

FAMILY VIOLENCE

LEGISLATIVE UPDATE

A CONRAD N. HILTON FOUNDATION PROJECT

In 1991 the Conrad N. Hilton Foundation awarded a grant to the Family Violence Project of the National Council of Juvenile and Family Court Judges for a three-year project to analyze state legislation on family violence and to develop a comprehensive model code. The *Model Code on Domestic and Family Violence* was officially 'unveiled' in June of 1994. Since the unveiling, the *Model Code* has been distributed to and used by many organizations and individuals in the public arena who are seeking legislative and policy solutions to the problem of family violence.

The Hilton Foundation's interest

and involvement in reducing and preventing family violence has not ended with the development of the *Model Code*. The Foundation has provided additional funding to ensure that professionals working in the area of family violence in every state are aware of the *Code*, to assist with implementation of the *Code*, to document legislative changes in states, and to provide an annual update of new state legislation for those working in the fields of family violence and legislation. This publication is the first annual update and addresses the 1995 legislative changes made across the country in the area of family violence.

National Council of Juvenile & Family Court Judges

Louis W. McHardy, Dean & Executive Director



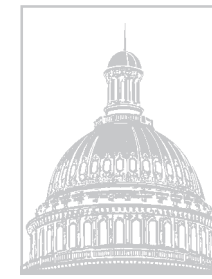
FAMILY VIOLENCE
LEGISLATIVE UPDATE

Family Violence Database Available

With the generous backing of the Conrad N. Hilton Foundation, the Family Violence Project at the National Council of Juvenile and Family Court Judges has been able to develop a statute database which contains family violence-related statutes from the 50 states and the District of Columbia. These statutes are updated as legislation is added, deleted, or amended in each state's legislative sessions. This database has been

developed in conjunction with the *Model Code on Domestic and Family Violence*, and will be helpful to persons interested in researching a particular area of the law which addresses family violence. The Family Violence Project staff will be able to provide information on any existing state statute that deals with the specific topic in question, and assistance to states in their efforts to implement the *Model Code*.

National Council of Juvenile & Family Court Judges



FAMILY VIOLENCE
LEGISLATIVE UPDATE

T A B L E O F C O N T E N T S

Introduction and Overview 5
 1995 State Legislation (Chart)..... 10
 Legislative Trends (Chart)..... 14
 Alabama. 18
 Alaska. 20
 Arizona. 21
 Arkansas. 22
 California. 23
 Colorado. 27
 Connecticut. 28
 Delaware. 29
 District of Columbia. 30
 Florida. 31
 Georgia. 34
 Hawaii. 35
 Idaho. 36
 Illinois. 37
 Indiana. 38
 Iowa. 39
 Kansas. 41
 Kentucky. 42
 Louisiana. 43
 Maine. 44
 Maryland. 45
 Massachusetts. 47

T A B L E O F C O N T E N T S

Michigan.....	48
Minnesota.....	49
Mississippi.....	50
Missouri.....	51
Montana.....	53
Nebraska.....	55
Nevada.....	56
New Hampshire.....	58
New Jersey.....	59
New Mexico.....	60
New York.....	61
North Carolina.....	63
North Dakota.....	64
Ohio.....	66
Oklahoma.....	68
Oregon.....	70
Pennsylvania.....	72
Rhode Island.....	73
South Carolina.....	74
South Dakota.....	75
Tennessee.....	77
Texas.....	80
Utah.....	84
Vermont.....	87
Virginia.....	88
Washington.....	89
West Virginia.....	92
Wisconsin.....	93
Wyoming.....	94
State Domestic Violence Coalitions.....	95
State Legislative Contacts.....	98



INTRODUCTION AND OVERVIEW

by Meredith Hofford

The groundswell in public awareness and concern about domestic and family violence has led to a search for solutions on many levels. The legislative arena is no exception, yielding an abundance of improvements in areas of policy, programs, and resources. Keeping abreast of all these changes is both challenging and exciting. For every one of the over 200 domestic violence-related bills which passed in 1995 legislative sessions, numerous others were introduced which did not pass. Overall, and thanks to the diligent work of policy advocates and concerned legislators, the most recent changes in state domestic violence legislation are quite significant and overwhelmingly positive for victims.

One of the motivations for doing the arduous work of tracking legislation in 50 states is to document the enactment of laws which are based on the *Model Code on Domestic and Family Violence*. The National Council of Juvenile and Family Court Judges' Family Violence Project and the Conrad N. Hilton Foundation are extremely gratified at the extent to which that document is being used to guide current legislative efforts. Quite a few states are engaged in multi-year efforts to review, analyze, and enact those sections of the *Model Code* which will enhance or improve the existing legal structure in their state. These states include Alaska, Florida, Louisiana, Maryland, Missouri, New Mexico, South Dakota, West Virginia, Wisconsin and Wyoming.

