

CHAPTER 224**(SB 271)**

AN ACT relating to domestic violence.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 209A IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

- (a) "Center" means the Criminal Justice Statistical Analysis Center created in KRS 15.280;**
- (b) "Corollary victim" means an individual other than the victim who is directly impacted by domestic violence and abuse or dating violence and abuse, either through relationship or proximity;**
- (c) "Domestic violence fatalities" means deaths that occur as a result of domestic violence and abuse or dating violence and abuse, and includes but is not limited to homicides, related suicides, and corollary victims; and**
- (d) "Near fatality" means a crime where serious physical injury as defined in KRS 500.080 occurs.**

(2) The center shall:

- (a) Collect information on domestic violence fatalities, domestic violence and abuse, and dating violence and abuse within the Commonwealth from subsections (3) to (9) of this section;**
- (b) The center shall produce an annual report by July 1 of each year and submit the report to the:**
 - 1. Kentucky Coalition Against Domestic Violence;**
 - 2. Governor;**
 - 3. Cabinet for Health and Family Services;**
 - 4. Interim Joint Committee on Judiciary;**
 - 5. Interim Joint Committee on Health, Welfare, and Family Services; and**
 - 6. Legislative Research Commission; and**
- (c) The Kentucky Coalition Against Domestic Violence may provide the agencies listed in subparagraphs 1. to 6. of this paragraph with best practices and any other recommendations for public policy by November 1 of each year.**

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

- 1. The number of domestic violence and abuse and dating violence and abuse calls for service to which the Kentucky State Police and associated law enforcement agencies responded;**
- 2. The number of arrests by Kentucky State Police and associated agencies in response to calls of domestic violence and abuse or dating violence and abuse; and**
- 3. If an arrest was made, the arresting offense charged by Kentucky State Police or associated law enforcement agencies.**

(b) The Department of Kentucky State Police shall separately report:

- 1. The number of domestic violence and abuse and dating violence and abuse calls for service to which all other law enforcement agencies responded, if known;**
- 2. The number of arrests by all other local law enforcement agencies in response to calls of domestic violence and abuse and dating violence and abuse; and**
- 3. If an arrest was made, the arresting offense listed by all other local law enforcement agencies not reported under paragraph (a) of this subsection.**

(4) The Administrative Office of the Courts shall provide the center with:

- (a) *The number and type of petitions for orders of protection filed and denied under KRS 403.725;*
 - (b) *The number and type of petitions for interpersonal violence orders filed and denied under KRS 456.030;*
 - (c) *The number of emergency protective orders granted under KRS 403.730 and temporary interpersonal protective orders granted under KRS 456.040;*
 - (d) *The number of domestic violence orders granted under KRS 403.740 and interpersonal protective orders granted under 456.060, excluding amended or corrected orders;*
 - (e) *The relationship between the petitioner and the respondent, if known;*
 - (f) *Demographics of the parties, including age, race, and gender;*
 - (g) *Information on whether the victim was or is pregnant, if indicated on the petition; and*
 - (h) *The number of criminal charges for a violation of an order of protection.*
- (5) *The Law Information Network of Kentucky (LINK) shall provide the center with the:*
- (a) *Number of orders of protection received to be served by law enforcement agencies;*
 - (b) *Number of orders of protection served by law enforcement agencies;*
 - (c) *Number of orders of protection in LINK; and*
 - (d) *Average time for actual service to be returned.*
- (6) *The Cabinet for Health and Family Services shall provide the center with:*
- (a) *The number of reports of alleged child abuse made to the cabinet through an adult or child abuse hotline in which there were also allegations of domestic violence; and*
 - (b) *Domestic violence and abuse and dating violence and abuse shelter statistics reported to the cabinet, including but not limited to the:*
 - 1. *Number of beds;*
 - 2. *Number of minors served in shelter;*
 - 3. *Number of minors served in non-shelter services;*
 - 4. *Number of adults served in shelter;*
 - 5. *Number of adults served in non-shelter services;*
 - 6. *Demographics, including age and race;*
 - 7. *Number of crisis or hotline calls;*
 - 8. *Number of minors receiving:*
 - a. *Crisis intervention;*
 - b. *Victim advocacy services; and*
 - c. *Individual or group counseling or support group;*
 - 9. *Number of adult victims receiving:*
 - a. *Crisis intervention;*
 - b. *Victim advocacy services;*
 - c. *Individual or group counseling or support group;*
 - d. *Criminal or civil legal advocacy;*
 - e. *Medical accompaniment; and*
 - f. *Transportation services; and*
 - 10. *Type of services provided.*

- (7) *The Division of Kentucky State Medical Examiner's Office shall provide the center with the number of deaths in which domestic violence and abuse or dating violence and abuse was a contributing factor.*
- (8) *Coroners shall provide the center with the number of deaths as a result of, or suspected to be a result of, domestic violence and abuse or dating violence and abuse.*

➔Section 2. KRS 15A.190 is amended to read as follows:

- (1) The Justice and Public Safety Cabinet, in consultation with the Cabinet for Health and Family Services, the Kentucky Commission on Women, and any other agency concerned with particular acts of criminal activity, shall:
 - (a) Design, print, and distribute to all law enforcement agencies in the Commonwealth, a uniform reporting form which provides statistical information relating to the crimes involving domestic violence, child abuse, victimization of the elderly, including but not limited to elder abuse, neglect, and exploitation and other crimes against the elderly, or any other particular area of criminal activity deemed by the secretary of justice and public safety to require research as to its frequency; **and**
 - (b) ***Provide that the information required in Section 1 of this Act be included in the uniform reporting form.***
- (2) The provision of subsection (1) of this section concerning the distribution of forms shall become effective on January 1, 2006.

