order of the*
21 *decision of the court and provide the person a certified copy of the affidavit*
22 *declaring the authentication of the order.*
23 ➔SECTION 14. KRS 403.7531 IS REPEALED AND REENACTED TO READ
24 AS FOLLOWS:
25 *(1) A foreign protective order which has been entered into the Law Information*
26 *Network of Kentucky shall be immediately cleared as an active record from the*
27 *computer system when:*

1 *(a) The order expires according to its terms;*
2 *(b) A Kentucky court notifies the Law Information Network of Kentucky that a*
3 *foreign protective order has been dismissed, either by court order or entry of*
4 *notification by a circuit clerk; or*
5 *(c) A circuit clerk notifies the Law Information Network of Kentucky that a*
6 *foreign protective order tendered to the clerk has not been authenticated in*
7 *the time period specified in Section 14 of this Act.*
8 *(2) For validation purposes, the Law Information Network of Kentucky shall provide*
9 *the circuit court clerk with a printout of foreign protective orders. The clerk shall*
10 *validate each order annually by contacting the original issuing court or*
11 *jurisdiction. If the clerk has not received information from the foreign*
12 *jurisdiction within thirty-one (31) days, the clerk shall cause those orders to be*
13 *cleared from the Law Information Network of Kentucky.*
14 ➔SECTION 15. KRS 403.7535 IS REPEALED AND REENACTED TO READ
15 AS FOLLOWS:
16 *(1) A person who has filed a foreign protective order in a court in Kentucky is under*
17 *a continuing obligation to inform the court of any expiration, vacation,*
18 *modification, or other change in the order which the person filing the order has*
19 *received from the issuing foreign court.*
20 *(2) A person who has filed a foreign protective order in a court in Kentucky shall,*
21 *within two (2) working days of the occurrence of any event specified in subsection*
22 *(1) of this section, notify the clerk of the court in which the foreign protective*
23 *order was filed of the fact of the changed order and present the clerk with a copy*
24 *of the order for authentication as provided in this chapter. The clerk shall*
25 *immediately notify the Law Information Network of Kentucky entering agency of*
26 *the modification.*
27 *(3) No court in Kentucky and no peace officer in Kentucky shall be expected to*

1 *enforce a provision of a foreign protective order which has been the subject of*
2 *any action specified in subsection (1) of this section, unless proper notice has*
3 *been given in accordance with this section.*
4 *(4) Intentional failure of a person who has filed a foreign protective order to make*
5 *the notifications required by this section in the manner required by this section*
6 *shall constitute contempt of court and may be grounds for an appropriate civil*
7 *action brought by any person damaged by the intentional act of omission by the*
8 *person failing to act.*
9 ➔SECTION 16. KRS 403.761 IS REPEALED AND REENACTED TO READ
10 AS FOLLOWS:
11 *(1) Upon a petitioner's request and after an evidentiary hearing, a court may amend*
12 *a domestic violence order to require a respondent to participate in a global*
13 *positioning monitoring system if:*
14 *(a) The respondent has committed a substantial violation of a previously*
15 *entered domestic violence order;*
16 *(b) The court has reviewed an updated history of the respondent's Kentucky*
17 *criminal and protective order history; and*
18 *(c) The court makes a factual determination that the use of a global positioning*
19 *monitoring system would increase the petitioner's safety.*
20 *(2) An order requiring participation in a global positioning monitoring system shall:*
21 *(a) Require the respondent to pay the cost of participation up to the*
22 *respondent's ability to pay, with the system operator bearing any uncovered*
23 *costs for indigent respondents;*
24 *(b) State with specificity the locations or areas where the respondent is*
25 *prohibited from being located or persons with whom the respondent shall*
26 *have no contact;*
27 *(c) Include the date that the order expires, which shall be no longer than the*

1 *expiration date of the domestic violence order, although participation may*
2 *be extended if the underlying order is extended;*
3 *(d) Require the entity that operates the monitoring system to immediately notify*
4 *the petitioner, the local law enforcement agency named in the order, and*
5 *the court if a respondent violates the order; and*
6 *(e) Include any other information as the court deems appropriate.*
7 *(3) The Administrative Office of the Courts shall prepare a publicly available*
8 *informational pamphlet containing information on the method of applying for,*
9 *hearing, amending, and terminating an order requiring participation in a global*
10 *positioning monitoring system.*
11 *(4) (a) The Supreme Court may establish by rule a sliding scale of payment*
12 *responsibility for indigent defendants for use in establishing required*
13 *payments under subsection (2) of this section.*
14 *(b) A person, county, or other organization may voluntarily agree to pay all or*
15 *a portion of a respondent's monitoring costs specified in this section.*
16 *(5) An order requiring participation in a global positioning monitoring system may*
17 *be shortened or vacated by the court either:*
18 *(a) Upon request of the petitioner; or*
19 *(b) Upon request of the respondent after an evidentiary hearing, if the*
20 *respondent has not violated the order and:*
21 *1. Three (3) months have elapsed since the entry of the order; and*
22 *2. No previous request has been made by the respondent in the previous*
23 *six (6) months.*
24 *(6) A respondent who fails to wear, removes, tampers with, or destroys a global*
25 *positioning monitoring system device in contravention of an order entered under*
26 *this section shall be guilty of a Class D felony.*
27 ➔SECTION 17. KRS 403.763 IS REPEALED AND REENACTED TO READ

1 AS FOLLOWS:

2 *(1) Violation of the terms or conditions of an order of protection after the person has*
3 *been served or given notice of the order shall constitute contempt of court and a*
4 *criminal offense under this section. Once a criminal or contempt proceeding has*
5 *been initiated, the other shall not be undertaken regardless of the outcome of the*
6 *original proceeding.*

7 *(2) (a) Court proceedings for contempt of court for violation of an order of*
8 *protection shall be held in the county where the order was issued or filed.*

9 *(b) Court proceedings for a criminal violation of an order of protection shall*
10 *follow the rules of venue applicable to criminal cases generally.*

11 *(3) Nothing in this section shall preclude the Commonwealth from prosecuting and*
12 *convicting the respondent of criminal offenses other than violation of an order of*
13 *protection.*

14 *(4) (a) A person is guilty of a violation of an order of protection when he or she*
15 *intentionally violates the provisions of an order of protection after the*
16 *person has been served or given notice of the order.*

17 *(b) Violation of an order of protection is a Class A misdemeanor.*

18 ➔SECTION 18. KRS 403.785 IS REPEALED AND REENACTED TO READ
19 AS FOLLOWS:

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

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

26 *(a) Remaining at the location of the call for assistance so long as the officer*
27 *reasonably suspects there is danger to the physical safety of individuals*

1 *there without the presence of a law enforcement officer;*
2 *(b) Assisting the victim in obtaining medical treatment, including transporting*
3 *the victim to the nearest medical facility capable of providing the necessary*
4 *treatment; and*
5 *(c) Advising the victim immediately of the rights available to them, including*
6 *the provisions of this chapter.*
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*
9 *and civil liability.*
10 *(5) Each law enforcement agency shall report all incidents of actual or suspected*
11 *domestic violence and abuse within their knowledge to the Cabinet for Health*
12 *and Family Services, Department for Community Based Services, within forty-*
13 *eight (48) hours of learning of the incident or of the suspected incident.*
14 ➔SECTION 19. KRS CHAPTER 456 IS ESTABLISHED AND A NEW
15 SECTION THEREOF IS CREATED TO READ AS FOLLOWS:
16 *As used in this chapter:*
17 *(1) "Dating relationship" means a relationship between individuals who have or*
18 *have had a relationship of a romantic or intimate nature. It does not include a*
19 *casual acquaintanceship or ordinary fraternization in a business or social*
20 *context. The following factors may be considered in addition to any other relevant*
21 *factors in determining whether the relationship is or was of a romantic or*
22 *intimate nature:*
23 *(a) Declarations of romantic interest;*
24 *(b) The relationship was characterized by the expectation of affection;*
25 *(c) Attendance at social outings together as a couple;*
26 *(d) The frequency and type of interaction between the persons, including*
27 *whether the persons have been involved together over time and on a*

1 *continuous basis during the course of the relationship;*
2 *(e) The length and recency of the relationship; and*
3 *(f) Other indications of a substantial connection that would lead a reasonable*
4 *person to understand that a dating relationship existed;*
5 *(2) "Dating violence and abuse" means physical injury, serious physical injury,*
6 *stalking, sexual assault, or the infliction of fear of imminent physical injury,*
7 *serious physical injury, sexual abuse, or assault occurring between persons who*
8 *are or have been in a dating relationship;*
9 *(3) "Foreign protective order" means any judgment, decree, or order of protection*
10 *which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 which*
11 *was not issued on the basis of domestic violence and abuse;*
12 *(4) "Global positioning monitoring system" means a system that electronically*
13 *determines a person's location through a device worn by the person which does*
14 *not invade his or her bodily integrity and which transmits the person's latitude*
15 *and longitude data to a monitoring entity;*
16 *(5) "Order of protection" means any interpersonal protective order including those*
17 *issued on a temporary basis and includes a foreign protective order;*
18 *(6) "Sexual assault" refers to conduct prohibited as any degree of rape, sodomy, or*
19 *sexual abuse under KRS Chapter 510 or incest under KRS 530.020;*
20 *(7) "Stalking" refers to conduct prohibited as stalking under KRS 508.140 or*
21 *508.150; and*
22 *(8) "Substantial violation" means criminal conduct which involves actual or*
23 *threatened harm to the person, family, or property of an individual protected by*
24 *an order of protection.*
25 ➔SECTION 20. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
26 READ AS FOLLOWS:
27 *(1) This chapter shall be interpreted to:*

