

1 AN ACT relating to lifetime orders of protection.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) A petition for a lifetime protective order may be filed by:*

6 *(a) A victim or family member of a victim of an offense under KRS Chapter*
7 *507;*

8 *(b) A victim of an offense under KRS Chapter 508;*

9 *(c) A victim of an offense under KRS Chapter 509;*

10 *(d) A victim of an offense under KRS Chapter 510; or*

11 *(e) An adult on behalf of a victim who is a minor otherwise qualifying for relief*
12 *under this subsection.*

13 *(2) A petition may be filed following the conviction of the perpetrator of the acts in*
14 *subsection (1) of this section.*

15 *(3) The petition may be filed in the victim's county of residence or a county where the*
16 *victim has fled to escape the crimes listed in subsection (1) of this section.*

17 *(4) The petition shall be verified and contain:*

18 *(a) The name, age, address, occupation, residence, and school or postsecondary*
19 *institution of the petitioner, if applicable;*

20 *(b) The name, age, address, occupation, residence, and school or postsecondary*
21 *institution of the person or persons, if applicable, who have engaged in the*
22 *alleged act or acts complained of in the petition;*

23 *(c) The facts and circumstances which constitute the basis for the petition; and*

24 *(d) The names, ages, and addresses of the petitioner's minor children, if*
25 *applicable.*

26 *(5) The petition shall be filed on forms prescribed by the Administrative Office of the*
27 *Courts and provided to the person seeking relief by the circuit clerk or by another*

1 individual authorized by the court to provide and verify petitions in emergency
2 situations, such as law enforcement officers, Commonwealth's or county
3 attorneys, and regional rape crisis centers or domestic violence shelters.

4 (6) All petitions requested, completed, and signed by persons seeking protection
5 under Sections 1 to 5 of this Act shall be accepted and filed with the court.

6 (7) (a) Jurisdiction over petitions filed under this Sections 1 to 5 of this Act shall be
7 concurrent between the District Court and Circuit Court.

8 (b) The Court of Justice may authorize by rule that petitions in a specific
9 county be filed in accordance with a supplemental jurisdictional protocol
10 adopted for that county. This protocol may provide for petitions to be filed
11 in or transferred to a court other than those specified in paragraph (a) of
12 this subsection.

13 (8) Any judge to whom a petition is referred under subsection (6) of this section shall
14 have full authority to review and hear a petition and subsequently grant and
15 enforce a lifetime protective order.

16 (9) If the judge of a court in which there is a pending request for modification or
17 enforcement of an existing lifetime protective order is unavailable or unable to
18 act within a reasonable time, the proceedings may be conducted by any judge of
19 the county in accordance with court rules.

20 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
21 READ AS FOLLOWS:

22 (1) (a) The court shall review a petition for a lifetime protective order within seven
23 (7) days of a petition. If the review indicates that the acts listed in subsection
24 (1) of Section 1 of this Act, dating violence and abuse, or domestic violence
25 and abuse occurred, the court shall summon the parties to an evidentiary
26 hearing not more than fourteen (14) days in the future. If the review
27 indicates that such a basis does not exist, the court may consider an

1 amended petition or dismiss the petition without prejudice.

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

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

9 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
10 READ AS FOLLOWS:

11 (1) Prior to or at a hearing on a petition for a lifetime protective order:

12 (a) The court may obtain the respondent's Kentucky criminal and protective
13 order history and utilize that information to assess what relief and which
14 sanctions may protect against danger to the petitioner or other person for
15 whom protection is being sought, with the information so obtained being
16 provided to the parties in accordance with the Rules of Civil Procedure; and

17 (b) If the petitioner or respondent is a minor, the court shall inquire whether
18 the parties attend school in the same school system to assist the court in
19 imposing conditions in the order that have the least disruption in the
20 administration of education to the parties while providing appropriate
21 protection to the petitioner.