➔Section 3. KRS 209A.110 is amended to read as follows:

- (1) (a) A professional shall report to a law enforcement officer his or her belief that the death of a victim with whom he or she has had a professional interaction is related to domestic violence and abuse or dating violence and abuse.
 - (b) ***Following a report to a local law enforcement officer, the local law enforcement officer shall indicate a report was made by a professional on the JC-3 or equivalent form.***
- (2) Nothing in this chapter shall relieve a professional of the duty pursuant to KRS 620.030 to report any known or suspected abuse, neglect, or dependency of a child.
- (3) Nothing in this chapter shall relieve a professional of the duty pursuant to KRS 209.030 to report to the cabinet any known or suspected abuse, neglect, or exploitation of a person eighteen (18) years of age or older who because of mental or physical dysfunction is unable to manage his or her own resources, carry out the activity of daily living, or protect himself or herself from neglect, exploitation, or a hazardous or abusive situation without assistance from others.

➔Section 4. KRS 209A.120 is amended to read as follows:

- (1) If a law enforcement officer receives a report of domestic violence and abuse or dating violence and abuse, the officer shall use all reasonable means to provide assistance as required under KRS 403.785 and 456.090.
- (2) A law enforcement officer who responds to a report of domestic violence and abuse or dating violence and abuse shall use the JC-3 form, or its equivalent replacement, as provided by the Justice and Public Safety Cabinet to document any information or injuries related to the domestic violence and abuse or dating violence and abuse.
- (3) A completed JC-3 form, or its equivalent replacement, shall be kept in the records of the law enforcement officer's agency of employment.
- (4) If the JC-3 form, or its equivalent replacement, includes information that only relates to a victim as defined in KRS 209A.020, the form shall not be forwarded to the cabinet.
- (5) If the JC-3 form, or its equivalent replacement, includes information on known or suspected child abuse or neglect or the abuse or neglect of an elderly or disabled adult, the form shall be forwarded to the cabinet.
- (6) ***The Kentucky State Police or the law enforcement officer's agency of employment shall provide the preceding calendar year's JC-3 data, and all other relevant data, to the Criminal Justice Statistical Analysis Center created in KRS 15.280 by February 1 of each year.***

➔Section 5. KRS 403.785 is amended to read as follows:

- (1) A court issuing an order of protection shall direct the appropriate law enforcement agency to assist the petitioner in having the provisions of the order complied with.
- (2) When a law enforcement officer has reason to suspect that a person has been the victim of domestic violence and abuse, the officer shall use all reasonable means to provide assistance to the victim, including but not limited to:
 - (a) Remaining at the location of the call for assistance so long as the officer reasonably suspects there is danger to the physical safety of individuals there without the presence of a law enforcement officer;
 - (b) Assisting the victim in obtaining medical treatment, including transporting the victim to the nearest medical facility capable of providing the necessary treatment;~~and~~
 - (c) Advising the victim immediately of the rights available to them as provided in KRS 421.500, including the provisions of this chapter; **and**
 - (d) ***Completing a JC-3 form, or its equivalent replacement, and providing the information to the Criminal Justice Statistical Analysis Center pursuant to Section 3 of this Act.***
- (3) Orders of protection shall be enforced in any county of the Commonwealth.
- (4) Officers acting in good faith under this section shall be immune from criminal and civil liability.

➔Section 6. KRS 456.090 is amended to read as follows:

- (1) A court issuing an interpersonal protective order shall direct the appropriate law enforcement agency to assist the petitioner in having the provisions of the order complied with.
- (2) When a law enforcement officer has reason to suspect that a person has been the victim of dating violence and abuse, sexual assault, or stalking, the officer shall use all reasonable means to provide assistance to the victim, including but not limited to:
 - (a) Remaining at the location of the call for assistance so long as the officer reasonably suspects there is danger to the physical safety of individuals there without the presence of a law enforcement officer;
 - (b) Assisting the victim in obtaining medical treatment, including transporting the victim to the nearest medical facility capable of providing the necessary treatment;~~and~~
 - (c) Advising the victim immediately of the rights available to them, including the provisions of this chapter; **and**
 - (d) ***Completing a JC-3 form, or its equivalent replacement, and providing the information to the Criminal Justice Statistical Analysis Center pursuant to Section 3 of this Act.***
- (3) Orders of protection shall be enforced in any county of the Commonwealth.
- (4) Officers acting in good faith under this chapter shall be immune from criminal and civil liability.

Signed by Governor April 20, 2022.