

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 intended to cause*
6 *another person to suffer physical, emotional, or psychological harm, the*
7 *purpose of which is to unreasonably interfere 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 that is intended to cause another person to suffer physical,*
13 *emotional, or psychological harm, the purpose of which is to unreasonably*
14 *interfere with a person's free will and personal liberty:*
- 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;*
- 22 *c. Threatening to use any weapon that appears capable of*
23 *producing bodily harm, in a manner, under circumstances, and*
24 *at a time and place that manifests an intent to intimidate the*
25 *other person or the other person's domestic animals;*
- 26 *d. Driving recklessly with the other person or the other person's*
27 *minor children in the vehicle;*

- 1 *e. Communicating, directly or indirectly:*
- 2 *i. The intent to harm the other person's children, family*
- 3 *members, friends, or domestic animals, including by use of*
- 4 *physical violence;*
- 5 *ii. The intent to harm the other person's career or education;*
- 6 *or*
- 7 *iii. A false threat of suicide or other acts of self-harm;*
- 8 *f. Taking possession or attempting to take possession of the other*
- 9 *person's identity documents, including a driver's license,*
- 10 *personal identification card, Social Security card, or passport; or*
- 11 *g. Making, or threatening to make, private information public,*
- 12 *including the other person's sexual orientation, medical or*
- 13 *behavioral health information, or other confidential information*
- 14 *that jeopardizes safety;*
- 15 *2. Behavior that causes dependence, confinement, or isolation of the*
- 16 *other person from friends, relatives, domestic animals, or other*
- 17 *sources of support, including education and employment, or*
- 18 *subjecting the other person to physical confinement or restraint*
- 19 *through the use of overt acts, intentionally false statements, or true*
- 20 *threats;*
- 21 *3. Depriving the other person of previously provided basic necessities or*
- 22 *committing any form of financial exploitation;*
- 23 *4. Unlawfully using a tracking device as described in KRS 508.152, or*
- 24 *otherwise tracking or monitoring the other person's movements,*
- 25 *communications, or daily behavior;*
- 26 *5. Controlling, exerting undue influence over, interfering with, or*
- 27 *regulating the other person's finances, economic resources, or*

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employment;

6. Interfering with or attempting to limit access to previously provided services for children of the other person, such as health care, medication, child care, church or religious activities, or school-based extracurricular activities; or

7. Engaging in overt acts or true threats of psychological aggression, including inflicting fear upon, humiliating, degrading, or punishing the other person.

(c) "Coercive control" does not include protective actions or appropriate legal proceedings taken by a person in good faith for the legitimate and lawful purpose of protecting themselves or any child 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;
or

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

- 1 ~~(4)~~~~(3)~~ "Family member" means a spouse, including a former spouse, a grandparent,
2 a grandchild, a parent, an adult sibling, a child, a stepchild, or any other person
3 living in the same household as a child if the child is the alleged victim;
- 4 ~~(5)~~~~(4)~~ "Foreign protective order" means any judgment, decree, or order of protection
5 which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 that was
6 issued on the basis of domestic violence and abuse;
- 7 ~~(6)~~~~(5)~~ "Global positioning monitoring system" means a system that electronically
8 determines a person's location through a device worn by the person which does not
9 invade his or her bodily integrity and which transmits the person's latitude and
10 longitude data to a monitoring entity;
- 11 ~~(7)~~~~(6)~~ "Member of an unmarried couple" means each member of an unmarried
12 couple which allegedly has a child in common, any children of that couple, or a
13 member of an unmarried couple who are living together or have formerly lived
14 together;
- 15 ~~(8)~~~~(7)~~ "Order of protection" means an emergency protective order or a domestic
16 violence order and includes a foreign protective order;
- 17 ~~(9)~~~~(8)~~ "Sexual assault" refers to conduct prohibited as any degree of rape, sodomy,
18 or sexual abuse under KRS Chapter 510 or incest under KRS 530.020, or a criminal
19 attempt, conspiracy, facilitation, or solicitation to commit rape, sodomy, sexual
20 abuse, or incest;
- 21 **(10) "Stalking" refers to conduct prohibited under KRS 508.140 or 508.150, or a**
22 **criminal attempt, conspiracy, facilitation, or solicitation to commit the crime of**
23 **stalking;**
- 24 ~~(11)~~~~(9)~~ "Strangulation" refers to conduct prohibited ~~under~~~~by~~ KRS 508.170 ~~or~~~~and~~
25 508.175, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the
26 crime of strangulation; and
- 27 ~~(12)~~~~(10)~~ "Substantial violation" means criminal conduct which involves actual or

1 threatened harm to the person, family, or property, including a domestic animal, of
2 an individual protected by an order of protection.