1 *(a) Allow victims to obtain effective, short-term protection against further*
2 *wrongful conduct in order that their lives may be as secure and as*
3 *uninterrupted as possible;*
4 *(b) Expand the ability of law enforcement officers to effectively respond to*
5 *further wrongful conduct so as to prevent future incidents and to provide*
6 *assistance to the victims;*
7 *(c) Provide peace officers with the authority to immediately apprehend and*
8 *charge for violation of an order of protection any person whom the officer*
9 *has probable cause to believe has violated an order of protection and to*
10 *provide courts with the authority to conduct contempt of court proceedings*
11 *for these violations;*
12 *(d) Provide for the collection of data concerning incidents of dating violence*
13 *and abuse, sexual assault, and stalking in order to develop a comprehensive*
14 *analysis of the numbers and causes of such incidents; and*
15 *(e) Supplement and not repeal or supplant any duties, responsibilities, services,*
16 *or penalties under KRS Chapters 209, 209A, and 620.*
17 *(2) Nothing in this chapter is intended to trigger the application of the provisions of*
18 *18 U.S.C sec. 922(g) as to an interpersonal protective order issued on the basis of*
19 *the existence of a current or previous dating relationship.*
20 ➔SECTION 21. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
21 READ AS FOLLOWS:
22 *(1) A petition for an interpersonal protection order may be filed by:*
23 *(a) A victim of dating violence and abuse;*
24 *(b) A victim of stalking;*
25 *(c) A victim of sexual assault; or*
26 *(d) An adult on behalf of a victim who is a minor otherwise qualifying for relief*
27 *under this subsection.*

1 *(2) The petition may be filed in the victim's county of residence or a county where the*
2 *victim has fled to escape dating violence and abuse, stalking, or sexual assault.*
3 *(3) The petition shall be verified and contain:*
4 *(a) The name, age, address, occupation, residence, and school or postsecondary*
5 *institution of the petitioner;*
6 *(b) The name, age, address, occupation, residence, and school or postsecondary*
7 *institution of the person or persons who have engaged in the alleged act or*
8 *acts complained of in the petition;*
9 *(c) The facts and circumstances which constitute the basis for the petition; and*
10 *(d) The names, ages, and addresses of the petitioner's minor children, if*
11 *applicable.*
12 *(4) The petition shall be filed on forms prescribed by the Administrative Office of the*
13 *Courts and provided to the person seeking relief by the circuit clerk or by another*
14 *individual authorized by the court to provide and verify petitions in emergency*
15 *situations, such as law enforcement officers and Commonwealth's or county*
16 *attorneys.*
17 *(5) All petitions requested, completed, and signed by persons seeking protection*
18 *under this chapter shall be accepted and filed with the court.*
19 *(6) (a) Jurisdiction over petitions filed under this chapter shall be concurrent*
20 *between the District Court and Circuit Court.*
21 *(b) The Court of Justice shall provide a protocol for twenty-four (24) hour*
22 *access to interpersonal protective orders in each county with any protocol,*
23 *whether statewide or local, being subject to Supreme Court review and*
24 *approval of the initial protocol and any subsequent amendments. This*
25 *protocol may allow for petitions to be filed in or transferred to a court other*
26 *than those specified in paragraph (a) of this subsection.*
27 *(c) The Court of Justice may authorize by rule that petitions in a specific*

1 *county be filed in accordance with a supplemental jurisdictional protocol*
2 *adopted for that county. This protocol may provide for petitions to be filed*
3 *in or transferred to a court other than those specified in paragraph (a) of*
4 *this subsection.*
5 *(7) Any judge to whom a petition is referred under subsection (6) of this section shall*
6 *have full authority to review and hear a petition and subsequently grant and*
7 *enforce an interpersonal protective order.*
8 *(8) If the judge of a court in which there is a pending request for modification or*
9 *enforcement of an existing order of protection is unavailable or unable to act*
10 *within a reasonable time, the proceedings may be conducted by any judge of the*
11 *county in accordance with court rules.*
12 ➔SECTION 22. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
13 READ AS FOLLOWS:
14 *(1) (a) The court shall review a petition for an interpersonal protective order*
15 *immediately upon its filing. If the review indicates that dating violence and*
16 *abuse, stalking, or sexual assault exists, the court shall summons the parties*
17 *to an evidentiary hearing not more than fourteen (14) days in the future. If*
18 *the review indicates that such a basis does not exist, the court may consider*
19 *an amended petition or dismiss the petition without prejudice.*
20 *(b) Service of the summons and hearing order under this subsection shall be*
21 *made upon the adverse party personally and may be made in the manner*
22 *and by the persons authorized to serve subpoenas under Rule 45.03 of the*
23 *Rules of Civil Procedure. A summons may be reissued if service has not*
24 *been made on the adverse party by the fixed court date and time.*
25 *(2) (a) If the review under this section also indicates the presence of an immediate*
26 *and present danger of dating violence and abuse, sexual assault, or*
27 *stalking, the court shall, upon proper motion, issue ex parte a temporary*

1 *interpersonal protective order that:*
2 *1. Authorizes relief appropriate to the situation utilizing the alternatives*
3 *set out in Section 24 of this Act;*
4 *2. Expires upon the conclusion of the evidentiary hearing required by*
5 *this section unless extended or withdrawn by subsequent order of the*
6 *court; and*
7 *3. Does not order or refer the parties to mediation unless requested by*
8 *the petitioner, and the court finds that:*
9 *a. The petitioner's request is voluntary and not the result of*
10 *coercion; and*
11 *b. Mediation is a realistic and viable alternative to or adjunct to the*
12 *issuance of an order sought by the petitioner.*
13 *(b) If an order is not issued under this subsection, the court shall note on the*
14 *petition, for the record, any action taken or denied and the reason for it.*
15 ➔SECTION 23. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
16 READ AS FOLLOWS:
17 *(1) Prior to or at a hearing on a petition for an interpersonal protective order:*
18 *(a) The court may obtain the respondent's Kentucky criminal and protective*
19 *order history and utilize that information to assess what relief and which*
20 *sanctions may protect against danger to the petitioner or other person for*
21 *whom protection is being sought, with the information so obtained being*
22 *provided to the parties in accordance with the Rules of Civil Procedure; and*
23 *(b) If the petitioner or respondent is a minor, the court shall inquire whether*
24 *the parties attend school in the same school system to assist the court in*
25 *imposing conditions in the order that have the least disruption in the*
26 *administration of education to the parties while providing appropriate*
27 *protection to the petitioner.*

1 *(2) (a) If the adverse party is not present at the hearing ordered pursuant to*
2 *Section 22 of this Act and has not been served, a previously issued*
3 *temporary interpersonal protective order shall remain in place, and the*
4 *court shall direct the issuance of a new summons for a hearing set not more*
5 *than fourteen (14) days in the future. If service has not been made on the*
6 *adverse party before that hearing or a subsequent hearing, the temporary*
7 *interpersonal protective order shall remain in place, and the court shall*
8 *continue the hearing and issue a new summons with a new date and time*
9 *for the hearing to occur, which shall be within fourteen (14) days of the*
10 *originally scheduled date for the continued hearing. The court shall repeat*
11 *the process of continuing the hearing and reissuing a new summons until*
12 *the adverse party is served in advance of the scheduled hearing. If service*
13 *has not been made on the respondent at least seventy-two (72) hours prior*
14 *to the scheduled hearing, the court may continue the hearing no more than*
15 *fourteen (14) days in the future. In issuing the summons, the court shall*
16 *simultaneously transmit a copy of the summons or notice of its issuance*
17 *and provisions to the petitioner.*
18 *(b) The provisions of this section permitting the continuance of an*
19 *interpersonal protective order shall be limited to six (6) months from the*
20 *issuance of the temporary interpersonal protective order. If the respondent*
21 *has not been served within that period, the order shall be rescinded without*
22 *prejudice. Prior to the expiration of the temporary interpersonal protective*
23 *order, the court shall provide notice to the petitioner stating that, if the*
24 *petitioner does not file a new petition, the order shall be rescinded without*
25 *prejudice.*
26 ➔SECTION 24. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
27 READ AS FOLLOWS:

1 *(1) Following a hearing ordered under Section 22 of this Act, if a court finds by a*
2 *preponderance of the evidence that dating violence and abuse, sexual assault, or*
3 *stalking has occurred and may again occur, the court may issue an interpersonal*
4 *protective order:*
5 *(a) Restraining the adverse party from:*
6 *1. Committing further acts of dating violence and abuse, stalking, or*
7 *sexual assault;*
8 *2. Any unauthorized contact or communication with the petitioner or*
9 *other person specified by the court;*
10 *3. Approaching the petitioner or other person specified by the court*
11 *within a distance specified in the order, not to exceed five hundred*
12 *(500) feet;*
13 *4. Going to or within a specified distance of a specifically described*
14 *residence, school, or place of employment or area where such a place*
15 *is located; and*
16 *5. Disposing of or damaging any of the property of the parties;*
17 *(b) Directing or prohibiting any other actions that the court believes will be of*
18 *assistance in eliminating future acts of dating violence and abuse, stalking,*
19 *or sexual assault, except that the court shall not order the petitioner to take*
20 *any affirmative action; and*
21 *(c) Directing that either or both of the parties receive counseling services*
22 *available in the community in dating violence and abuse cases.*
23 *(2) In imposing a location restriction described in subsection (1)(a)4. of this section,*
24 *the court shall:*
25 *(a) Afford the petitioner and respondent, if present, an opportunity to testify on*
26 *the issue of the locations and areas from which the respondent should or*
27 *should not be excluded;*