22 (2) (a) If the adverse party is not present at the hearing ordered pursuant to
23 Section 2 of this Act and has not been served, the court shall direct the
24 issuance of a new summons for a hearing set not more than fourteen (14)
25 days in the future. If service has not been made on the adverse party before
26 that hearing or a subsequent hearing, the court shall continue the hearing
27 and issue a new summons with a new date and time for the hearing to

1 occur, which shall be within fourteen (14) days of the originally scheduled
2 date for the continued hearing. The court shall repeat the process of
3 continuing the hearing and reissuing a new summons until the adverse
4 party is served in advance of the scheduled hearing. If service has not been
5 made on the respondent at least seventy-two (72) hours prior to the
6 scheduled hearing, the court may continue the hearing no more than
7 fourteen (14) days in the future. In issuing the summons, the court shall
8 simultaneously transmit a copy of the summons or notice of its issuance
9 and provisions to the petitioner.

10 (b) The provisions of this section permitting the continuance of a lifetime
11 protective order shall be limited to six (6) months from the filing date of the
12 original petition.

13 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
14 READ AS FOLLOWS:

15 (1) Following a hearing ordered under Section 2 of this Act, if a court finds by a
16 preponderance of the evidence that the acts listed in subsection (1) of Section 1 of
17 this Act, dating violence and abuse, or domestic violence and abuse occurred, the
18 court may issue a lifetime protective order:

19 (a) Restraining the adverse party from:

- 20 1. Committing further acts listed in subsection (1) of Section 1 of this
21 Act, dating violence and abuse, or domestic violence and abuse;
- 22 2. Any unauthorized contact or communication with the petitioner or
23 other person specified by the court;
- 24 3. Approaching the petitioner or other person specified by the court
25 within a distance specified in the order, not to exceed five hundred
26 (500) feet;
- 27 4. Going to or within a specified distance of a specifically described

1 residence, school, or place of employment or area where such a place
2 is located; and

3 5. Disposing of or damaging any of the property of the parties;

4 (b) Directing or prohibiting any other actions that the court believes will be of
5 assistance in eliminating future acts listed in subsection (1) of Section 1 of
6 this Act, dating violence and abuse, or domestic violence and abuse, except
7 that the court shall not order the petitioner to take any affirmative action.

8 (2) In imposing a location restriction described in subsection (1)(a)4. of this section,
9 the court shall:

10 (a) Afford the petitioner and respondent, if present, an opportunity to testify on
11 the issue of the locations and areas from which the respondent should or
12 should not be excluded;

13 (b) Only impose a location restriction where there is a specific, demonstrable
14 danger to the petitioner or other person protected by the order;

15 (c) Specifically describe in the order the locations or areas prohibited to the
16 respondent; and

17 (d) Consider structuring a restriction so as to allow the respondent transit
18 through an area if the respondent does not interrupt his or her travel to
19 harass, harm, or attempt to harass or harm the petitioner.

20 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 456 IS CREATED TO
21 READ AS FOLLOWS:

22 (1) A lifetime protective order shall become effective and binding on the respondent
23 when the respondent is given notice of the existence and terms of the order by a
24 peace officer or the court or upon personal service of the order, whichever is
25 earlier. A peace officer or court giving notice of an unserved order shall make all
26 reasonable efforts to arrange for the order's personal service upon the
27 respondent. Once effective, a peace officer or the court may enforce the order's

- 1 terms and act immediately upon their violation.
- 2 (2) Costs, fees, or bond shall not be assessed against or required of a petitioner for
3 any filing, hearing, service, or order authorized by or required to implement
4 Sections 1 to 5 of this Act.
- 5 (3) A court shall not require mediation, conciliation, or counseling prior to or as a
6 condition of issuing a lifetime protective order.
- 7 (4) Mutual protective orders may be issued only if:
8 (a) Separate petitions have been filed by both parties; and
9 (b) The orders are written with sufficient specificity to allow any peace officer
10 to identify which party has violated the order.
- 11 (5) (a) Upon proper filing of a motion, either party may seek to amend a lifetime
12 protective order.
13 (b) An individual who received a lifetime protective order as a minor may, upon
14 reaching the age of majority, petition for a review of the original petition.
- 15 (6) Testimony offered by an adverse party in a hearing ordered pursuant to Section 2
16 of this Act shall not be admissible in any criminal proceeding involving the same
17 parties except for purposes of impeachment.
- 18 (7) The Court of Justice, Commonwealth's and county attorneys, law enforcement
19 agencies, and victim services organizations may jointly operate a lifetime
20 protective order intake center to assist persons who apply for relief under
21 Sections 1 to 5 of this Act.
- 22 (8) A person's right to apply for relief under Sections 1 to 5 of this Act shall not be
23 affected by that person leaving his or her residence to avoid acts listed in
24 subsection (1) of Section 1 of this Act, dating violence and abuse, or domestic
25 violence and abuse.
- 26 (9) A court shall order the omission or deletion of the petitioner's address and the
27 address of any minor children from any orders or documents to be made

1 available to the public or to any person who engaged in the acts complained of in
2 the petition.