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

4 As used in this chapter:

5 (1) (a) "Coercive control" means a pattern of behavior that is intended to cause
6 another person to suffer physical, emotional, or psychological harm, the
7 purpose of which is to unreasonably interfere 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 that is intended to cause another person to suffer physical,
13 emotional, or psychological harm, the purpose of which is to unreasonably
14 interfere with a person's free will and personal liberty:

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;

22 c. Threatening to use any weapon that appears capable of
23 producing bodily harm, in a manner, under circumstances, and
24 at a time and place that manifests an intent to intimidate the
25 other person or the other person's domestic animals;

26 d. Driving recklessly with the other person or the other person's
27 minor children in the vehicle;

- 1 *e. Communicating, directly or indirectly:*
- 2 *i. The intent to harm the other person's children, family*
- 3 *members, friends, or domestic animals, including by use of*
- 4 *physical violence;*
- 5 *ii. The intent to harm the other person's career or education;*
- 6 *or*
- 7 *iii. A false threat of suicide or other acts of self-harm;*
- 8 *f. Taking possession or attempting to take possession of the other*
- 9 *person's identity documents, including a driver's license,*
- 10 *personal identification card, Social Security card, or passport; or*
- 11 *g. Making, or threatening to make, private information public,*
- 12 *including the other person's sexual orientation, medical or*
- 13 *behavioral health information, or other confidential information*
- 14 *that jeopardizes safety;*
- 15 *2. Behavior that causes dependence, confinement, or isolation of the*
- 16 *other person from friends, relatives, domestic animals, or other*
- 17 *sources of support, including education and employment, or*
- 18 *subjecting the other person to physical confinement or restraint*
- 19 *through the use of overt acts, intentionally false statements, or true*
- 20 *threats;*
- 21 *3. Depriving the other person of previously provided basic necessities or*
- 22 *committing any form of financial exploitation;*
- 23 *4. Unlawfully using a tracking device as described in KRS 508.152, or*
- 24 *otherwise tracking or monitoring the other person's movements,*
- 25 *communications, or daily behavior;*
- 26 *5. Controlling, exerting undue influence over, interfering with, or*
- 27 *regulating the other person's finances, economic resources, or*

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employment;

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6. Interfering with or attempting to limit access to previously provided

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services for children of the other person, such as health care,

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medication, child care, church or religious activities, or school-based

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extracurricular activities; or

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7. Engaging in overt acts or true threats of psychological aggression,

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including inflicting fear upon, humiliating, degrading, or punishing

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the other person.

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(c) "Coercive control" does not include protective actions or appropriate legal

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proceedings taken by a person in good faith for the legitimate and lawful

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purpose of protecting themselves or any child from the risk of harm posed

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by the other party;

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(2) "Dating relationship" means a relationship between individuals who have or have

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had a relationship of a romantic or intimate nature. It does not include a casual

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acquaintanceship or ordinary fraternization in a business or social context. The

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following factors may be considered in addition to any other relevant factors in

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determining whether the relationship is or was of a romantic or intimate nature:

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(a) Declarations of romantic interest;

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(b) The relationship was characterized by the expectation of affection;

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(c) Attendance at social outings together as a couple;

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(d) The frequency and type of interaction between the persons, including whether

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the persons have been involved together over time and on a continuous basis

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during the course of the relationship;

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

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(f) Other indications of a substantial connection that would lead a reasonable

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person to understand that a dating relationship existed;

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

- 1 (a) Physical injury, serious physical injury, stalking, sexual assault, strangulation,
2 or the infliction of fear of imminent physical injury, serious physical injury,
3 sexual abuse, strangulation, or assault occurring between persons who are or
4 have been in a dating relationship;~~or~~
- 5 (b) Any conduct prohibited under~~by~~ KRS 525.125, 525.130, 525.135, or
6 525.137, or the infliction of fear of such imminent conduct, taken against a
7 domestic animal when used as a method of coercion, control, punishment,
8 intimidation, or revenge directed against a person with whom the perpetrator
9 is or has been in a dating relationship, when that person has a close bond of
10 affection to the domestic animal; or
- 11 **(c) Coercive control of a person with whom the perpetrator is or has been in a**
12 **dating relationship;**
- 13 ~~(4)~~~~(3)~~ "Domestic animal" means a dog, cat, or other animal that is domesticated and
14 kept as a household pet, but does not include animals normally raised for
15 agricultural or commercial purposes;
- 16 ~~(5)~~~~(4)~~ "Foreign protective order" means any judgment, decree, or order of protection
17 which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 which was
18 not issued on the basis of domestic violence and abuse;
- 19 ~~(6)~~~~(5)~~ "Global positioning monitoring system" means a system that electronically
20 determines a person's location through a device worn by the person which does not
21 invade his or her bodily integrity and which transmits the person's latitude and
22 longitude data to a monitoring entity;
- 23 ~~(7)~~~~(6)~~ "Order of protection" means any interpersonal protective order, including
24 those issued on a temporary basis, and includes a foreign protective order;
- 25 ~~(8)~~~~(7)~~ "Sexual assault" refers to conduct prohibited as any degree of rape, sodomy,
26 or sexual abuse under KRS Chapter 510 or a criminal attempt, conspiracy,
27 facilitation, or solicitation to commit any degree of rape, sodomy, or sexual abuse,