In the state-by-state analysis of 1995 legislation which follows, a number of trends emerge which are discussed in this overview. Further, several important emerging legislative issues are tracked in the Tables which follow on pages 10 through 17. These include state laws related to the federal Violence Against Women Act (VAWA), restrictions on access to, or possession of, firearms by perpetrators of domestic violence, laws against insurance discrimination aimed at domestic violence victims, and legal presumptions about child custody and visitation awards to parents who are perpetrators of domestic and family violence.

INTRODUCTION AND OVERVIEW

The general trends in domestic and family violence legislation are outlined briefly below.

Definitions

Many states have expanded their definitions relating to domestic violence to include dating, engagement, and romantic or sexual relationships. These relationships can apply to crimes of domestic violence, or to persons eligible to petition the court for a domestic violence protection or restraining order. In addition, many states are reclassifying domestic violence crimes to provide for increased penalties and enhanced sentences for repeat offenders.

Stalking

Stalking laws, which are relatively new, were refined or strengthened in a number of states. They have become more specific as to what constitutes stalking behavior, and have addressed the issue of subsequent or repeated offenses. In a few states, stalking has been elevated from a misdemeanor to a higher degree or felony crime under certain circumstances.

Full Faith and Credit

In response to the requirements in VAWA that states give full faith and credit to protection orders issued in other states—treating them as if they had been issued in the new home state, and including enforcement of provisions of the order which may not have been available in the new home state—15 states have passed legislation addressing this issue, eight of them in the 1995 legislative session. Given general constitutional principles of full faith and credit and the new federal law, it is not clear whether such state legislation is required for enforcement of out-of-state protection orders.

Protection Order Registries

With or without specific state full faith and credit legislation, many states have realized that to effectively enforce protection orders issued from other jurisdictions within the state as well as from other states, a central database must be established in order for law enforcement and courts to know if a valid protection order has been issued. Almost half the states have established, or are in the process of establishing, statewide registries for protection orders. In a few states legislation has been passed to provide for a registry to be established at some time in the future. It is also permissible for state agencies to develop registries and databases voluntarily without the specific direction of the legislature. In a separate effort, the FBI is developing the National Crime Information Center Protection Order File



INTRODUCTION AND OVERVIEW

which will interface with the National Instant Criminal Background Check System and is planned to be linked to all states by 1998.

Training

Domestic violence education for law enforcement personnel, judges and court personnel, attorneys, health care providers, and the general public is increasing in importance. Many states now mandate law enforcement training in domestic violence, and several states have legislatively mandated judicial education in domestic violence. A variety of resources including model curriculums are available nationally to implement such training.

Task Forces and Commissions

Domestic Violence Task Forces or State Advisory Councils have been legislatively established in many states to study the problem of domestic violence and make recommendations. Staff and funding have been provided in most instances. Most of the task forces and commissions which have been established over the past several years have made extraordinary progress. This progress is reflected in legislative reforms, prevention and education programs, public information campaigns, justice system improvements, and improved services for victims. Delaware, New York, Oregon, Florida, Illinois and Virginia offer positive examples of such efforts.

Weapons

Twenty states have now passed legislation to restrict access to firearms or weapons by perpetrators of domestic violence. These laws cover weapons seizure, possession, sale or purchase, and licensing. The FBI National Crime Information Center Protection Order File will also be available to support the instant identification of persons who are prohibited from purchasing a firearm.

Custody Presumptions

States across the nation have been struggling to develop custody and visitation standards that will protect children from the harmful effects of domestic violence which frequently continues after divorce. Many states require the courts to consider evidence of abuse when deciding custody or visitation issues. In 1995 Alabama, Iowa and Nevada joined seven other states by passing legislation that creates a rebuttable presumption that it is detrimental to the child and not in the best interest of the child to be placed in sole custody, joint legal custody, or joint physical custody with a perpetrator of family violence. Legislation also has been



INTRODUCTION AND OVERVIEW

enacted to place emphasis on ensuring the safety and well-being of the victim and children when courts order visitation with an abusive parent.

Domestic Violence Fatality Reviews

A growing movement across the nation supports the establishment of domestic violence fatality review teams similar to the existing network of child fatality review teams. When a homicide involves a victim or perpetrator of domestic violence who was known to the justice system, the team conducts an investigation. The aim is to identify improvements to system responses which may prevent future homicides and provide better protection to victims. Though not necessary to implement fatality reviews, several states, including California, New York and Delaware, have enacted or are considering legislation.