1 *(b) Only impose a location restriction where there is a specific, demonstrable*
2 *danger to the petitioner or other person protected by the order;*
3 *(c) Specifically describe in the order the locations or areas prohibited to the*
4 *respondent; and*
5 *(d) Consider structuring a restriction so as to allow the respondent transit*
6 *through an area if the respondent does not interrupt his or her travel to*
7 *harass, harm, or attempt to harass or harm the petitioner.*
8 *(3) An interpersonal protective order shall be effective for a period of time fixed by*
9 *the court, not to exceed three (3) years, and may be reissued upon expiration for*
10 *subsequent periods of up to three (3) years each. The fact that an order has not*
11 *been violated since its issuance may be considered by a court in hearing a request*
12 *for a reissuance of the order.*
13 ➔SECTION 25. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
14 READ AS FOLLOWS:
15 *(1) A temporary or ordinary interpersonal protective order shall become effective and*
16 *binding on the respondent when the respondent is given notice of the existence*
17 *and terms of the order by a peace officer or the court or upon personal service of*
18 *the order, whichever is earlier. A peace officer or court giving notice of an*
19 *unserved order shall make all reasonable efforts to arrange for the order's*
20 *personal service upon the respondent. Once effective, a peace officer or the court*
21 *may enforce the order's terms and act immediately upon their violation.*
22 *(2) Costs, fees, or bond shall not be assessed against or required of a petitioner for*
23 *any filing, hearing, service, or order authorized by or required to implement this*
24 *chapter.*
25 *(3) A court shall not require mediation, conciliation, or counseling prior to or as a*
26 *condition of issuing an interpersonal protective order.*
27 *(4) Mutual protective orders may be issued only if:*

1 *(a) Separate petitions have been filed by both parties; and*
2 *(b) The orders are written with sufficient specificity to allow any peace officer*
3 *to identify which party has violated the order.*
4 *(5) Upon proper filing of a motion, either party may seek to amend an interpersonal*
5 *protective order.*
6 *(6) Testimony offered by an adverse party in a hearing ordered pursuant to Section*
7 *22 of this Act shall not be admissible in any criminal proceeding involving the*
8 *same parties except for purposes of impeachment.*
9 *(7) (a) The Court of Justice, county and Commonwealth's attorneys, law*
10 *enforcement agencies, and victim services organizations may jointly operate*
11 *an interpersonal protective order intake center to assist persons who apply*
12 *for relief under this chapter.*
13 *(b) In cases where criminal conduct is alleged, a court may suggest that a*
14 *petitioner voluntarily contact the county attorney. A court may not withhold*
15 *or delay relief if the petitioner elects to not contact the county attorney.*
16 *(8) A person's right to apply for relief under this chapter shall not be affected by that*
17 *person leaving his or her residence to avoid dating violence and abuse, sexual*
18 *assault, or stalking.*
19 *(9) A court shall order the omission or deletion of the petitioner's address and the*
20 *address of any minor children from any orders or documents to be made*
21 *available to the public or to any person who engaged in the acts complained of in*
22 *the petition.*
23 *(10) (a) If a petition under this chapter did not result in the issuance of a non-*
24 *temporary interpersonal order, the court in which the petition was heard*
25 *may for good cause shown order the expungement of the records of the case*
26 *if:*
27 *1. Six (6) months have elapsed since the case was dismissed; and*

1 *2. During the six (6) months preceding the expungement request, the*
2 *respondent has not been bound by an order of protection issued for*
3 *the protection of any person including an order of protection as*
4 *defined in Section 2 of this Act.*
5 *(b) As used in this subsection, "expungement" has the same meaning as in*
6 *KRS 431.079.*
7 ➔SECTION 26. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
8 READ AS FOLLOWS:
9 *If the petitioner or respondent to an interpersonal protective order initiates an action*
10 *under KRS Chapter 403, the party initiating the action shall make known to the court*
11 *the existence and status of any interpersonal protective orders, which shall remain*
12 *effective and enforceable until superseded by order of the court in which the KRS*
13 *Chapter 403 case is filed.*
14 ➔SECTION 27. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
15 READ AS FOLLOWS:
16 *(1) A court issuing an interpersonal order shall direct the appropriate law*
17 *enforcement agency to assist the petitioner in having the provisions of the order*
18 *complied with.*
19 *(2) When a law enforcement officer has reason to suspect that a person has been the*
20 *victim of dating violence and abuse, sexual assault, or stalking, the officer shall*
21 *use all reasonable means to provide assistance to the victim, including but not*
22 *limited to:*
23 *(a) Remaining at the location of the call for assistance so long as the officer*
24 *reasonably suspects there is danger to the physical safety of individuals*
25 *there without the presence of a law enforcement officer;*
26 *(b) Assisting the victim in obtaining medical treatment, including transporting*
27 *the victim to the nearest medical facility capable of providing the necessary*

1 *treatment; and*
2 *(c) Advising the victim immediately of the rights available to them, including*
3 *the provisions of this chapter.*
4 *(3) Orders of protection shall be enforced in any county of the Commonwealth.*
5 *(4) Officers acting in good faith under this chapter shall be immune from criminal*
6 *and civil liability.*
7 ➔SECTION 28. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
8 READ AS FOLLOWS:
9 *(1) Upon a petitioner's request and after an evidentiary hearing, a court may amend*
10 *an interpersonal protection order to require a respondent to participate in a*
11 *global positioning monitoring system if:*
12 *(a) The respondent has committed a substantial violation of a previously*
13 *entered interpersonal protection order;*
14 *(b) The court has reviewed an updated history of the respondent's Kentucky*
15 *criminal and protective order history; and*
16 *(c) The court makes a factual determination that the use of a global positioning*
17 *monitoring system would increase the petitioner's safety.*
18 *(2) An order requiring participation in a global positioning monitoring system shall:*
19 *(a) Require the respondent to pay the cost of participation up to the*
20 *respondent's ability to pay, with the system operator bearing any uncovered*
21 *costs for indigent respondents;*
22 *(b) State with specificity the locations or areas where the respondent is*
23 *prohibited from being located or persons with whom the respondent shall*
24 *have no contact;*
25 *(c) Include the date that the order expires, which shall be no longer than the*
26 *expiration date of the underlying interpersonal protection order, although*
27 *participation may be extended if the underlying order is extended;*

1 *(d) Require the entity that operates the monitoring system to immediately notify*
2 *the petitioner, the local law enforcement agency named in the order, and*
3 *the court if a respondent violates the order; and*
4 *(e) Include any other information as the court deems appropriate.*
5 *(3) The Administrative Office of the Courts shall prepare a publicly available*
6 *informational pamphlet containing information on the method of applying for,*
7 *hearing, amending, and terminating an order requiring participation in a global*
8 *positioning monitoring system.*
9 *(4) (a) The Supreme Court may establish by rule a sliding scale of payment*
10 *responsibility for indigent defendants for use in establishing required*
11 *payments under subsection (2) of this section.*
12 *(b) A person, county, or other organization may voluntarily agree to pay all or*
13 *a portion of a respondent's monitoring costs specified in this section.*
14 *(5) An order requiring participation in a global positioning monitoring system may*
15 *be shortened or vacated by the court either:*
16 *(a) Upon request of the petitioner; or*
17 *(b) Upon request of the respondent after an evidentiary hearing, if the*
18 *respondent has not violated the order and:*
19 *1. Three (3) months have elapsed since the entry of the order; and*
20 *2. No previous request has been made by the respondent in the previous*
21 *six (6) months.*
22 *(6) A respondent who fails to wear, removes, tampers with, or destroys a global*
23 *positioning monitoring system device in contravention of an order entered under*
24 *this section shall be guilty of a Class D felony.*
25 ➔SECTION 29. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
26 READ AS FOLLOWS:
27 *(1) All forms, affidavits, and orders of protection issued or filed pursuant to this*

1 *chapter which require entry into the Law Information Network of Kentucky shall*
2 *be entered on forms prescribed by the Administrative Office of the Courts after*
3 *consultation with the Justice and Public Safety Cabinet. If the provisions of an*
4 *interpersonal protective order are contained in an order which is narrative in*
5 *nature, the prescribed form shall be used in addition to the narrative order.*
6 *(2) The circuit clerk, in cooperation with the court, shall cause a copy of each*
7 *summons or order issued pursuant to this chapter, or foreign protective order,*
8 *fully completed and authenticated pursuant to this chapter, to be forwarded, by*
9 *the most expedient means reasonably available and within twenty-four (24) hours*
10 *following its filing with the clerk, to the appropriate agency designated for entry*
11 *of interpersonal protective order records into the Law Information Network of*
12 *Kentucky and to the agency assigned service. Any order or court record*
13 *superseding, modifying, or otherwise affecting the status of an earlier summons*
14 *or order shall likewise be forwarded by the circuit clerk to the appropriate Law*
15 *Information Network of Kentucky entering agency and to the agency assigned*
16 *service, if service is required. The clerk and the court shall comply with all*
17 *provisions and guidelines of the Law Information Network of Kentucky for entry*
18 *of the records.*
19 *(3) Each agency designated for entry of summonses and orders issued pursuant to*
20 *this chapter, or foreign protective orders authenticated pursuant to this chapter,*
21 *into the Law Information Network of Kentucky shall, consistent with the*
22 *provisions and guidelines of the Law Information Network of Kentucky, enter the*
23 *records immediately upon receipt of copies forwarded to the agency in*
24 *accordance with subsection (2) of this section.*
25 ➔SECTION 30. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
26 READ AS FOLLOWS:
27 *(1) All foreign protective orders shall have the rebuttable presumption of validity.*