3 (10) (a) If a petition under Sections 1 to 5 of this Act did not result in the issuance
4 of a lifetime protective order, the court in which the petition was heard may,
5 for good cause shown, order the expungement of the records of the case if:
6 1. Six (6) months have elapsed since the case was dismissed; and
7 2. During the six (6) months preceding the expungement request, the
8 respondent has not been bound by an order of protection issued for
9 the protection of any person, including an order of protection as
10 defined in KRS 403.720.

11 (b) As used in this subsection, "expungement" has the same meaning as in
12 KRS 431.079.

13 ➔Section 6. KRS 456.010 is amended to read as follows:

14 As used in this chapter:

15 (1) "Dating relationship" means a relationship between individuals who have or have
16 had a relationship of a romantic or intimate nature. It does not include a casual
17 acquaintanceship or ordinary fraternization in a business or social context. The
18 following factors may be considered in addition to any other relevant factors in
19 determining whether the relationship is or was of a romantic or intimate nature:

- 20 (a) Declarations of romantic interest;
21 (b) The relationship was characterized by the expectation of affection;
22 (c) Attendance at social outings together as a couple;
23 (d) The frequency and type of interaction between the persons, including whether
24 the persons have been involved together over time and on a continuous basis
25 during the course of the relationship;
26 (e) The length and recency of the relationship; and
27 (f) Other indications of a substantial connection that would lead a reasonable

1 person to understand that a dating relationship existed;

2 (2) "Dating violence and abuse" means physical injury, serious physical injury, stalking,
3 sexual assault, strangulation, or the infliction of fear of imminent physical injury,
4 serious physical injury, sexual abuse, strangulation, or assault occurring between
5 persons who are or have been in a dating relationship;

6 **(3) "Domestic violence and abuse" has the same meaning as in KRS 403.720;**

7 ~~(4)~~~~(3)~~ "Foreign protective order" means any judgment, decree, or order of protection
8 which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 which was
9 not issued on the basis of domestic violence and abuse;

10 ~~(5)~~~~(4)~~ "Global positioning monitoring system" means a system that electronically
11 determines a person's location through a device worn by the person which does not
12 invade his or her bodily integrity and which transmits the person's latitude and
13 longitude data to a monitoring entity;

14 ~~(6)~~~~(5)~~ **"Lifetime order of protection" means an order of protection granted for the**
15 **petitioners lifetime, or until the petitioner motions to end the lifetime protective**
16 **order;**

17 **(7)** "Order of protection" means any interpersonal protective order, including those
18 issued on a temporary basis, and includes a foreign protective order;

19 ~~(8)~~~~(6)~~ "Sexual assault" refers to conduct prohibited as any degree of rape, sodomy,
20 or sexual abuse under KRS Chapter 510 or a criminal attempt, conspiracy,
21 facilitation, or solicitation to commit any degree of rape, sodomy, or sexual abuse,
22 or incest under KRS 530.020;

23 ~~(9)~~~~(7)~~ "Stalking" refers to conduct prohibited as stalking under KRS 508.140 or
24 508.150, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the
25 crime of stalking;

26 ~~(10)~~~~(8)~~ "Strangulation" refers to conduct prohibited by KRS 508.170 and 508.175, or
27 a criminal attempt, conspiracy, facilitation, or solicitation to commit the crime of

1 strangulation; and

2 ~~(11)~~~~(9)~~ "Substantial violation" means criminal conduct which involves actual or
3 threatened harm to the person, family, or property of an individual protected by an
4 order of protection.