Expanded Protection Orders

While civil protection orders are available in every state, eligibility, types of relief, and duration of orders vary widely. Many states have recently expanded relief to include such things as custody of children, economic relief, electronic monitoring, and confiscation of weapons. Duration of orders is being increased to periods of up to five years. Some states have made it easier for victims to renew expiring orders, in some cases for indefinite periods or until further order of the court.



Insurance Discrimination

Insurance discrimination is perhaps the newest area of legislation for victims of domestic violence. These laws are aimed at insurance companies who penalize domestic violence victims by refusing to cover medical expenses related to their injuries, refusing to provide health or life insurance, and charging exceedingly high premiums. In 1994, no states had insurance discrimination laws. In 1995, six states passed such legislation. For 1996, bills have been introduced or are pending in Alaska, Arizona, Georgia, Illinois, Indiana, Kansas, Maine, Maryland, Michigan, Minnesota, New York, Pennsylvania, Tennessee, West Virginia, Wisconsin, and Wyoming.

Funding

Under the Violence Against Women Act, to be eligible for federal funds, states must certify that victims of domestic abuse will not be charged fees to obtain protection orders, and victims of sexual assault will not be charged fees for medical exams related to the assault. Many states passed laws in 1995 bringing

INTRODUCTION AND OVERVIEW

themselves into compliance with the federal requirements.

Enacted as part of the 1994 Omnibus Crime Bill, VAWA provides federal funding of programs to fight domestic violence and sexual assault. In 1995, each state received \$426,364 to provide services to victims and enhance the response of law enforcement and prosecutors. Over the next five years, a total of \$800 million has been authorized by Congress to be distributed to the states for these and similar efforts to strengthen the response to violent crimes against women. The grants to states will be allocated according to population, with each state guaranteed a base amount.

Our deepest gratitude is extended to the policy advocates and legislative councils in every state who assisted us in gathering this information. The crafters of this document have worked very hard to insure its accuracy, but we receive new information almost every day. Please accept our sincere apology for any errors. Also note that the state summaries are not comprehensive. Because of space limitations, it was not possible to list every piece of legislation in every state. The authors selected what they hoped would provide a good overview, as well as legislation that seemed interesting or innovative. In some states where little or no legislative activity is indicated, the state has in the year or two previous to the 1995 session enacted major or omnibus domestic violence legislation and is in the process of implementing it, or the state is working on legislation for future sessions. Included in these categories are Alaska, Arizona, the District of Columbia, Hawaii, Indiana, Kansas, Kentucky, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Vermont, West Virginia, Wisconsin, and Wyoming.



It is our intention to publish a review of domestic violence legislation annually for at least the next two years, and we would appreciate it if you would call or write with corrections or suggestions for making the document more useful to you. The National Council's Family Violence Project also provides technical assistance related to state legislation and maintains a database of state family violence statutes which is constantly being updated. Please don't hesitate to contact us if you would like additional copies of this publication, or if we can provide assistance in any way related to the *Model Code on Domestic and Family Violence* or other family violence legislative issues.

1995 STATE LEGISLATION

STATE	Definitions	Criminal Penalties & Procedures	Civil Orders For Protection
Alabama	X	X	X
Alaska			
Arizona		X	
Arkansas	X	X	X
California	X	X	X
Colorado	X	X	X
Connecticut	X	X	X
Delaware			
Dist. of Columbia			
Florida		X	X
Georgia	X	X	
Hawaii		X	
Idaho		X	
Illinois			X
Indiana			
Iowa	X	X	X
Kansas			
Kentucky			
Louisiana	X	X	
Maine	X	X	X
Maryland		X	X
Massachusetts			
Michigan			
Minnesota		X	X
Mississippi		X	
Missouri			X

Family & Children	Prevention & Treatment	Miscellaneous
X	X	
X		
	X	X
X	X	
		X
		X
X	X	X
X		
		X
X		
X		X
X		
X	X	
X	X	
X		
X		

1995 STATE LEGISLATION

STATE	Definitions	Criminal Penalties & Procedures	Civil Orders For Protection
Montana	X	X	X
Nebraska			
Nevada	X	X	X
New Hampshire			X
New Jersey		X	
New Mexico	X	X	
New York		X	X
North Carolina		X	X
North Dakota	X	X	X
Ohio			
Oklahoma	X	X	X
Oregon	X	X	X
Pennsylvania	X	X	
Rhode Island	X	X	X
South Carolina		X	X
South Dakota			
Tennessee	X	X	X
Texas	X	X	X
Utah	X	X	X
Vermont			
Virginia		X	X
Washington	X	X	X
West Virginia			
Wisconsin			
Wyoming			X