1 *The validity of a foreign protective order shall only be determined by a court of*
2 *competent jurisdiction. Until a foreign protective order is declared to be invalid by*
3 *a court of competent jurisdiction, it shall be given full faith and credit by all*
4 *peace officers and courts in the Commonwealth.*
5 *(2) All peace officers shall treat a foreign protective order as a legal document valid*
6 *in Kentucky, and shall make arrests for a violation thereof in the same manner as*
7 *for a violation of an order of protection issued in Kentucky.*
8 *(3) The fact that a foreign protective order has not been entered into the Law*
9 *Information Network of Kentucky shall not be grounds for a peace officer not to*
10 *enforce the provisions of the order unless it is readily apparent to the peace*
11 *officer to whom the order is presented that the order has either expired according*
12 *to a date shown on the order, or that the order's provisions clearly do not prohibit*
13 *the conduct being complained of. Officers acting in good faith shall be immune*
14 *from criminal and civil liability.*
15 *(4) If the order has expired or its provisions do not prohibit the conduct being*
16 *complained of, the officer shall not make an arrest unless the provisions of a*
17 *Kentucky statute have been violated, in which case the peace officer shall take the*
18 *action required by Kentucky law.*
19 *(5) Civil proceedings and criminal proceedings for violation of a foreign protective*
20 *order for the same violation of the protective order shall be mutually exclusive.*
21 *Once either proceeding has been initiated, the other shall not be undertaken,*
22 *regardless of the outcome of the original proceeding.*
23 ➔SECTION 31. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
24 READ AS FOLLOWS:
25 *(1) In order to assist a court of another state in determining whether an order issued*
26 *under this chapter is entitled to full faith and credit pursuant to 18 U.S.C. sec.*
27 *2265:*

1 *(a) All interpersonal protective orders shall include a statement certifying that*
2 *the issuing court had jurisdiction over the parties and the matter, and that*
3 *reasonable notice and opportunity to be heard has been given to the person*
4 *against whom the order is sought sufficient to protect that person's right to*
5 *due process; and*
6 *(b) All temporary interpersonal protective orders shall include a statement*
7 *certifying that notice and opportunity to be heard has been provided within*
8 *the time required by state law, and in any event within a reasonable time*
9 *after the order is issued, sufficient to protect the respondent's due process*
10 *rights.*
11 *(2) The Administrative Office of the Courts shall prescribe the form to be used for*
12 *the purposes of this section.*
13 ➔SECTION 32. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
14 READ AS FOLLOWS:
15 *(1) A copy of a foreign protective order may be filed in the office of the clerk of any*
16 *court of competent jurisdiction of this state. A foreign protective order so filed*
17 *shall have the same effect and shall be enforced in the same manner as an*
18 *interpersonal protective order issued by a court of this state.*
19 *(2) (a) At the time of the filing of the foreign protective order, the person filing the*
20 *order shall file with the clerk of the court an affidavit on a form prescribed*
21 *and provided by the Administrative Office of the Courts. The affidavit shall*
22 *set forth the name, city, county, and state or other jurisdiction of the issuing*
23 *court. The person shall certify in the affidavit the validity and status of the*
24 *foreign protective order, and attest to the person's belief that the order has*
25 *not been amended, rescinded, or superseded by any orders from a court of*
26 *competent jurisdiction. All foreign protective orders presented with a*
27 *completed and signed affidavit shall be accepted and filed.*

1 *(b) The affidavit signed by the applicant shall have space where the reviewing*
2 *judge shall place information necessary to allow the order's entry into the*
3 *Law Information Network of Kentucky in the same manner as a Kentucky*
4 *order.*
5 *(3) (a) If the person seeking to file the order presents a copy of the foreign order*
6 *which is current by the terms of the order and has been certified by the clerk*
7 *or other authorized officer of the court which issued it, the circuit clerk*
8 *shall present it to the District Judge or Circuit Judge, who shall read the*
9 *order and enter on the affidavit the information necessary to allow the*
10 *order's entry into the Law Information Network of Kentucky. The order*
11 *shall not be subject to further verification and shall be accepted as*
12 *authentic, current, and subject to full faith and credit.*
13 *(b) If the order presented is current by the terms of the order but is not certified*
14 *in the manner specified in paragraph (a) of this subsection, the circuit clerk*
15 *shall present the order and the affidavit to the District or Circuit Judge, who*
16 *shall read the order and enter on the affidavit the information necessary to*
17 *allow the order's entry into the Law Information Network of Kentucky. The*
18 *order shall be subject to full faith and credit in the same manner as a*
19 *Kentucky interpersonal protective order, but shall be subject to verification*
20 *by the circuit clerk. The order shall be valid for a period of fourteen (14)*
21 *days and may be renewed once for a period of fourteen (14) days if the*
22 *circuit clerk has not received a certified copy of the order from the issuing*
23 *jurisdiction. The clerk shall treat the foreign protective order in the same*
24 *manner as an interpersonal protective order of this state issued pursuant to*
25 *Section 24 of this Act, except that no service on the adverse party shall be*
26 *required pursuant to 18 U.S.C. sec. 2265.*
27 *(c) Upon the filing of an uncertified protective order, the circuit clerk shall,*

1 *within two (2) business days, contact the issuing court to request a certified*
2 *copy of the order. If the certified copy of the order is received by the circuit*
3 *clerk within the initial fourteen (14) day period, the clerk shall cause the*
4 *information that certification has been received to be entered into the Law*
5 *Information Network of Kentucky and shall notify the applicant for the*
6 *order of the fact of its certification. A facsimile copy of a certified foreign*
7 *protective order shall be grounds for the issuance of an interpersonal*
8 *protective order.*
9 *(d) If the clerk has not received a certified copy of the foreign protective order*
10 *within ten (10) days, the clerk shall notify the court and the applicant that*
11 *the order has not been received. The notice to the applicant, on a form*
12 *prepared by the Administrative Office of the Courts, shall state that the*
13 *foreign protective order will be extended for another fourteen (14) days, but*
14 *will be dismissed at the expiration of that time. If the clerk informs the*
15 *judge in writing that the certified foreign protective order has been*
16 *requested but has not yet been received, the judge shall extend the foreign*
17 *protective order for a period of fourteen (14) days. If certification of the*
18 *foreign protective order is not received within twenty-eight (28) days, the*
19 *foreign protective order shall expire and shall not be reissued. If the*
20 *applicant meets the qualifications for the issuance of a Kentucky*
21 *interpersonal protective order, the court may, upon proper application and*
22 *showing of evidence, issue a Kentucky order in accordance with this*
23 *chapter.*
24 *(4) The right of a person filing a foreign protective order to bring an action to*
25 *enforce the order instead of proceeding under this chapter remains unimpaired.*
26 ➔SECTION 33. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
27 READ AS FOLLOWS:

1 *(1) Upon ex parte review of the foreign protective order and the affidavit filed*
2 *pursuant to Section 32 of this Act, and after determining the order is entitled to*
3 *full faith and credit in this Commonwealth pursuant to 18 U.S.C. sec. 2265, the*
4 *court shall declare the order to be authenticated and record the finding on the*
5 *affidavit.*
6 *(2) If the court declares the order to be authenticated, the court shall:*
7 *(a) Direct the appropriate law enforcement agency to assist the petitioner in*
8 *having the provisions of the order complied with, if applicable; and*
9 *(b) Order its enforcement in any county of the Commonwealth in the same*
10 *manner as an interpersonal protective order of this state issued pursuant to*
11 *Section 24 of this Act.*
12 *(3) The clerk shall notify the person who filed the foreign protective order of the*
13 *decision of the court and provide the person a certified copy of the affidavit*
14 *declaring the authentication of the order.*
15 ➔SECTION 34. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
16 READ AS FOLLOWS:
17 *(1) A foreign protective order which has been entered into the Law Information*
18 *Network of Kentucky shall be immediately cleared as an active record from the*
19 *computer system when:*
20 *(a) The order expires according to the terms contained therein;*
21 *(b) A Kentucky court notifies the Law Information Network of Kentucky that a*
22 *foreign protective order has been dismissed, either by court order or entry of*
23 *notification by a circuit clerk; or*
24 *(c) A circuit clerk notifies the Law Information Network of Kentucky that a*
25 *foreign protective order tendered to the clerk has not been authenticated in*
26 *the time period specified in Section 32 of this Act.*
27 *(2) For validation purposes, the Law Information Network of Kentucky shall provide*

