

403.761 Amendment of domestic violence order to require participation in global positioning monitoring system -- Cost to be paid by respondent and system operator -- Shortening or vacating of order -- Penalty for violation.

- (1) Upon a petitioner's request and after an evidentiary hearing, a court may amend a domestic violence order to require a respondent to participate in a global positioning monitoring system if:
 - (a) The respondent has committed a substantial violation of a previously entered domestic violence order;
 - (b) The court has reviewed an updated history of the respondent's Kentucky criminal and protective order history; and
 - (c) The court makes a factual determination that the use of a global positioning monitoring system would increase the petitioner's safety.
- (2) An order requiring participation in a global positioning monitoring system shall:
 - (a) Require the respondent to pay the cost of participation up to the respondent's ability to pay, with the system operator bearing any uncovered costs for indigent respondents;
 - (b) State with specificity the locations or areas where the respondent is prohibited from being located or persons with whom the respondent shall have no contact;
 - (c) Include the date that the order expires, which shall be no longer than the expiration date of the domestic violence order, although participation may be extended if the underlying order is extended;
 - (d) Require the entity that operates the monitoring system to immediately notify the petitioner, the local law enforcement agency named in the order, and the court if a respondent violates the order; and
 - (e) Include any other information as the court deems appropriate.
- (3) The Administrative Office of the Courts shall prepare a publicly available informational pamphlet containing information on the method of applying for, hearing, amending, and terminating an order requiring participation in a global positioning monitoring system.
- (4)
 - (a) The Supreme Court may establish by rule a sliding scale of payment responsibility for indigent defendants for use in establishing required payments under subsection (2) of this section.
 - (b) A person, county, or other organization may voluntarily agree to pay all or a portion of a respondent's monitoring costs specified in this section.
- (5) An order requiring participation in a global positioning monitoring system may be shortened or vacated by the court either:
 - (a) Upon request of the petitioner; or
 - (b) Upon request of the respondent after an evidentiary hearing, if the respondent has not violated the order and:
 1. Three (3) months have elapsed since the entry of the order; and

2. No previous request has been made by the respondent in the previous six (6) months.
- (6) A respondent who fails to wear, removes, tampers with, or destroys a global positioning monitoring system device in contravention of an order entered under this section shall be guilty of a Class D felony.

Effective: January 1, 2016

History: Repealed and reenacted 2015 Ky. Acts ch. 102, sec. 16, effective January 1, 2016. -- Amended 2014 Ky. Acts ch. 141, sec. 5, effective July 15, 2014. -- Created 2010 Ky. Acts ch. 170, sec. 7, effective July 15, 2010.