Family & Children	Prevention & Treatment	Miscellaneous
	X	
X	X	
X		
	X	
	X	
	X	
X	X	X
	X	
	X	X
X	X	X
	X	
	X	
X	X	

LEGISLATIVE TRENDS

STATE	Full Faith And Credit	*Statewide Registry	Weapon Restriction
Alabama	X		
Alaska			
Arizona			
Arkansas	X	X	
California	X	X	X
Colorado		X	X
Connecticut		X	X
Delaware		X	X
Dist. of Columbia			
Florida		X	X
Georgia			
Hawaii			X
Idaho		X	
Illinois		X	X
Indiana		X	
Iowa	X		
Kansas			
Kentucky		X	
Louisiana			
Maine	X		
Maryland		X	
Massachusetts		X	X
Michigan		X	X
Minnesota		X	X
Mississippi			
Missouri	X	X	

Weapon Seizure	Insurance Discrimination	Custody Presumption
		X
X	X	
	X	
	X	X
		X
X		
	X	X
		X
	X	
		X

*To the best of our knowledge, these states have statewide registries in place or are in the process of developing them. The registries are not always created by the state legislature.

LEGISLATIVE TRENDS

STATE	Full Faith And Credit	*Statewide Registry	Weapon Restriction
Montana	X	X	X
Nebraska		X	
Nevada	X		
New Hampshire	X	X	X
New Jersey		X	X
New Mexico			
New York		X	X
North Carolina		X	X
North Dakota		X	X
Ohio		X	
Oklahoma		X	X
Oregon	X	X	X
Pennsylvania	X	X	X
Rhode Island	X	X	
South Carolina			
South Dakota		X	
Tennessee		X	
Texas		X	X
Utah		X	X
Vermont		X	
Virginia		X	X
Washington		X	X
West Virginia	X	X	
Wisconsin		X	
Wyoming			

Weapon Seizure	Insurance Discrimination	Custody Presumption
X		
		X
X		
X		
		X
X		
X		X
X		
X		
		X

*To the best of our knowledge, these states have statewide registries in place or are in the process of developing them. The registries are not always created by the state legislature.



LEGISLATURE MEETS:

Annually. There is an organizational meeting for 10 days in January following the quadrennial election. The sessions start in April the first year, February for the second and third years, and January for the fourth year. Each session lasts for 105 calendar days.

CRIMINAL PENALTIES AND PROCEDURES:

§15-23-42 is amended to provide for the termination of the confidential communications privilege of a crime victim counselor upon the death of the victim.

§ 30-5-9 is amended to make the violation of a protection order a class A misdemeanor, and to provide for penalties.

A section is created to establish victims' rights, including the right to notification

- of proceedings.
- of the release of a prisoner.

CIVIL ORDERS FOR PROTECTION:

§ 30-5-1 is amended to specify that the purposes of the "Protection From Abuse Act" are

- to assure victims of domestic violence the maximum protection from abuse that the law can provide.
- to create a flexible and speedy remedy.
- to expand the ability of law enforcement officers
 - ◊ to assist victims.
 - ◊ to enforce the law.
 - ◊ to prevent further incidents of abuse.
- to facilitate equal enforcement of criminal law.
- to recognize that battering is a crime.
- to provide for protection orders, court hearings, contents of orders, and penalties for violations of orders.

§ 30-5-4 is amended

- to require the parties to inform the court of other pending court actions.
- to authorize the court
 - ◊ to incorporate previous court orders into a protection order.
 - ◊ to modify previous visitation arrangements.
- to provide for any protection order issued by the court of another state to be accorded full faith and credit and enforced as if it were an order of this state.

§ 30-5-5 is amended

- to provide for the use of standard court forms.
- to prohibit the court from issuing mutual protection orders unless a separate petition has been filed by each party.
- to require the court to omit or delete the plaintiff's address if so requested.

FAMILY AND CHILDREN:

A section is added

- to create a rebuttable presumption that it is not in the best interest of the child to be placed in the sole custody, joint legal custody, or joint physical custody with the perpetrator of domestic or family violence.
- to specify factors to be considered by a court when awarding custody and/or visitation or modifying an order.

PREVENTION AND TREATMENT:

A section is created to appropriate \$359,674 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 1996.

ALASKA



LEGISLATURE MEETS:

Annually starting in January and normally ending in May.

FAMILY AND CHILDREN:

§ 25.20.065 is amended to require the court to consider whether there is any history of domestic violence when determining whether to grant rights of visitation between a grandparent and grandchild.

