

1 AN ACT relating to coercive control.

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

3 ➔Section 1. KRS 403.720 is amended to read as follows:

4 As used in KRS 403.715 to 403.785:

5 (1) (a) "Coercive control" means a pattern of behavior that is used to cause
6 another to suffer physical, emotional, or psychological harm, and in
7 purpose or effect unreasonably interferes with a person's free will and
8 personal liberty. In determining whether the interference is unreasonable,
9 the court shall consider the context and impact of the pattern of behavior
10 from the perspective of a similarly situated person.

11 (b) "Coercive control" includes but is not limited to engaging in any of the
12 following:

13 1. Intimidation or controlling or compelling conduct by:

14 a. Damaging, destroying, or threatening to damage or destroy, or
15 forcing the other person to relinquish, goods, property, domestic
16 animals, or items of sentimental value;

17 b. Using technology to threaten, humiliate, harass, stalk,
18 intimidate, exert undue influence over, or abuse the other
19 person, including by engaging in cyberstalking, monitoring,
20 surveillance, impersonation, manipulation of electronic media,
21 or distribution of or threats to distribute actual or fabricated
22 intimate images;

23 c. Carrying, exhibiting, displaying, drawing, or threatening to use
24 any firearm or any other weapon apparently capable of
25 producing bodily harm, in a manner, under circumstances, and
26 at a time and place that either manifests an intent to intimidate
27 the other person or that warrants alarm by the other person for

- 1 his or her safety or the safety of other persons or domestic
2 animals;
- 3 d. Driving recklessly with the other person or the other person's
4 minor children in the vehicle;
- 5 e. Communicating, directly or indirectly, the intent to:
- 6 i. Harm the other person's children, family members, friends,
7 or domestic animals, including by use of physical violence;
- 8 ii. Harm the other person's career or education;
- 9 iii. Attempt suicide or other acts of self-harm; or
- 10 iv. Contact local or federal agencies based on actual or
11 suspected immigration status;
- 12 f. Exerting control over the other person's identity documents,
13 including a driver's license, Social Security card, or passport;
- 14 g. Making, or threatening to make, private information public,
15 including the other person's sexual orientation or gender
16 identity, medical or behavioral health information, or other
17 confidential information that jeopardizes safety; or
- 18 h. Engaging in sexual or reproductive coercion;
- 19 2. Causing dependence, confinement, or isolation of the other person
20 from friends, relatives, domestic animals, or other sources of support,
21 including education and employment, or subjecting the other person
22 to physical confinement or restraint;
- 23 3. Depriving the other person of basic necessities or committing other
24 forms of financial exploitation;
- 25 4. Controlling, exerting undue influence over, interfering with,
26 regulating, or monitoring the other person's movements,
27 communications, daily behavior, finances, economic resources, or

employment, including but not limited to interference with or attempting to limit access to services for children of the other person, such as health care, medication, child care, or school-based extracurricular activities;

5. Engaging in vexatious litigation or abusive litigation, including abuse of process, against the other person to harass, coerce, or control the other person, to diminish or exhaust the other person's financial resources, or to compromise the other person's employment or housing; or

6. Engaging in psychological aggression, including inflicting fear upon, humiliating, degrading, or punishing the other person.

(c) "Coercive control" does not include protective actions taken by a person in good faith for the legitimate and lawful purpose of protecting themselves or children from the risk of harm posed by the other party;

(2) "Domestic animal" means a dog, cat, or other animal that is domesticated and kept as a household pet, but does not include animals normally raised for agricultural or commercial purposes;

(3)(2) "Domestic violence and abuse" means:

(a) Physical injury, serious physical injury, stalking, sexual assault, strangulation, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual assault, strangulation, or assault between family members or members of an unmarried couple;~~or~~

(b) Any conduct prohibited under~~by~~ KRS 525.125, 525.130, 525.135, or 525.137, or the infliction of fear of such imminent conduct, taken against a domestic animal when used as a method of coercion, control, punishment, intimidation, or revenge directed against a family member or member of an unmarried couple who has a close bond of affection to the domestic animal;