5 ➔Section 7. KRS 456.020 is amended to read as follows:

6 (1) This chapter shall be interpreted to:

7 (a) Allow victims to obtain effective~~[-short-term]~~ protection against further
8 wrongful conduct in order that their lives may be as secure and as
9 uninterrupted as possible;

10 (b) Expand the ability of law enforcement officers to effectively respond to
11 further wrongful conduct so as to prevent future incidents and to provide
12 assistance to the victims;

13 (c) Provide peace officers with the authority to immediately apprehend and
14 charge for violation of an order of protection any person whom the officer has
15 probable cause to believe has violated an order of protection and to provide
16 courts with the authority to conduct contempt of court proceedings for these
17 violations;

18 (d) Provide for the collection of data concerning incidents of dating violence and
19 abuse, sexual assault, strangulation, and stalking in order to develop a
20 comprehensive analysis of the numbers and causes of such incidents; and

21 (e) Supplement and not repeal or supplant any duties, responsibilities, services, or
22 penalties under KRS Chapters 209, 209A, and 620.

23 (2) Nothing in this chapter is intended to trigger the application of the provisions of 18
24 U.S.C sec. 922(g) as to an interpersonal protective order issued on the basis of the
25 existence of a current or previous dating relationship.

26 ➔Section 8. KRS 456.080 is amended to read as follows:

27 If the petitioner or respondent to an interpersonal protective order or lifetime protective

1 **order** initiates an action under KRS Chapter 403, the party initiating the action shall make
2 known to the court the existence and status of any interpersonal protective orders **or a**
3 **lifetime protective order**, which shall remain effective and enforceable until superseded
4 by order of the court in which the KRS Chapter 403 case is filed.

5 ➔Section 9. KRS 456.090 is amended to read as follows:

6 (1) A court issuing an interpersonal protective order **or lifetime protective order** shall
7 direct the appropriate law enforcement agency to assist the petitioner in having the
8 provisions of the order complied with.

9 (2) When a law enforcement officer has reason to suspect that a person has been the
10 victim of dating violence and abuse, sexual assault, or stalking, the officer shall use
11 all reasonable means to provide assistance to the victim, including but not limited
12 to:

13 (a) Remaining at the location of the call for assistance so long as the officer
14 reasonably suspects there is danger to the physical safety of individuals there
15 without the presence of a law enforcement officer;

16 (b) Assisting the victim in obtaining medical treatment, including transporting the
17 victim to the nearest medical facility capable of providing the necessary
18 treatment; and

19 (c) Advising the victim immediately of the rights available to them, including the
20 provisions of this chapter.

21 (3) Orders of protection shall be enforced in any county of the Commonwealth.

22 (4) Officers acting in good faith under this chapter shall be immune from criminal and
23 civil liability.

24 ➔Section 10. KRS 456.100 is amended to read as follows:

25 (1) Upon a petitioner's request and after an evidentiary hearing, a court may amend an
26 interpersonal protective order **or a lifetime protective order** to require a respondent
27 to participate in a global positioning monitoring system if:

- 1 (a) The respondent has committed a substantial violation of a previously entered
2 interpersonal protective order or lifetime protective order;
- 3 (b) The court has reviewed an updated history of the respondent's Kentucky
4 criminal and protective order history; and
- 5 (c) The court makes a factual determination that the use of a global positioning
6 monitoring system would increase the petitioner's safety.
- 7 (2) An order requiring participation in a global positioning monitoring system shall:
- 8 (a) Require the respondent to pay the cost of participation up to the respondent's
9 ability to pay, with the system operator bearing any uncovered costs for
10 indigent respondents;
- 11 (b) State with specificity the locations or areas where the respondent is prohibited
12 from being located or persons with whom the respondent shall have no
13 contact;
- 14 (c) Include the date that the order expires, which shall be no longer than the
15 expiration date of the underlying interpersonal protective order or lifetime
16 protective order, although participation may be extended if the underlying
17 order is extended;
- 18 (d) Require the entity that operates the monitoring system to immediately notify
19 the petitioner, the local law enforcement agency named in the order, and the
20 court if a respondent violates the order; and
- 21 (e) Include any other information as the court deems appropriate.
- 22 (3) The Administrative Office of the Courts shall prepare a publicly available
23 informational pamphlet containing information on the method of applying for,
24 hearing, amending, and terminating an order requiring participation in a global
25 positioning monitoring system.
- 26 (4) (a) The Supreme Court may establish by rule a sliding scale of payment
27 responsibility for indigent defendants for use in establishing required

1 payments under subsection (2) of this section.

2 (b) A person, county, or other organization may voluntarily agree to pay all or a
3 portion of a respondent's monitoring costs specified in this section.