1 *the circuit court clerk with a printout of foreign protective orders. The clerk shall*
2 *validate each order annually by contacting the original issuing court or*
3 *jurisdiction. If the clerk has not received information from the foreign*
4 *jurisdiction within thirty-one (31) days, the clerk shall cause those orders to be*
5 *cleared from the Law Information Network of Kentucky.*
6 ➔SECTION 35. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
7 READ AS FOLLOWS:
8 *(1) A person who has filed a foreign protective order in a court in Kentucky is under*
9 *a continuing obligation to inform the court of any expiration, vacation,*
10 *modification, or other change in the order which the person filing the order has*
11 *received from the issuing foreign court.*
12 *(2) A person who has filed a foreign protective order in a court in Kentucky shall,*
13 *within two (2) working days of the occurrence of any event specified in subsection*
14 *(1) of this section, notify the clerk of the court in which the foreign protective*
15 *order was filed of the fact of the changed order and present the clerk with a copy*
16 *of the order for authentication as provided in this chapter. The clerk shall*
17 *immediately notify the Law Information Network of Kentucky entering agency of*
18 *the modification.*
19 *(3) No court in Kentucky and no peace officer in Kentucky shall be expected to*
20 *enforce a provision of a foreign protective order which has been the subject of*
21 *any action specified in subsection (1) of this section, unless proper notice has*
22 *been given in accordance with this section.*
23 *(4) Intentional failure of a person who has filed a foreign protective order to make*
24 *the notifications required by this section in the manner required by this section*
25 *shall constitute contempt of court and may be grounds for an appropriate civil*
26 *action brought by any person damaged by the intentional act of omission by the*
27 *person failing to act.*

1 ➔SECTION 36. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
2 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*
9 *protection 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*
17 *after the person has been served or given notice of the order.*
18 *(b) Violation of an order of protection is a Class A misdemeanor.*
19 ➔Section 37. KRS 14.304 is amended to read as follows:
20 (1) Upon the creation of the crime victim address protection program, an applicant, a
21 parent or guardian acting on behalf of a minor, a guardian acting on behalf of a
22 person who is declared incompetent, or a designee of an applicant or a parent or
23 guardian of a minor or a guardian of a person declared incompetent who cannot for
24 any reason apply themselves, may apply to the Secretary of State to have an address
25 designated by the Secretary of State serve for voting purposes as the address of the
26 applicant, the minor, or the incompetent person. The Secretary of State shall
27 approve an application if it is filed in the manner and on the form prescribed by the

1 Secretary of State by administrative regulation and if it contains:
2 (a) A sworn statement by the applicant that:
3 1. The applicant or the minor or the incompetent person on whose behalf
4 the application is made is a victim of a specified offense in an ongoing
5 criminal case or in a criminal case that resulted in a conviction by a
6 judge or jury or by a defendant's guilty plea; or
7 2. The applicant or the minor or the incompetent person on whose behalf
8 the application is made has been granted an ***order of protection as***
9 ***defined in Sections 2 and 19 of this Act***[~~emergency protective order or a~~
10 ~~domestic violence order under KRS Chapter 403~~] by a court of
11 competent jurisdiction within the Commonwealth of Kentucky and the
12 order is in effect at the time of application;
13 (b) A sworn statement by the applicant that disclosure of the address of the
14 applicant would endanger the safety of the applicant or the safety of the
15 children of the applicant, or the minor or incompetent person on whose behalf
16 the application is made.
17 (c) The mailing address and the phone number or numbers where the applicant
18 can be contacted by the Secretary of State;
19 (d) The new address or addresses that the applicant requests not be disclosed for
20 the reason that disclosure will increase the risk of a specified offense; and
21 (e) The signature of the applicant and of a representative of any office designated
22 under KRS 14.310 as a referring agency who assisted in the preparation of the
23 application, and the date on which the applicant signed the application.
24 (2) Applications shall be filed with the Office of the Secretary of State.
25 (3) Upon the filing of a properly completed application, the Secretary of State shall
26 certify the applicant as a program participant if the applicant is not required to
27 register as a sex offender or is not otherwise prohibited from participating in the

1 program.
2 (4) Applicants shall be certified for two (2) years following the date of filing unless the
3 certification is withdrawn or invalidated before that date. The Secretary of State
4 shall promulgate an administrative regulation to establish a renewal procedure.
5 (5) A person who falsely attests in an application that disclosure of the address of the
6 applicant would endanger the safety of the applicant or the safety of the children of
7 the applicant, or the minor or incompetent person on whose behalf the application is
8 made, or who knowingly provides false or incorrect information upon making an
9 application may be found guilty of a violation of KRS 523.030.
10 (6) The addresses of individuals applying for entrance into the crime victim address
11 confidentiality program and the addresses of those certified as program participants
12 shall be exempt from disclosure under the Kentucky Open Records Act, KRS
13 61.870 to KRS 61.884.
14 (7) A program participant shall notify the Office of the Secretary of State of a change of
15 address within seven (7) days of the change of address.
16 ➔Section 38. KRS 23A.100 is amended to read as follows:
17 (1) As a division of Circuit Court with general jurisdiction pursuant to Section 112(6)
18 of the Constitution of Kentucky, a family court division of Circuit Court shall retain
19 jurisdiction in the following cases:
20 (a) Dissolution of marriage;
21 (b) Child custody;
22 (c) Visitation;
23 (d) Maintenance and support;
24 (e) Equitable distribution of property in dissolution cases;
25 (f) Adoption; and
26 (g) Termination of parental rights.
27 (2) In addition to general jurisdiction of Circuit Court, a family court division of Circuit

1 Court shall have the following additional jurisdiction:
2 (a) Domestic violence and abuse proceedings under KRS Chapter 403 subsequent
3 to the issuance of an emergency protective order in accord with local protocols
4 under KRS ***403.725***[~~403.735~~];
5 (b) Proceedings under the Uniform Act on Paternity, KRS Chapter 406, and the
6 Uniform Interstate Family Support Act, KRS 407.5101 to 407.5902;
7 (c) Dependency, neglect, and abuse proceedings under KRS Chapter 620; and
8 (d) Juvenile status offenses under KRS Chapter 630, except where proceedings
9 under KRS Chapter 635 or 640 are pending.
10 (3) Family court divisions of Circuit Court shall be the primary forum for cases in this
11 section, except that nothing in this section shall be construed to limit the concurrent
12 jurisdiction of District Court.
13 ➔Section 39. KRS 67.372 is amended to read as follows:
14 Any county or combination of counties may operate a global positioning monitoring
15 system program subject to the following conditions:
16 (1) The program shall be assigned by ordinance to a county department or county
17 agency that agrees to operate or supervise the program continuously, twenty-four
18 (24) hours per day, seven (7) days per week;
19 (2) Each county shall identify a law enforcement agency or agencies with jurisdiction in
20 the county to assist a petitioner, victim, or witness when a person ordered to wear a
21 monitoring device violates the provisions of the court's order and is in need of
22 assistance;
23 (3) A county or counties electing to contract with an entity providing a global
24 positioning monitoring system and devices shall meet not less than all of the
25 requirements of this section,[~~ and~~] KRS 403.761***, and Section 28 of this Act***;
26 (4) Each county shall monitor the performance of the entity providing the global
27 positioning system and devices and shall have a provision in the contract with the

1 monitoring entity agreeing to the termination of the contract in the event of serious
2 or continued violations of the contract;
3 (5) Any system chosen shall use the most appropriate global positioning technology to
4 track the person ordered to wear the monitoring device and shall include technology
5 that:
6 (a) In a domestic violence case under KRS 403.715 to 403.785 ***or any case under***
7 ***KRS Chapter 456***:
8 1. Notifies law enforcement or other monitors of any breach of the court-
9 ordered boundaries;
10 2. Notifies the petitioner in a timely manner of any breach; and
11 3. Allows monitors to communicate directly with the person ordered to
12 wear the monitoring device; and
13 (b) In other situations in which monitoring is authorized by KRS 67.374, ***Section***
14 ***28 of this Act***~~[403.762]~~, 431.517, 431.518, 431.520, 533.030, and 533.250
15 the contracting county or combination of counties shall, in the contract,
16 specify the type and level of global positioning monitoring system services
17 desired;
18 (6) The monitoring entity shall agree to a price for monitoring during the duration of
19 the contract which shall not be increased but may be reduced during the duration of
20 the contract. The contract shall provide that reduced payments shall be accepted by
21 the vendor as a full payment for all purposes from persons determined to be
22 indigent by a court or other authority ordering the use of monitoring. In bidding for
23 the contract the vendor may take into account that some monitored persons will not
24 be able to pay the full cost of the monitoring or may not be able to pay any cost for
25 the monitoring. The contract shall specify that no unit of state or local government
26 and no public officer or employee shall be liable for the costs of monitoring under
27 the contract. Notwithstanding the provisions of this subsection, a county or counties

1 may agree to pay all or a part of the monitoring fee to the monitoring entity if the
2 county would have otherwise been required by a court to place a person in jail at
3 county expense and the cost of the monitoring is less than the cost of placing the
4 person in jail;
5 (7) Agreements between counties for monitoring services may, with the approval of
6 their governing bodies, be consummated by a contract signed by all counties party
7 thereto or by an interlocal cooperation agreement;
8 (8) A county utilizing a global positioning monitoring system program may charge an
9 administrative fee to a person ordered to participate in a global positioning
10 monitoring program to provide for the county's cost in administering the monitoring
11 program. The fee shall be set by ordinance and shall be in addition to the fee
12 charged by the entity contracted to provide the monitoring; and
13 (9) KRS ***Chapter 456 and KRS 403.715 to 403.785***[~~403.720, 403.740, 403.741,~~
14 ~~403.743, 403.747, 403.750, 403.761, and 403.762~~] shall not apply to a person
15 ordered to participate in a global positioning monitoring system under KRS
16 431.517, 431.518, 431.520, 533.030, and 533.250. The provisions of a court order
17 that relate to a person ordered to participate in a global positioning monitoring
18 system pursuant to KRS 431.517, 431.518, 431.520, 533.030, and 533.250 shall
19 govern that person's conduct and any reporting or other requirements ordered by the
20 court.
21 ➔Section 40. KRS 67.374 is amended to read as follows:
22 (1) "Global positioning monitoring system" has the same meaning as in KRS 403.720.
23 (2) A county or combination of counties electing to participate in a global positioning
24 monitoring system program shall, by ordinance, set other requirements for global
25 positioning monitoring system devices and for the operation of the global
26 positioning monitoring system which shall include, at a minimum, the requirements
27 contained in KRS 403.715 to 403.785***, Section 28 of this Act,***[~~ and~~] the provisions

1 of this section, and KRS 67.372.