1 or

2 (c) Coercive control of a family member or member of an unmarried couple;

3 (4)~~[(3)]~~ "Family member" means a spouse, including a former spouse, a grandparent,
4 a grandchild, a parent, an adult sibling, a child, a stepchild, or any other person
5 living in the same household as a child if the child is the alleged victim;

6 (5)~~[(4)]~~ "Foreign protective order" means any judgment, decree, or order of protection
7 which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 that was
8 issued on the basis of domestic violence and abuse;

9 (6)~~[(5)]~~ "Global positioning monitoring system" means a system that electronically
10 determines a person's location through a device worn by the person which does not
11 invade his or her bodily integrity and which transmits the person's latitude and
12 longitude data to a monitoring entity;

13 (7)~~[(6)]~~ "Member of an unmarried couple" means each member of an unmarried
14 couple which allegedly has a child in common, any children of that couple, or a
15 member of an unmarried couple who are living together or have formerly lived
16 together;

17 (8)~~[(7)]~~ "Order of protection" means an emergency protective order or a domestic
18 violence order and includes a foreign protective order;

19 (9)~~[(8)]~~ "Sexual assault" refers to conduct prohibited as any degree of rape, sodomy,
20 or sexual abuse under KRS Chapter 510 or incest under KRS 530.020, or a criminal
21 attempt, conspiracy, facilitation, or solicitation to commit rape, sodomy, sexual
22 abuse, or incest;

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

26 (11)~~[(9)]~~ "Strangulation" refers to conduct prohibited under~~by~~ KRS 508.170 or~~and~~
27 508.175, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the

1 crime of strangulation; and

2 ~~(12)~~~~[(10)]~~ "Substantial violation" means criminal conduct which involves actual or
3 threatened harm to the person, family, or property, including a domestic animal, of
4 an individual protected by an order of protection.

5 ➔Section 2. KRS 456.010 is amended to read as follows:

6 As used in this chapter:

7 (1) (a) "Coercive control" means a pattern of behavior that is used to cause
8 another to suffer physical, emotional, or psychological harm, and in
9 purpose or effect unreasonably interferes with a person's free will and
10 personal liberty. In determining whether the interference is unreasonable,
11 the court shall consider the context and impact of the pattern of behavior
12 from the perspective of a similarly situated person.

13 (b) "Coercive control" includes but is not limited to engaging in any of the
14 following:

15 1. Intimidation or controlling or compelling conduct by:

16 a. Damaging, destroying, or threatening to damage or destroy, or
17 forcing the other person to relinquish, goods, property, domestic
18 animals, or items of sentimental value;

19 b. Using technology to threaten, humiliate, harass, stalk,
20 intimidate, exert undue influence over, or abuse the other
21 person, including by engaging in cyberstalking, monitoring,
22 surveillance, impersonation, manipulation of electronic media,
23 or distribution of or threats to distribute actual or fabricated
24 intimate images;

25 c. Carrying, exhibiting, displaying, drawing, or threatening to use
26 any firearm or any other weapon apparently capable of
27 producing bodily harm, in a manner, under circumstances, and

- 1 at a time and place that either manifests an intent to intimidate
2 the other person or that warrants alarm by the other person for
3 his or her safety or the safety of other persons or domestic
4 animals;
- 5 d. Driving recklessly with the other person or the other person's
6 minor children in the vehicle;
- 7 e. Communicating, directly or indirectly, the intent to:
- 8 i. Harm the other person's children, family members, friends,
9 or domestic animals, including by use of physical violence;
- 10 ii. Harm the other person's career or education;
- 11 iii. Attempt suicide or other acts of self-harm; or
- 12 iv. Contact local or federal agencies based on actual or
13 suspected immigration status;
- 14 f. Exerting control over the other person's identity documents,
15 including a driver's license, Social Security card, or passport;
- 16 g. Making, or threatening to make, private information public,
17 including the other person's sexual orientation or gender
18 identity, medical or behavioral health information, or other
19 confidential information that jeopardizes safety; or
- 20 h. Engaging in sexual or reproductive coercion;
- 21 2. Causing dependence, confinement, or isolation of the other person
22 from friends, relatives, domestic animals, or other sources of support,
23 including education and employment, or subjecting the other person
24 to physical confinement or restraint;
- 25 3. Depriving the other person of basic necessities or committing other
26 forms of financial exploitation;
- 27 4. Controlling, exerting undue influence over, interfering with,