4 (5) An order requiring participation in a global positioning monitoring system may be
5 shortened or vacated by the court either:

6 (a) Upon request of the petitioner; or

7 (b) Upon request of the respondent after an evidentiary hearing, if the respondent
8 has not violated the order and:

9 1. Three (3) months have elapsed since the entry of the order; and

10 2. No previous request has been made by the respondent in the previous six
11 (6) months.

12 (6) A respondent who fails to wear, removes, tampers with, or destroys a global
13 positioning monitoring system device in contravention of an order entered under
14 this section shall be guilty of a Class D felony.

15 ➔Section 11. KRS 456.110 is amended to read as follows:

16 (1) All forms, affidavits, and orders of protection issued or filed pursuant to this chapter
17 which require entry into the Law Information Network of Kentucky shall be entered
18 on forms prescribed by the Administrative Office of the Courts after consultation
19 with the Justice and Public Safety Cabinet. If the provisions of an interpersonal
20 protective order or lifetime protective order are contained in an order which is
21 narrative in nature, the prescribed form shall be used in addition to the narrative
22 order.

23 (2) The circuit clerk, in cooperation with the court, shall cause a copy of each summons
24 or order issued pursuant to this chapter, or foreign protective order, fully completed
25 and authenticated pursuant to this chapter, to be forwarded, by the most expedient
26 means reasonably available and within twenty-four (24) hours following its filing
27 with the clerk, to the appropriate agency designated for entry of interpersonal

1 protective order or lifetime protective order records into the Law Information
2 Network of Kentucky and to the agency assigned service. Any order or court record
3 superseding, modifying, or otherwise affecting the status of an earlier summons or
4 order shall likewise be forwarded by the circuit clerk to the appropriate Law
5 Information Network of Kentucky entering agency and to the agency assigned
6 service, if service is required. The clerk and the court shall comply with all
7 provisions and guidelines of the Law Information Network of Kentucky for entry of
8 the records.

- 9 (3) Each agency designated for entry of summonses and orders issued pursuant to this
10 chapter, or foreign protective orders authenticated pursuant to this chapter, into the
11 Law Information Network of Kentucky shall, consistent with the provisions and
12 guidelines of the Law Information Network of Kentucky, enter the records
13 immediately upon receipt of copies forwarded to the agency in accordance with
14 subsection (2) of this section.

15 ➔Section 12. KRS 456.130 is amended to read as follows:

- 16 (1) In order to assist a court of another state in determining whether an order issued
17 under this chapter is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265:
- 18 (a) All interpersonal protective orders or lifetime protective orders shall include a
19 statement certifying that the issuing court had jurisdiction over the parties and
20 the matter, and that reasonable notice and opportunity to be heard has been
21 given to the person against whom the order is sought sufficient to protect that
22 person's right to due process; and
- 23 (b) All temporary interpersonal protective orders shall include a statement
24 certifying that notice and opportunity to be heard has been provided within the
25 time required by state law, and in any event within a reasonable time after the
26 order is issued, sufficient to protect the respondent's due process rights.
- 27 (2) The Administrative Office of the Courts shall prescribe the form to be used for the

1 purposes of this section.

2 ➔Section 13. KRS 456.140 is amended to read as follows:

3 (1) A copy of a foreign protective order may be filed in the office of the clerk of any
4 court of competent jurisdiction of this state. A foreign protective order so filed shall
5 have the same effect and shall be enforced in the same manner as an interpersonal
6 protective order **or a lifetime protective order** issued by a court of this state.

7 (2) (a) At the time of the filing of the foreign protective order, the person filing the
8 order shall file with the clerk of the court an affidavit on a form prescribed
9 and provided by the Administrative Office of the Courts. The affidavit shall
10 set forth the name, city, county, and state or other jurisdiction of the issuing
11 court. The person shall certify in the affidavit the validity and status of the
12 foreign protective order, and attest to the person's belief that the order has not
13 been amended, rescinded, or superseded by any orders from a court of
14 competent jurisdiction. All foreign protective orders presented with a
15 completed and signed affidavit shall be accepted and filed.

16 (b) The affidavit signed by the applicant shall have space where the reviewing
17 judge shall place information necessary to allow the order's entry into the Law
18 Information Network of Kentucky in the same manner as a Kentucky order.