1996 LEGISLATIVE ISSUES:

Legislation has been introduced

- to prohibit increases in health insurance premiums if the insured is a victim of domestic violence.
- to create the Domestic Violence Prevention Act of 1996.
- to address violations of domestic violence restraining orders.

ARIZONA



LEGISLATURE MEETS:

Annually starting in January and normally ending in April.

CRIMINAL PENALTIES AND PROCEDURES:

§ 13-2921 is amended

- to require a person to have knowledge that his or her conduct is harassing.
- to require that the conduct would cause a reasonable person to be seriously alarmed, annoyed, or harassed.

§ 13-2923 is created to establish the crime of stalking.

INNOVATIVE EFFORTS:

The administration of marriage and divorce fees has been changed to provide Title 4A matching dollars.

1996 LEGISLATIVE ISSUES:

Legislation has been introduced

- to authorize a murderer convicted before October of 1992 to petition for a clemency hearing if the victim committed an act of domestic violence against the killer.
- to prohibit an insurance company from refusing to cover a victim of domestic violence.
- to require an officer responding to a domestic violence call to seize any deadly weapon in sight or found in a consent search.
- to require that both parties in a protection order case be advised of emergency and counseling services that are available.
- to prohibit the issuance of mutual orders of protection.

ARKANSAS



LEGISLATURE MEETS:

In odd-numbered years starting in January and normally ending in March.

CRIMINAL PENALTIES AND PROCEDURES:

§§ 5-26-301 - 307 are renumbered as §§ 5-26-303 - 309 and amended to classify domestic battering and assault on a family or household member as felonies or misdemeanors.

CIVIL ORDERS FOR PROTECTION:

§§ 5-71-229, 5-13-301, 5-71-208, and 5-71-209 are amended to provide for the issuance of 'no contact' orders against persons committing the offenses of stalking, terroristic threatening, harassment, and harassing communications.

A section is created

- to require the Arkansas Crime Information Center to maintain a registry of orders of protection.
- to require full faith and credit be accorded to registered orders issued in another state.

CALIFORNIA



LEGISLATURE MEETS:

Sessions begin in January of even-numbered years and end in November of the following odd-numbered year.

DEFINITIONS:

§ 4801 of the Penal Code is amended to define 'evidence of battered woman syndrome' for the provision which governs commutations of sentences and pardons.

CRIMINAL PENALTIES AND PROCEDURES:

The Penal Code is amended as follows:

§ 13730 requires domestic violence incident reports to include a notation of

- any signs that the alleged abuser was under the influence of alcohol or a controlled substance.
- any previous law enforcement response to a domestic violence call at the same address involving the same alleged abuser or victim.

Chapter 2.6 of Title 6 of Part 2 is repealed to eliminate diversion as an option for a defendant charged with a misdemeanor domestic violence offense.

§ 1203.097 incorporates procedures and requirements governing a batterers' program into terms of probation and as additional terms of formal probation.

§ 261.7 provides that spousal rape includes the circumstance where a person is prevented from resisting by any intoxicating, anesthetic, or controlled substance, and this condition was, or reasonably should have been, known by the accused.

§ 262 provides that in the prosecution of spousal rape, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device is not alone sufficient to constitute consent.

§ 679.02 creates a right in

- the victim of a violent felony to be notified of a pending pretrial disposition before a change of plea is entered.
- the victim of any felony to request to be notified of a pretrial disposition.

§ 13701 requires local law enforcement agency policies

- to discourage, when appropriate, but not prohibit, dual arrests.
- to encourage officers to make reasonable efforts to determine the primary aggressor in any incident.

§ 646.92 is created to require the Department of Corrections or the county sheriff to notify the victim of the release or escape from an institution of a person convicted of a felony offense involving domestic violence.

CIVIL ORDERS FOR PROTECTION:

§§ 6380 and 6385 of the Family Code are amended

- to expressly apply the provisions governing the Domestic Violence Protective Order Registry
 - ◊ to temporary restraining orders and injunctions relating to domestic violence issued to employers on behalf of employees.
 - ◊ to criminal court protective orders.
 - ◊ to domestic violence protective orders issued by the court of another state that have been registered with the court clerk.
- to require that the Department of Justice be notified of any custody and visitation terms and conditions upon issuance of the order.

§ 6345 of the Family Code is amended to provide that a domestic violence protective order issued after notice and a hearing may have a duration of not more than 10 years.

§ 755 is added to the Evidence Code to provide for an interpreter to be present when a party does not proficiently speak or understand the English language.

§ 646.9 of the Penal Code is amended to require the court, when sentencing for the crime of stalking, to consider issuing an order restraining the defendant from any contact with the victim for up to 10 years.