1 or incest under KRS 530.020;

2 ~~(9)~~⁽⁸⁾ "Stalking" refers to conduct prohibited ~~as stalking~~ under KRS 508.140 or
3 508.150, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the
4 crime of stalking;

5 ~~(10)~~⁽⁹⁾ "Strangulation" refers to conduct prohibited under~~by~~ KRS 508.170 or~~and~~
6 508.175, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the
7 crime of strangulation; and

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

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

12 (1) As used in this section:

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

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

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

21 (d) "Near fatality" means a crime where serious physical injury as defined in KRS
22 500.080 occurs.

23 (2) The center shall:

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

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

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

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

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

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

19 (b) The Department of Kentucky State Police shall separately provide the center
20 with information reported to the Law Information Network of Kentucky
21 (LINK). The Department of Kentucky State Police shall provide the center
22 with the:

- 23 1. Number of orders of protection received to be served by law
24 enforcement agencies;
- 25 2. Number of orders of protection served by law enforcement agencies;
- 26 3. Number of orders of protection in LINK; and
- 27 4. Average time for actual service to be returned.

- 1 (4) The Administrative Office of the Courts shall provide the center with:
- 2 (a) The number and type of petitions for orders of protection filed and denied
3 under KRS 403.725, including where coercive control was the basis for the
4 petition;
- 5 (b) The number and type of petitions for interpersonal violence orders filed and
6 denied under KRS 456.030, including where coercive control was the basis
7 for the petition;
- 8 (c) The number of emergency protective orders granted under KRS 403.730 and
9 temporary interpersonal protective orders granted under KRS 456.040,
10 including where coercive control was the basis for the petition;
- 11 (d) The number of domestic violence orders granted under KRS 403.740 and
12 interpersonal protective orders granted under 456.060, excluding amended or
13 corrected orders, but including where coercive control was the basis for the
14 petition;
- 15 (e) In proceedings where coercive control is the basis of the petition, the
16 number of:
- 17 1. Conflicting emergency protective orders under KRS 403.730, domestic
18 violence orders under KRS 403.740, temporary interpersonal
19 protective orders under KRS 456.040, and interpersonal protective
20 orders under KRS 456.060 were granted;
- 21 2. Cross-petitions that were filed, where each party filed a petition
22 against the other party; and
- 23 3. Realigned orders that were granted, where the court made a finding
24 that the original petitioner is the abuser and the original respondent is
25 the victim;
- 26 (f) Information on whether the parties were represented by legal counsel,
27 guardian ad litem, or other legal advocate;

- 1 ~~(g)~~ The relationship between the petitioner and the respondent, if known;
- 2 ~~(h)~~~~(f)~~ Demographics of the parties, including age, race, and gender;
- 3 ~~(i)~~~~(g)~~ Information on whether the victim was or is pregnant, if indicated on the
- 4 petition; and
- 5 ~~(j)~~~~(h)~~ The number of criminal charges for a violation of an order of protection.
- 6 (5) The Cabinet for Health and Family Services shall provide the center with:
- 7 (a) The number of reports of alleged child abuse made to the cabinet through an
- 8 adult or child abuse hotline in which there were also allegations of domestic
- 9 violence; and
- 10 (b) Domestic violence and abuse and dating violence and abuse shelter statistics
- 11 reported to the cabinet, including but not limited to the:
- 12 1. Number of minors served in shelter;
- 13 2. Number of minors served in non-shelter services;
- 14 3. Number of adults served in shelter;
- 15 4. Number of adults served in non-shelter services;
- 16 5. Demographics, including age and race;
- 17 6. Number of crisis or hotline calls;
- 18 7. Number of minors receiving:
- 19 a. Crisis intervention;
- 20 b. Victim advocacy services; and
- 21 c. Individual or group counseling or support group; and
- 22 8. Number of adult victims receiving:
- 23 a. Crisis intervention;
- 24 b. Victim advocacy services;
- 25 c. Individual or group counseling or support group;
- 26 d. Criminal or civil legal advocacy;
- 27 e. Medical accompaniment; and

- 1 f. Transportation services.