2 (3) A county or combination of counties electing to participate in a global positioning
3 monitoring system program shall, through a public bid process, select an entity or
4 entities to provide the best available technology with regard to global positioning
5 monitoring system devices that meet the requirements of this section and KRS
6 67.372, ***Section 28 of this Act***~~[403.720, 403.747, 403.750]~~, and 403.761 and a
7 system that meets those same requirements, including but not limited to the
8 acceptance of reduced fees for petitioners and indigent persons ordered to wear a
9 monitoring device.

10 (4) A person, county, or combination of counties electing to participate in a global
11 positioning monitoring system program shall continuously monitor the performance
12 of successful bidders, receive complaints regarding service, and conduct hearings
13 pursuant to KRS Chapter 13B which may result in penalties as set out in the
14 contract against an entity providing global positioning monitoring system services
15 or which may result in cancellation of the contract with the provider of the service,
16 or both. The provisions of this subsection shall be part of any bid offering and any
17 contract entered into between the county or combination of counties and an entity
18 providing global positioning monitoring system services.

19 (5) A county or combination of counties electing to operate a global positioning
20 monitoring system program may utilize that program for:

21 (a) Monitoring a~~[domestic violence]~~ respondent and petitioner pursuant to KRS
22 403.715 to 403.785 ***or Section 28 of this Act***;

23 (b) Monitoring the pretrial release of a person charged with a crime pursuant to
24 KRS 431.515 to 431.550;

25 (c) Monitoring a person assigned to a pretrial diversion program pursuant to KRS
26 533.250 to 533.262; and

27 (d) Monitoring a person granted probation or conditional discharge pursuant to

1 KRS Chapter 533.
2 (6) Information obtained by a global positioning monitoring system shall not be a
3 public record.
4 (7) Information obtained by a global positioning monitoring system shall be used only
5 for the purpose of verifying the location of the monitored person. Global positioning
6 monitoring system information obtained from persons subject to monitoring
7 pursuant to KRS 403.715 to 403.785 ***or Section 28 of this Act*** shall not be utilized
8 for any criminal investigation, prosecution, or other criminal justice related purpose
9 without a valid search warrant or order issued by a court of competent jurisdiction.
10 Information obtained in violation of this subsection or without a valid search
11 warrant or court order shall be inadmissible in court for any purpose.
12 (8) Any person or organization who knowingly or wantonly divulges global positioning
13 monitoring system information about any person in violation of subsection (6) or
14 (7) of this section shall be guilty of a Class A misdemeanor.
15 ➔Section 41. KRS 237.100 is amended to read as follows:
16 (1) Upon receipt of notice that a person barred from purchasing a firearm under 18
17 U.S.C. sec. 922(g)(8) has purchased or attempted to purchase a firearm, the Justice
18 and Public Safety Cabinet shall make a reasonable effort to provide notice to the
19 petitioner who obtained the domestic violence order issued under KRS
20 ***403.740***[~~403.750~~] that the respondent to the order has attempted to purchase a
21 firearm. The Justice and Public Safety Cabinet may contract with a private entity in
22 order to provide notification.
23 (2) The notification shall be limited to a petitioner who has:
24 (a) Received a domestic violence protective order issued or reissued under KRS
25 ***403.740***[~~403.750~~] on or after July 15, 2002;
26 (b) Received a domestic violence protective order that involves a respondent who
27 is prohibited by 18 U.S.C. sec. 922(g)(8) from possessing a firearm; and

1 (c) Provided the Justice and Public Safety Cabinet or the entity with a request for
2 notification.
3 (3) Any person carrying out responsibilities under this section shall be immune from
4 civil liability for good faith conduct in carrying out those responsibilities. Nothing
5 in this subsection shall limit liability for negligence.
6 ➔Section 42. KRS 431.005 is amended to read as follows:
7 (1) A peace officer may make an arrest:
8 (a) In obedience to a warrant; or
9 (b) Without a warrant when a felony is committed in his or her presence; or
10 (c) Without a warrant when he or she has probable cause to believe that the
11 person being arrested has committed a felony; or
12 (d) Without a warrant when a misdemeanor, as defined in KRS 431.060, has been
13 committed in his or her presence; or
14 (e) Without a warrant when a violation of KRS 189.290, 189.393, 189.520,
15 189.580, 511.080, or 525.070 has been committed in his or her presence,
16 except that a violation of KRS 189A.010 or KRS 281A.210 need not be
17 committed in his or her presence in order to make an arrest without a warrant
18 if the officer has probable cause to believe that the person being arrested has
19 violated KRS 189A.010 or KRS 281A.210; or
20 (f) Without a warrant when a violation of KRS 508.030 has occurred in the
21 emergency room of a hospital without the officer's presence if the officer has
22 probable cause to believe that the person being arrested has violated KRS
23 508.030. For the purposes of this paragraph, "emergency room" means that
24 portion of a licensed hospital which has the primary purpose of providing
25 emergency medical care, twenty-four (24) hours per day, seven (7) days per
26 week, and three hundred sixty-five (365) days per year.
27 (2) (a) Any peace officer may arrest a person without warrant when the peace officer

1 has probable cause to believe that the person has intentionally or wantonly
2 caused physical injury to a family member,[~~or~~] member of an unmarried
3 couple, ***or another person with whom the person was or is in a dating***
4 ***relationship***.
5 (b) ***As used in this subsection, "dating relationship," "family member," and***
6 ***"member of an unmarried couple" have the same meanings as defined in***
7 ***Sections 2 and 19 of this Act***[~~For the purposes of this subsection, the term~~
8 ~~"family member" has the same meaning as set out in KRS 403.720~~].
9 (c) For the purpose of this subsection, the term "member of an unmarried couple"
10 has the same meaning as set out in KRS 403.720.
11 (3) A peace officer may arrest a person without a warrant when the peace officer has
12 probable cause to believe that the person is a sexual offender who has failed to
13 comply with the Kentucky Sex Offender Registry requirements based upon
14 information received from the Law Information Network of Kentucky.
15 (4) For purposes of subsections (2) and (3) of this section, a "peace officer" is an officer
16 certified pursuant to KRS 15.380.
17 (5) If a law enforcement officer has probable cause to believe that a person has violated
18 a condition of release imposed in accordance with KRS 431.064 and verifies that
19 the alleged violator has notice of the conditions, the officer shall, without a warrant,
20 arrest the alleged violator whether the violation was committed in or outside the
21 presence of the officer.
22 (6) A private person may make an arrest when a felony has been committed in fact and
23 he or she has probable cause to believe that the person being arrested has committed
24 it.
25 (7) If a law enforcement officer has probable cause to believe that a person has violated
26 a restraining order issued under KRS 508.155, then the officer shall, without a
27 warrant, arrest the alleged violator whether the violation was committed in or

1 outside the presence of the officer.

2 ➔Section 43. KRS 431.015 is amended to read as follows:

3 (1) (a) KRS 431.005 to the contrary notwithstanding, and except as provided in
4 paragraphs (b), (c), and (d) of this subsection, a peace officer shall issue a
5 citation instead of making an arrest for a misdemeanor committed in his or her
6 presence, if there are reasonable grounds to believe that the person being cited
7 will appear to answer the charge. The citation shall provide that the defendant
8 shall appear within a designated time.

9 (b) A peace officer may make an arrest instead of issuing a citation for a
10 misdemeanor committed in his or her presence if the misdemeanor is:

11 1. A violation of KRS Chapter 508, 510, or 527, or KRS 189A.010;

12 2. An offense in which the defendant poses a risk of danger to himself,
13 herself, or another person; or

14 3. An offense in which the defendant refuses to follow the peace officer's
15 reasonable instructions.

16 (c) A peace officer shall make an arrest for violations of protective orders issued
17 pursuant to KRS 403.715 to 403.785 ***or an order of protection as defined in***
18 ***Section 19 of this Act***.

19 (d) A peace officer may make an arrest or may issue a citation for a violation of
20 KRS 508.030 which occurs in the emergency room of a hospital pursuant to
21 KRS 431.005(1)(f).