19 (3) (a) If the person seeking to file the order presents a copy of the foreign protective
20 order which is current by the terms of the order and has been certified by the
21 clerk or other authorized officer of the court which issued it, the circuit clerk
22 shall present it to the District Judge or Circuit Judge, who shall read the order
23 and enter on the affidavit the information necessary to allow the order's entry
24 into the Law Information Network of Kentucky. The order shall not be subject
25 to further verification and shall be accepted as authentic, current, and subject
26 to full faith and credit.

27 (b) If the order presented is current by the terms of the order but is not certified in

1 the manner specified in paragraph (a) of this subsection, the circuit clerk shall
2 present the order and the affidavit to the District or Circuit Judge, who shall
3 read the order and enter on the affidavit the information necessary to allow the
4 order's entry into the Law Information Network of Kentucky. The order shall
5 be subject to full faith and credit in the same manner as a Kentucky
6 interpersonal protective order or a lifetime protective order, but shall be
7 subject to verification by the circuit clerk. The order shall be valid for a period
8 of fourteen (14) days and may be renewed once for a period of fourteen (14)
9 days if the circuit clerk has not received a certified copy of the order from the
10 issuing jurisdiction. The clerk shall treat the foreign protective order in the
11 same manner as an interpersonal protective order or a lifetime protective
12 order of this state issued pursuant to KRS 456.060, except that no service on
13 the adverse party shall be required pursuant to 18 U.S.C. sec. 2265.

14 (c) Upon the filing of an uncertified foreign protective order, the circuit clerk
15 shall, within two (2) business days, contact the issuing court to request a
16 certified copy of the order. If the certified copy of the order is received by the
17 circuit clerk within the initial fourteen (14) day period, the clerk shall cause
18 the information that certification has been received to be entered into the Law
19 Information Network of Kentucky and shall notify the applicant for the order
20 of the fact of its certification. A facsimile copy of a certified foreign protective
21 order shall be grounds for the issuance of an interpersonal protective order or
22 a lifetime protective order.

23 (d) If the clerk has not received a certified copy of the foreign protective order
24 within ten (10) days, the clerk shall notify the court and the applicant that the
25 order has not been received. The notice to the applicant, on a form prepared by
26 the Administrative Office of the Courts, shall state that the foreign protective
27 order will be extended for another fourteen (14) days, but will be dismissed at

1 the expiration of that time. If the clerk informs the judge in writing that the
2 certified foreign protective order has been requested but has not yet been
3 received, the judge shall extend the foreign protective order for a period of
4 fourteen (14) days. If certification of the foreign protective order is not
5 received within twenty-eight (28) days, the foreign protective order shall
6 expire and shall not be reissued. If the applicant meets the qualifications for
7 the issuance of a Kentucky interpersonal protective order or a lifetime
8 protective order, the court may, upon proper application and showing of
9 evidence, issue a Kentucky order in accordance with this chapter.

10 (4) The right of a person filing a foreign protective order to bring an action to enforce
11 the order instead of proceeding under this chapter remains unimpaired.

12 ➔Section 14. KRS 456.150 is amended to read as follows:

13 (1) Upon ex parte review of the foreign protective order and the affidavit filed pursuant
14 to KRS 456.140, and after determining the order is entitled to full faith and credit in
15 this Commonwealth pursuant to 18 U.S.C. sec. 2265, the court shall declare the
16 order to be authenticated and record the finding on the affidavit.

17 (2) If the court declares the order to be authenticated, the court shall:

18 (a) Direct the appropriate law enforcement agency to assist the petitioner in
19 having the provisions of the order complied with, if applicable; and

20 (b) Order its enforcement in any county of the Commonwealth in the same
21 manner as an interpersonal protective order of this state issued pursuant to
22 KRS 456.060 or a lifetime protective order.

23 (3) The clerk shall notify the person who filed the foreign protective order of the
24 decision of the court and provide the person a certified copy of the affidavit
25 declaring the authentication of the order.

26 ➔Section 15. KRS 456.180 is amended to read as follows:

27 (1) Violation of the terms or conditions of an order of protection after the person has

1 been served or given notice of the order shall constitute contempt of court and a
2 criminal offense under this section. Once a criminal or contempt proceeding has
3 been initiated, the other shall not be undertaken regardless of the outcome of the
4 original proceeding.

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

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

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

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

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