

HB 505 -- Domestic Violence and Orders of Protection

Sponsor: Kelly (24)

This bill changes the laws regarding domestic violence and orders of protection. In its main provisions, the bill:

(1) Defines "child" as any person younger than 17 years of age unless he or she is emancipated;

(2) Changes the definition of "domestic violence" to abuse or stalking;

(3) Expands the definition of "family" or "household member" to include any person related by blood or marriage; persons presently residing together or who have resided together in the past; any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim; and any person who has a child in common with another person regardless of whether they have been married or have resided together at any time;

(4) Requires any ex parte order of protection to protect the victim from domestic violence which can include restraining the respondent from communicating with the victim in any manner or through any medium;

(5) Requires any full order of protection to protect the victim from domestic violence which can include temporarily enjoining the respondent from communicating with the victim in any manner or through any medium;

(6) Specifies that a respondent in violation of an ex parte or full order of protection for a child will be guilty of a class A misdemeanor. If the respondent has previously pled guilty to or has been found guilty of violating an order of protection within five years of the date of the subsequent violation, he or she will be guilty of a class D felony. Evidence of a prior plea of guilty or finding of guilt must be heard by the court out of the presence of the jury. If the court finds the existence of a prior plea of guilty or a finding of guilty beyond a reasonable doubt, the court must decide the extent or duration of sentence or other disposition and cannot instruct the jury regarding the range of punishment or allow the jury to assess punishment as part of its verdict;

(7) Requires the Division of Probation and Parole within the Department of Corrections in consultation with the Statewide Domestic Violence Coalition to establish standards and to adopt a credentialing process for any court-appointed batterer

intervention program; and

(8) Prohibits a public or private agency from using more than 10% of any funds received from the Service to Victims Fund for administrative purposes.