PREVENTION AND TREATMENT:

§ 13519 of the Penal Code is amended to require each law enforcement officer to complete, every two years, an updated course of instruction on domestic violence.

§ 13823.93 is added to the Penal Code to require two hospital-based training centers to be established to train medical personnel on how to perform medical evidentiary examinations of victims of child abuse and neglect, sexual assault, elder abuse, or domestic violence.

§§ 11163.3, 11163.4, and 11163.5 are added to the Penal Code

- to authorize counties to establish interagency domestic violence death review teams.
- to require the Attorney General to develop a protocol for the development and implementation of those teams.
- to authorize the Department of Justice
 - ◊ to coordinate state and local efforts to address fatal domestic violence.
 - ◊ to create a body of information to prevent domestic violence.

MISCELLANEOUS:

§ 274 is added to the Family Code to authorize the court to award attorney's fees and costs to an injured spouse.

§ 340.15 is added to the Code of Civil Procedure to provide that the time of commencement for an action for injury or death suffered as a result of domestic violence shall be three years from the date of the last act of domestic violence by the defendant against the plaintiff.

§ 782.5 is added to the Family Code to authorize the court to award 100 percent of the community interest in retirement and pension benefits to an injured spouse who has been the subject of an attempted murder for which the other spouse has been convicted.

§ 1374.75 is added to the Health and Safety Code and § 10144.2 is added to the Insurance Code to prohibit a health care service plan or a disability insurer from denying, refusing, canceling, restricting or otherwise terminating, excluding, or limiting coverage, or charging a different rate for the same coverage, on the basis that the applicant or covered or insured person is or may be a victim of domestic violence.

LEGISLATURE MEETS:

Annually starting in January. The sessions are limited to 120 calendar days.

CRIMINAL PENALTIES AND PROCEDURES:

§§ 18-6-801 and 18-6-803.5 are amended to prohibit a court from accepting a plea of guilty or nolo contendere to an offense which does not include the domestic violence designation when the factual basis of the case indicates an act of domestic violence, unless there is a good faith representation that the prosecuting attorney would be unable to establish a prima facie case if the defendant were brought to trial on the original offense.

§ 17-27.8-102 is amended to prohibit home detention in the home of the victim.

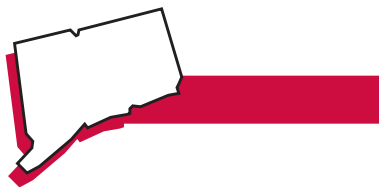
FAMILY AND CHILDREN:

§§ 14-10-107.8, 14-10-123.6, and 19-4-107.5 are added to require the disclosure of prior restraining orders to prevent domestic abuse when filing petitions for dissolution of marriage or legal separation, child custody, or determination of a parent and child relationship.

PREVENTION AND TREATMENT:

§ 12-36-135 is amended to require mandatory reporting of injuries which a physician has reason to believe are injuries resulting from domestic violence.

CONNECTICUT



LEGISLATURE MEETS:

Annually. In odd-numbered years, sessions start in January and normally end in June. In even-numbered years, sessions start in February and normally end in May.

DEFINITIONS:

A section is created to define a persistent offender of crimes involving assault, stalking, trespass, threatening, harassment, or criminal violation of a protection order.

MISCELLANEOUS:

§ 38a-816 is amended to include as an unfair practice refusing to insure, limiting the amount, extent or kind of coverage available to an individual, or charging an individual a different rate for the same coverage because such individual has been a victim of family violence.

DELAWARE



LEGISLATURE MEETS:

Annually starting in January and ending in June.

CRIMINAL PENALTIES AND PROCEDURES:

§ 9019 is created to ensure that the victim of a sexual offense will not be required to pay for forensic medical examinations that could be used in prosecuting the offense.

MISCELLANEOUS:

§ 2304 of Title 18 is amended to prohibit the practice of discrimination by life and/or health insurance companies based on an individual's status as a victim of domestic violence.

DIST. OF COLUMBIA

LEGISLATURE MEETS:

Starting on January 2 of odd numbered-years and ending on January 1 of the following odd-numbered year.

1994 LEGISLATIVE CHANGES:

Title 16 of the District of Columbia Code was amended

- to specifically allow the admission of evidence of an intrafamily offense in child custody cases.
- to require the court to make specific findings which support a determination that awarding custody or granting visitation to a contestant for custody who has committed an intrafamily offense is in the child's best interest.
- to extend the remedies for intrafamily offenses to those in romantic relationships.
- to establish a misdemeanor penalty for violating a protection order.



FLORIDA

LEGISLATURE MEETS:

Annually starting in March. Sessions normally last for 60 calendar days.