22 (2) A peace officer may issue a citation instead of making an arrest for a violation
23 committed in his or her presence but may not make a physical arrest unless there are
24 reasonable grounds to believe that the defendant, if a citation is issued, will not
25 appear at the designated time or unless the offense charged is a violation of KRS
26 189.223, 189.290, 189.393, 189.520, 189.580, 235.240, 281.600, 511.080, or
27 525.070 committed in his or her presence or a violation of KRS 189A.010, not

1 committed in his or her presence, for which an arrest without a warrant is permitted
2 under KRS 431.005(1)(e).
3 (3) If the defendant fails to appear in response to the citation, or if there are reasonable
4 grounds to believe that he or she will not appear, a complaint may be made before a
5 judge and a warrant shall issue.
6 (4) When a physical arrest is made and a citation is issued in relation to the same
7 offense the officer shall mark on the citation, in the place specified for court
8 appearance date, the word "ARRESTED" in lieu of the date of court appearance.
9 ➔Section 44. KRS 431.064 is amended to read as follows:
10 (1) In making a decision concerning pretrial release of a person who is arrested for a
11 violation of KRS Chapter 508 or 510, or charged with a crime involving a violation
12 of ***an order of protection as defined in Sections 2 and 19 of this Act***[~~a protective~~
13 ~~order issued pursuant to KRS 403.740 or 403.750~~], the court or agency having
14 authority to make a decision concerning pretrial release shall review the facts of the
15 arrest and detention of the person and determine whether the person:
16 (a) Is a threat to the alleged victim or other family or household member; and
17 (b) Is reasonably likely to appear in court.
18 (2) Before releasing a person arrested for or charged with a crime specified in
19 subsection (1) of this section, the court shall make findings, on the record if
20 possible, concerning the determination made in accordance with subsection (1) of
21 this section, and may impose conditions of release or bail on the person to protect
22 the alleged victim of domestic violence or abuse and to ensure the appearance of the
23 person at a subsequent court proceeding. The conditions may include:
24 (a) An order enjoining the person from threatening to commit or committing acts
25 of domestic violence or abuse against the alleged victim or other family or
26 household member;
27 (b) An order prohibiting the person from harassing, annoying, telephoning,

1 contacting, or otherwise communicating with the alleged victim, either
2 directly or indirectly;
3 (c) An order directing the person to vacate or stay away from the home of the
4 alleged victim and to stay away from any other location where the victim is
5 likely to be;
6 (d) An order prohibiting the person from using or possessing a firearm or other
7 weapon specified by the court;
8 (e) An order prohibiting the person from possession or consumption of alcohol or
9 controlled substances;
10 (f) Any other order required to protect the safety of the alleged victim and to
11 ensure the appearance of the person in court; or
12 (g) Any combination of the orders set out in paragraphs (a) to (f) of this
13 subsection.
14 (3) If conditions of release are imposed, the court imposing the conditions on the
15 arrested or charged person shall:
16 (a) Issue a written order for conditional release; and
17 (b) Immediately distribute a copy of the order to pretrial services.
18 (4) The court shall provide a copy of the conditions to the arrested or charged person
19 upon release. Failure to provide the person with a copy of the conditions of release
20 does not invalidate the conditions if the arrested or charged person has notice of the
21 conditions.
22 (5) If conditions of release are imposed without a hearing, the arrested or charged
23 person may request a prompt hearing before the court to review the conditions.
24 Upon request, the court shall hold a prompt hearing to review the conditions.
25 (6) The victim, as defined in KRS 421.500, of the defendant's alleged crime, or an
26 individual designated by the victim in writing, shall be entitled to a free certified
27 copy of the defendant's conditions of release, or modified conditions of release,

1 upon request to the clerk of the court which issued the order releasing the defendant.
2 The victim or the victim's designee may personally obtain the document at the
3 clerk's office or may have it delivered by mail.
4 (7) The circuit clerk or the circuit clerk's designee, in cooperation with the court that
5 issued the order releasing the defendant, shall cause the conditions of release to be
6 entered into the computer system maintained by the clerk and the Administrative
7 Office of the Courts within twenty-four (24) hours following its filing, excluding
8 weekends and holidays. Any modification of the release conditions shall likewise be
9 entered by the circuit clerk, or the circuit clerk's designee.
10 (8) The information entered under this section shall be accessible to any agency
11 designated by the Department of Kentucky State Police as a terminal agency for the
12 Law Information Network of Kentucky.
13 (9) All orders issued under this section which require entry into the Law Information
14 Network of Kentucky shall be entered on forms prescribed by the Administrative
15 Office of the Courts. If the conditions of pretrial release are contained in an order
16 which is narrative in nature, the prescribed form shall be used in addition to the
17 narrative order.
18 (10) Any person who violates any condition of an order issued pursuant to this section is
19 guilty of a Class A misdemeanor.
20 ➔Section 45. KRS 508.130 is amended to read as follows:
21 As used in KRS 508.130 to 508.150, unless the context requires otherwise:
22 (1) (a) To "stalk" means to engage in an intentional course of conduct:
23 1. Directed at a specific person or persons;
24 2. Which seriously alarms, annoys, intimidates, or harasses the person or
25 persons; and
26 3. Which serves no legitimate purpose.
27 (b) The course of conduct shall be that which would cause a reasonable person to

1 suffer substantial mental distress.

2 (2) "Course of conduct" means a pattern of conduct composed of two (2) or more acts,
3 evidencing a continuity of purpose. One (1) or more of these acts may include the
4 use of any equipment, instrument, machine, or other device by which
5 communication or information is transmitted, including computers, the Internet or
6 other electronic network, cameras or other recording devices, telephones or other
7 personal communications devices, scanners or other copying devices, and any
8 device that enables the use of a transmitting device. Constitutionally protected
9 activity is not included within the meaning of "course of conduct." If the defendant
10 claims that he was engaged in constitutionally protected activity, the court shall
11 determine the validity of that claim as a matter of law and, if found valid, shall
12 exclude that activity from evidence.

13 (3) "Protective order" means:

14 (a) An emergency protective order or domestic violence order issued under KRS
15 403.715 to 403.785;

16 (b) A foreign protective order, as defined in ***Sections 2 and 19 of this Act***[~~KRS~~
17 ~~403.7521(1)~~];

18 (c) An order issued under KRS 431.064;

19 (d) A restraining order issued in accordance with KRS 508.155;

20 ***(e) An order of protection as defined in Sections 2 and 19 of this Act;*** and

21 ***(f)***[~~(e)~~] Any condition of a bond, conditional release, probation, parole, or
22 pretrial diversion order designed to protect the victim from the offender.

23 ➔Section 46. KRS 508.155 is amended to read as follows:

24 (1) ***(a) Before the effective date of this Act,*** a verdict of guilty or a plea of guilty to
25 KRS 508.140 or 508.150 shall operate as an application for a restraining order
26 ***utilizing the provisions of this section and*** limiting the contact of the
27 defendant and the victim who was stalked, unless the victim requests

1 otherwise.

2 ***(b) Beginning on the effective date of this Act, a verdict of guilty or a plea of***
3 ***guilty to KRS 508.140 or 508.150 shall operate as an application for an***
4 ***interpersonal protective order issued under KRS Chapter 456, unless the***
5 ***victim requests otherwise. Notwithstanding the provisions of KRS Chapter***
6 ***456:***

7 ***1. An interpersonal protective order requested under this subsection may***
8 ***be issued by the court that entered the judgment of conviction;***

9 ***2. The judgment of conviction shall constitute sufficient cause for the***
10 ***entry of the order without the necessity of further proof being taken;***
11 ***and***

12 ***3. The order may be effective for up to ten (10) years, with further***
13 ***renewals in increments of up to ten (10) years.***

14 (2) The court shall give the defendant notice of his or her right to request a hearing on
15 the application for a restraining order. If the defendant waives his or her right to a
16 hearing on this matter, then the court may issue the restraining order without a
17 hearing.

18 (3) If the defendant requests a hearing, it shall be held at the time of the verdict or plea
19 of guilty, unless the victim or defendant requests otherwise. The hearing shall be
20 held in the court where the verdict or plea of guilty was entered.

21 (4) A restraining order may grant the following specific relief:

22 (a) An order restraining the defendant from entering the residence, property,
23 school, or place of employment of the victim; or

24 (b) An order restraining the defendant from making contact with the victim,
25 including an order forbidding the defendant from personally, or through an
26 agent, initiating any communication likely to cause serious alarm, annoyance,
27 intimidation, or harassment, including but not limited to personal, written,

1 telephonic, or any other form of written or electronic communication or
2 contact with the victim. An order issued pursuant to this subsection relating to
3 a school, place of business, or similar nonresidential location shall be
4 sufficiently limited to protect the stalking victim but shall also protect the
5 defendant's right to employment, education, or the right to do legitimate
6 business with the employer of a stalking victim as long as the defendant does
7 not have contact with the stalking victim. The provisions of this subsection
8 shall not apply to a contact by an attorney regarding a legal matter.
9 (5) A restraining order issued pursuant to this section shall be valid for a period of not
10 more than ten (10) years, the specific duration of which shall be determined by the
11 court. Any restraining order shall be based upon the seriousness of the facts before
12 the court, the probability of future violations, and the safety of the victim, his or her
13 immediate family, or both.
14 (6) Unless the defendant has been convicted of a felony, or is otherwise ineligible to
15 purchase or possess a firearm under federal law, a restraining order issued pursuant
16 to this section shall not operate as a ban on the purchase or possession of firearms or
17 ammunition by the defendant.
18 (7) The restraining order shall be issued on a form prescribed by the Administrative
19 Office of the Courts and may be lifted upon application of the stalking victim to the
20 court which granted the order.
21 (8) Within twenty-four (24) hours of entry of a restraining order or entry of an order
22 rescinding a restraining order, the circuit clerk shall forward a copy of the order to
23 the Law Information Network of Kentucky (LINK).
24 (9) A restraining order issued under this section shall be enforced in any county of the
25 Commonwealth. Law enforcement officers acting in good faith in enforcing a
26 restraining order shall be immune from criminal and civil liability.
27 (10) A violation by the defendant of an order issued pursuant to this section shall be a

