

403.741 Consideration of respondent's criminal history and past emergency protective order or domestic violence order required.

- (1) Prior to a hearing on a domestic violence order, the petitioner or the respondent may request the court to obtain the information specified in this subsection, or the court on its own motion may obtain the information specified in this subsection:
 - (a) Obtain the respondent's Kentucky criminal history from the Department of Kentucky State Police or the Administrative Office of the Courts; and
 - (b) Obtain the history of any Kentucky emergency protective orders or domestic violence orders relating to the respondent, and the record of compliance with those orders from the Administrative Office of the Courts.
- (2) After obtaining the information requested in subsection (1) of this section, the court shall review the documents which have been received and shall:
 - (a) Consider the respondent's criminal history, paying particular attention to the respondent's record of past violence, threats of violence, and danger to others;
 - (b) Consider the record of any past emergency protective orders or domestic violence orders entered by any Kentucky court relating to the respondent and the record of the respondent's compliance or noncompliance with those orders; and
 - (c) Utilize that information at any hearing required by KRS 403.740 or 403.745 to assess which sanctions may protect against danger to the petitioner or a family member or member of an unmarried couple for whom protection is being sought.
- (3) The court shall provide a copy of the respondent's criminal history information, emergency protective order history information, and domestic violence order history information to the petitioner and to the respondent or counsel for the petitioner and counsel for the respondent in accordance with the provisions of CR 26, including CR 26.03, of the Rules of Civil Procedure.

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