1 regulating, or monitoring the other person's movements,
2 communications, daily behavior, finances, economic resources, or
3 employment, including but not limited to interference with or
4 attempting to limit access to services for children of the other person,
5 such as health care, medication, child care, or school-based
6 extracurricular activities;

7 5. Engaging in vexatious litigation or abusive litigation, including abuse
8 of process, against the other person to harass, coerce, or control the
9 other person, to diminish or exhaust the other person's financial
10 resources, or to compromise the other person's employment or
11 housing; or

12 6. Engaging in psychological aggression, including inflicting fear upon,
13 humiliating, degrading, or punishing the other person.

14 (c) "Coercive control" does not include protective actions taken by a person in good
15 faith for the legitimate and lawful purpose of protecting themselves or
16 children from the risk of harm posed by the other party;

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

- 22 (a) Declarations of romantic interest;
23 (b) The relationship was characterized by the expectation of affection;
24 (c) Attendance at social outings together as a couple;
25 (d) The frequency and type of interaction between the persons, including whether
26 the persons have been involved together over time and on a continuous basis
27 during the course of the relationship;

1 (e) The length and recency of the relationship; and

2 (f) Other indications of a substantial connection that would lead a reasonable
3 person to understand that a dating relationship existed;

4 ~~(3)~~~~(2)~~ "Dating violence and abuse" means:

5 (a) Physical injury, serious physical injury, stalking, sexual assault, strangulation,
6 or the infliction of fear of imminent physical injury, serious physical injury,
7 sexual abuse, strangulation, or assault occurring between persons who are or
8 have been in a dating relationship;~~or~~

9 (b) Any conduct prohibited under~~by~~ KRS 525.125, 525.130, 525.135, or
10 525.137, or the infliction of fear of such imminent conduct, taken against a
11 domestic animal when used as a method of coercion, control, punishment,
12 intimidation, or revenge directed against a person with whom the perpetrator
13 is or has been in a dating relationship, when that person has a close bond of
14 affection to the domestic animal; or

15 (c) Coercive control of a person with whom the perpetrator is or has been in a
16 dating relationship;

17 ~~(4)~~~~(3)~~ "Domestic animal" means a dog, cat, or other animal that is domesticated and
18 kept as a household pet, but does not include animals normally raised for
19 agricultural or commercial purposes;

20 ~~(5)~~~~(4)~~ "Foreign protective order" means any judgment, decree, or order of protection
21 which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 which was
22 not issued on the basis of domestic violence and abuse;

23 ~~(6)~~~~(5)~~ "Global positioning monitoring system" means a system that electronically
24 determines a person's location through a device worn by the person which does not
25 invade his or her bodily integrity and which transmits the person's latitude and
26 longitude data to a monitoring entity;

27 ~~(7)~~~~(6)~~ "Order of protection" means any interpersonal protective order, including

1 those issued on a temporary basis, and includes a foreign protective order;

2 ~~(8)(7)~~ "Sexual assault" refers to conduct prohibited as any degree of rape, sodomy,
3 or sexual abuse under KRS Chapter 510 or a criminal attempt, conspiracy,
4 facilitation, or solicitation to commit any degree of rape, sodomy, or sexual abuse,
5 or incest under KRS 530.020;

6 ~~(9)(8)~~ "Stalking" refers to conduct prohibited ~~as stalking~~ under KRS 508.140 or
7 508.150, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the
8 crime of stalking;

9 ~~(10)(9)~~ "Strangulation" refers to conduct prohibited under ~~by~~ KRS 508.170 or ~~and~~
10 508.175, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the
11 crime of strangulation; and

12 ~~(11)(10)~~ "Substantial violation" means criminal conduct which involves actual or
13 threatened harm to the person, family, or property, including a domestic animal, of
14 an individual protected by an order of protection.