1 Class A misdemeanor. Nothing in this section shall preclude the filing of a criminal
2 complaint for stalking based on the same act which is the basis for the violation of
3 the restraining order.
4 ➔SECTION 47. A NEW SECTION OF KRS CHAPTER 510 IS CREATED TO
5 READ AS FOLLOWS:
6 ***The entering of a judgment of conviction for any degree of rape, sodomy, or sexual***
7 ***abuse under this chapter shall operate as an application for an interpersonal protective***
8 ***order issued under KRS Chapter 456, unless the victim requests otherwise.***
9 ***Notwithstanding the provisions of KRS Chapter 456:***
10 ***(1) An interpersonal protective order requested under this subsection may be issued***
11 ***by the court that entered the judgment of conviction;***
12 ***(2) The judgment of conviction shall constitute sufficient cause for the entry of the***
13 ***order without the necessity of further proof being taken; and***
14 ***(3) The order may be effective for up to ten (10) years, with further renewals in***
15 ***increments of up to ten (10) years.***
16 ➔Section 48. KRS 511.085 is amended to read as follows:
17 (1) As used in this section, "domestic violence shelter" means a residential facility
18 providing protective shelter services for domestic violence victims.
19 (2) A person is guilty of domestic violence shelter trespass when:
20 (a) The person enters the buildings or premises of a domestic violence shelter that
21 the person knows or should know is a domestic violence shelter or which is
22 clearly marked on the building or premises as being a domestic violence
23 shelter; and
24 (b) At the time of the entering, the person is the subject of an order of protection
25 ***as defined in Sections 2 and 19 of this Act***[~~entered under KRS 403.740 or~~
26 ~~403.750 or a foreign protective order filed under KRS 403.7521~~].
27 (3) It shall be a defense to a prosecution under this section that the person entered the

1 shelter with the permission of the operator of the shelter after disclosing to the
2 operator that the person is the subject of an order of protection or a foreign
3 protective order. Authority to enter under this subsection may not be granted by a
4 person taking shelter at the facility.
5 (4) A person shall not be convicted of a violation of this section and a violation of KRS
6 511.060, 511.070, or 511.080 arising from the same act of trespass.
7 (5) Domestic violence shelter trespass is a Class A misdemeanor.
8 ➔Section 49. KRS 533.250 is amended to read as follows:
9 (1) A pretrial diversion program shall be operated in each judicial circuit. The chief
10 judge of each judicial circuit, in cooperation with the Commonwealth's attorney,
11 shall submit a plan for the pretrial diversion program to the Supreme Court for
12 approval on or before December 1, 1999. The pretrial diversion program shall
13 contain the following elements:
14 (a) The program may be utilized for a person charged with a Class D felony
15 offense who has not, within ten (10) years immediately preceding the
16 commission of this offense, been convicted of a felony under the laws of this
17 state, another state, or of the United States, or has not been on probation or
18 parole or who has not been released from the service of any felony sentence
19 within ten (10) years immediately preceding the commission of the offense;
20 (b) The program shall not be utilized for persons charged with offenses for which
21 probation, parole, or conditional discharge is prohibited under KRS 532.045;
22 (c) No person shall be eligible for pretrial diversion more than once in a five (5)
23 year period;
24 (d) No person shall be eligible for pretrial diversion who has committed a sex
25 crime as defined in KRS 17.500. A person who is on pretrial diversion on July
26 12, 2006, may remain on pretrial diversion if the person continues to meet the
27 requirements of the pretrial diversion and the registration requirements of

1 KRS 17.510;
2 (e) Any person charged with an offense not specified as precluding a person from
3 pretrial diversion under paragraph (b) of this subsection may apply in writing
4 to the trial court and the Commonwealth's attorney for entry into a pretrial
5 diversion program;
6 (f) Any person shall be required to enter an Alford plea or a plea of guilty as a
7 condition of pretrial diversion;
8 (g) The provisions of KRS 533.251 shall be observed; and
9 (h) The program may include as a component referral to the intensive secured
10 substance abuse treatment program developed under KRS 196.285 for persons
11 charged with a felony offense under KRS Chapter 218A and persons charged
12 with a felony offense whose record indicates a history of recent and relevant
13 substance abuse who have not previously been referred to the program under
14 KRS 533.251.
15 (2) Upon the request of the Commonwealth's attorney, a court ordering pretrial
16 diversion may order the person to:
17 (a) Participate in a global positioning monitoring system program through the use
18 of a county-operated program pursuant to KRS 67.372 and 67.374 for all or
19 part of the time during which a pretrial diversion agreement is in effect; or
20 (b) Use and pay all costs, including administrative and operating costs, associated
21 with the alcohol monitoring device as defined in KRS 431.068. If the court
22 determines that the defendant is indigent, and a person, county, or other
23 organization has not agreed to pay the costs for the defendant in an attempt to
24 reduce incarceration expenses and increase public safety, the court shall
25 consider other conditions of pretrial diversion.
26 (3) A court ordering global positioning monitoring system for a person pursuant to this
27 section shall:

1 (a) Require the person to pay all or a part of the monitoring costs based upon the
2 sliding scale determined by the Supreme Court of Kentucky pursuant to KRS
3 403.761 ***or Section 28 of this Act*** and administrative costs for participating in
4 the system;
5 (b) Provide the monitoring system with a written or electronic copy of the
6 conditions of release; and
7 (c) Provide the monitoring system with a contact at the office of the
8 Commonwealth's attorney for reporting violations of the monitoring order.
9 (4) A person, county, or other organization may voluntarily agree to pay all or a portion
10 of a person's monitoring costs specified in subsection (3) of this section.
11 (5) The court shall not order a person to participate in a global positioning monitoring
12 system program unless the person agrees to the monitoring in open court or the
13 court determines that public safety and the nature of the person's crime require the
14 use of a global positioning monitoring system program.
15 (6) The Commonwealth's attorney shall make a recommendation upon each application
16 for pretrial diversion to the Circuit Judge in the court in which the case would be
17 tried. The court may approve or disapprove the diversion.
18 (7) The court shall assess a diversion supervision fee of a sufficient amount to defray
19 all or part of the cost of participating in the diversion program. Unless the fee is
20 waived by the court in the case of indigency, the fee shall be assessed against each
21 person placed in the diversion program. The fee may be based upon ability to pay.
22 ➔Section 50. KRS 620.140 is amended to read as follows:
23 (1) In determining the disposition of all cases brought on behalf of dependent,
24 neglected, or abused children, the juvenile session of the District Court, in the best
25 interest of the child, shall have but shall not be limited to the following
26 dispositional alternatives:
27 (a) Informal adjustment of the case;

1 (b) Protective orders, such as the following:
2 1. Requiring the parent or any other person to abstain from any conduct
3 abusing, neglecting, or making the child dependent;
4 2. Placing the child in his own home under supervision of the cabinet or its
5 designee with services as determined to be appropriate by the cabinet;
6 and
7 3. Orders authorized by KRS ***403.715 to 403.785 and by KRS Chapter***
8 ***456***[~~403.740 and 403.750~~];
9 (c) Removal of the child to the custody of an adult relative, other person, or child-
10 caring facility or child-placing agency, taking into consideration the wishes of
11 the parent or other person exercising custodial control or supervision. Before
12 any child is committed to the cabinet or placed out of his home under the
13 supervision of the cabinet, the court shall determine that reasonable efforts
14 have been made by the court or the cabinet to prevent or eliminate the need for
15 removal and that continuation in the home would be contrary to the welfare of
16 the child;
17 (d) Commitment of the child to the custody of the cabinet for placement for an
18 indeterminate period of time not to exceed his or her attainment of the age
19 eighteen (18), unless the youth elects to extend his or her commitment beyond
20 the age of eighteen (18) under paragraph (e) of this subsection. Beginning at
21 least six (6) months prior to an eligible youth attaining the age of eighteen
22 (18), the cabinet shall provide the eligible youth with education,
23 encouragement, assistance, and support regarding the development of a
24 transition plan, and inform the eligible youth of his or her right to extend
25 commitment beyond the age of eighteen (18); or
26 (e) Extend or reinstate an eligible youth's commitment up to the age of twenty-
27 one (21) to receive transitional living support. The request shall be made by

1 the youth prior to attaining nineteen (19) years of age. Upon receipt of the
2 request and with the concurrence of the cabinet, the court may authorize
3 commitment up to the age of twenty-one (21).
4 (2) An order of temporary custody to the cabinet shall not be considered as a
5 permissible dispositional alternative.
6 ➔Section 51. The following KRS sections are repealed:
7 403.737 Forms for documents entered into Law Information Network of Kentucky.
8 403.741 Consideration of respondent's criminal history and past emergency protective
9 order or domestic violence order required.
10 403.743 Referral of petitioner to county attorney -- Duties of county attorney.
11 403.747 Testimony to be given under oath -- Consideration of specified areas
12 respondent is to be excluded from.
13 403.7539 Civil and criminal proceedings for violations of foreign protective orders.
14 403.755 Enforcement by law enforcement agency.
15 403.760 Contempt of court.
16 403.762 Request for modification of global positioning monitoring order -- Hearing.
17 403.763 Criminal penalty for violation of protective order.
18 403.765 Certification of existence of domestic violence protective orders -- Efficacy of
19 existing orders.
20 403.770 Nonpublication of petitioner's and minor children's addresses -- Forwarding of
21 order to Law Information Network of Kentucky and other agencies.
22 403.771 Printout of foreign orders -- Annual validation.
23 403.775 Effect of petitioner's leaving residence.
24 403.780 Testimony not admissible in criminal proceeding.
25 ➔Section 52. This Act takes effect January 1, 2016.

Speaker-House of Representatives

President of Senate

Attest: Chief Clerk of House of Representatives

Approved Governor

Date 4-1-15