CRIMINAL PENALTIES AND PROCEDURES:

§ 741.31 is amended to authorize the court issuing an injunction for protection against domestic violence to award damages, including costs and attorney's fees, to any person who suffers an injury and/or loss as a result of a violation of that injunction.

§ 784.046 is amended

- to prohibit service or execution of an injunction by any person other than a law enforcement officer.
- to require that the information relating to the service be made available electronically to other law enforcement agencies.

§ 90.5036 is created to provide for a domestic violence advocate-victim privilege.

§ 784.035 is created to enhance the penalty for a third or subsequent offense of domestic violence battery by making it a felony of the third degree.

§ 741.2901 is amended to state the legislative intent for

- domestic violence to be treated as a criminal matter.
- criminal prosecution to be favored for enforcing compliance with injunctions for protection against domestic violence.

§ 741.31 is amended

- to provide a protocol for handling a violation of an injunction for protection against domestic violence.
- to request the Association of Florida Clerks of Court in conjunction with the Executive Office of the Governor and the Governor's Task Force, for the purpose of determining the

effectiveness of enforcement of injunctions, to coordinate and prepare a report which must be filed no later than December 1, 1996.

§ 784.047 is created to make the willful violation of an injunction for protection against repeat violence a misdemeanor of the first degree.

CIVIL ORDERS FOR PROTECTION:

§ 741.30 is amended to authorize the court to issue separate injunctions for protection against domestic violence.

PREVENTION AND TREATMENT:

§ 455.222 is created to require a one-hour educational course on domestic violence for all health care workers.

§ 790.065 is amended to prohibit the sale and delivery of firearms to a potential buyer against whom an injunction for protection against domestic violence has been entered.

A section is created to provide guidelines for the certification of batterers' intervention programs.

§ 741.281 is created to require a court to order a person found guilty of committing a crime of domestic violence to a minimum term of one year's probation and to attend a batterers' intervention program as a condition of probation.

MISCELLANEOUS:

§ 960.293 is amended to authorize the court to award liquidated damages in an amount equal to the actual damages awarded in a civil suit filed by a crime victim against a convicted offender.

§ 960.28 is amended to prohibit a medical provider who performs an initial forensic examination from billing a victim for that examination.

§ 626.9541 is amended to include as unfair discrimination for an insurer or managed care provider to underwrite a policy, to refuse to issue or renew a policy or to pay a claim, to cancel a policy, or to increase rates based solely upon the fact that an insured or applicant has made a claim or sought medical or psychological treatment for abuse, protection from abuse, or shelter from abuse.

GEORGIA



LEGISLATURE MEETS:

Annually starting in January and normally ending in March.

CRIMINAL PENALTIES AND PROCEDURES:

§ 17-4-20.1 is amended

- to require law enforcement officers who investigate incidents of family violence to submit written reports.
- to provide a list of information which must be included in family violence incident reports.

§ 17-6-1 is amended to make aggravated stalking an offense which is bailable only before a judge of the superior court.

FAMILY AND CHILDREN:

§§ 19-9-1 and 19-9-3 are amended

- to require the court, in custody and visitation cases, to consider as primary the safety and well-being of the child and of the parent who is the victim of family violence, and the perpetrator's history of causing, or causing reasonable fear of, physical harm, bodily injury, or assault.
- to prohibit the court from deeming as abandonment a parent's absence or relocation for a reasonable length of time because of an act of domestic violence by the other party.

§ 19-9-7 is created to require the court to find that adequate provision for the safety of the child and the parent who is a victim of family violence be made prior to awarding visitation to a parent who has committed one or more acts involving family violence.



HAWAII

LEGISLATURE MEETS:

Annually starting in January and normally ending in April.

CRIMINAL PENALTIES AND PROCEDURES:

Chapter 711 is amended to establish the offense of aggravated harassment by stalking, to be classified as a class C felony.

MISCELLANEOUS:

The sunset date for Act 182 of Session of Laws Hawaii of 1994 relating to abuse of family and household members is deleted. This act, originally scheduled to be repealed on July 30, 1995, amended § 709-906 by extending the authority of a police officer, when dealing with a domestic abuse incident, to order a cooling off period of 24 hours or longer, versus 12 hours, under certain circumstances.

1996 LEGISLATIVE ISSUES:

Legislation has been introduced

- to provide that a person commits the offense of custodial interference if, in the absence of a court order, the person
 - ◊ intentionally or knowingly takes, detains, conceals, or entices away a child, and
 - ◊ removes the child from the state.
- to authorize the court to issue additional protective orders upon the expiration of the original.
- to prohibit court ordered mediation where there has been family violence.
- to create a rebuttable presumption that it is not in the best interest of the child to be placed in sole custody, joint legal custody, or joint physical custody with the perpetrator of family violence.
- to provide for supervised visitation when ordering visitation to an abusive parent.
- to change exemptions from firearms regulations to preclude the application of any exemptions to any person who is the subject of a restraining order.