15 ➔Section 3. KRS 209A.122 is amended to read as follows:

16 (1) As used in this section:

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

19 (b) "Corollary victim" means an individual other than the victim who is directly
20 impacted by domestic violence and abuse or dating violence and abuse, either
21 through relationship or proximity;

22 (c) "Domestic violence fatalities" means deaths that occur as a result of domestic
23 violence and abuse or dating violence and abuse, and includes but is not
24 limited to homicides, related suicides, and corollary victims; and

25 (d) "Near fatality" means a crime where serious physical injury as defined in KRS
26 500.080 occurs.

27 (2) The center shall:

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

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

- 5 1. Kentucky Coalition Against Domestic Violence;
- 6 2. Governor;
- 7 3. Cabinet for Health and Family Services;
- 8 4. Interim Joint Committee on Judiciary;
- 9 5. Interim Joint Committee on Families and Children; and
- 10 6. Legislative Research Commission.

11 The Kentucky Coalition Against Domestic Violence may provide the agencies
12 listed in paragraph (b)1. to 6. of this subsection with best practices and any other
13 recommendations for public policy by November 1 of each year.

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

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

23 (b) The Department of Kentucky State Police shall separately provide the center
24 with information reported to the Law Information Network of Kentucky
25 (LINK). The Department of Kentucky State Police shall provide the center
26 with the:

- 27 1. Number of orders of protection received to be served by law

1 enforcement agencies;

2 2. Number of orders of protection served by law enforcement agencies;

3 3. Number of orders of protection in LINK; and

4 4. Average time for actual service to be returned.

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

6 (a) The number and type of petitions for orders of protection filed and denied
7 under KRS 403.725, including where coercive control was the basis for the
8 petition;

9 (b) The number and type of petitions for interpersonal violence orders filed and
10 denied under KRS 456.030, including where coercive control was the basis
11 for the petition;

12 (c) The number of emergency protective orders granted under KRS 403.730 and
13 temporary interpersonal protective orders granted under KRS 456.040,
14 including where coercive control was the basis for the petition;

15 (d) The number of domestic violence orders granted under KRS 403.740 and
16 interpersonal protective orders granted under 456.060, excluding amended or
17 corrected orders, but including where coercive control was the basis for the
18 petition;

19 (e) In proceedings where coercive control is the basis of the petition, the
20 number of:

21 1. Conflicting emergency protective orders under KRS 403.730, domestic
22 violence order under KRS 403.740, temporary interpersonal protective
23 orders under KRS 456.040, and interpersonal protective orders under
24 KRS 456.060 were granted;

25 2. Cross-petitions, where each party files a petition against the other
26 party, were filed; and

27 3. Realigned orders, where the court finds that the original petitioner is

the abuser and the original respondent is the victim, were granted;

(f) Information on whether the parties were represented by legal counsel, guardian ad litem, or other legal advocate;

(g) The relationship between the petitioner and the respondent, if known;

(h) Demographics of the parties, including age, race, and gender;

(i) Information on whether the victim was or is pregnant, if indicated on the petition; and

(j)(h) The number of criminal charges for a violation of an order of protection.

(5) 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 minors served in shelter;
2. Number of minors served in non-shelter services;
3. Number of adults served in shelter;
4. Number of adults served in non-shelter services;
5. Demographics, including age and race;
6. Number of crisis or hotline calls;
7. Number of minors receiving:
 - a. Crisis intervention;
 - b. Victim advocacy services; and
 - c. Individual or group counseling or support group; and
8. Number of adult victims receiving:
 - a. Crisis intervention;
 - b. Victim advocacy services;

- 1 c. Individual or group counseling or support group;
- 2 d. Criminal or civil legal advocacy;
- 3 e. Medical accompaniment; and
- 4 f. Transportation services.