IDAHO



LEGISLATURE MEETS:

Annually starting in January and normally ending in March.

CIVIL ORDERS FOR PROTECTION:

§§ 39-6306 and 39-6311 are amended to authorize the court to renew protection orders for additional terms not to exceed one year each. Prior to this bill, the court could only renew for one additional one year term.

PREVENTION AND TREATMENT:

§ 18-918 is amended to provide for domestic violence counseling and treatment upon a conviction for domestic assault or battery.

§ 31-3201A is amended to provide for retention by the county treasurer and deposit in the district court fund, five dollars from the filing fees for divorce actions, to be used to establish a uniform system of qualifying and approving persons, agencies, or organizations to conduct evaluations of persons convicted of domestic assault or battery.

1996 LEGISLATIVE ISSUES:

Legislation has been introduced

- to authorize notice of a protection order in domestic violence cases to be sent by mail.
- to authorize the court to issue written or oral emergency orders for ex parte protection when a law enforcement officer states that the petitioner is in immediate danger of domestic violence.
- to prohibit mutual orders for protection.
- to provide criminal penalties for intentionally making a false statement while attempting to procure a domestic violence protection order.
- to authorize physicians to testify in all cases of physical injury to a person where it appears the injury has been caused as a result of domestic violence.

ILLINOIS



LEGISLATURE MEETS:

Annually starting in January and normally ending in May or June.

CIVIL ORDERS FOR PROTECTION:

§ 112A-14 of the Code of Criminal Procedure and § 214 of the Illinois Domestic Violence Act are amended to authorize the court to include in an order of protection a prohibition against firearm possession.

PREVENTION AND TREATMENT:

§ 8 of the Firearm Owners Identification Card Act is amended to authorize the Department of State Police to deny an application or to revoke and seize a Firearm Owner's Identification Card of a person who

- is subject to an existing order of protection prohibiting him or her from possessing a firearm.
- has been convicted within the past five years of battery or assault in which a firearm was used or possessed.

§ 5.408 is added to the State Finance Act to create the Violence Prevention Fund.

The Illinois Violence Prevention Act is created for the purpose of planning, coordinating, evaluating, and funding public health and safety approaches to violence prevention.

The Illinois Violence Prevention Authority is created to coordinate statewide violence prevention efforts, develop a statewide plan, seek and receive funds, distribute grants, and provide technical assistance and training.

INNOVATIVE EFFORTS:

The Illinois Vehicle Code is amended to add § 3-629, which provides for a violence prevention license plate. \$25.00 of the \$40.00 fee shall be deposited in the Violence Prevention Fund.

INDIANA



LEGISLATURE MEETS:

Annually for one day in November, then convenes in January. Sessions normally end by April 30 in odd-numbered years, and by March 15 in even-numbered years.

FAMILY AND CHILDREN:

§ 31-3-1-6 is amended to provide that the consent of a parent to adoption is not required if the parent is convicted of and incarcerated for a specified offense against either the child or the child's other parent.

1996 LEGISLATIVE ISSUES:

A constitutional amendment, which addresses the right of victims of violent crime to be treated with dignity and respect, will be on the November ballot.

Legislation has been introduced

- to require a law enforcement officer to arrest a person if the officer has probable cause to believe the person
 - ◊ violated a protective order.
 - ◊ has committed battery resulting in the bodily injury against the person's spouse or former spouse.
- to establish a rebuttable presumption that a parent who shows a pattern of domestic violence may not be awarded sole or joint custody of the child.
- to prohibit insurance discrimination against a person who has been the victim of domestic abuse.
- to create a centralized registry for protective orders.

IOWA



LEGISLATURE MEETS:

Annually starting in January and ending in April or May.

CIVIL ORDERS FOR PROTECTION:

§ 236.20 is created to provide for full faith and credit to be given to a protective order issued in another state once it has been properly filed.

§ 236.21 is created to prohibit a court from issuing mutual protective orders against the victim and abuser unless both file a petition requesting a protective order.

FAMILY AND CHILDREN:

§ 598.41 is amended

- to establish a rebuttable presumption against awarding joint custody if the court finds that a history of domestic abuse exists.
- to establish that just cause for denial by one parent of the child's opportunity for maximum continuing contact with the other parent may include a determination by the court that a history of abuse exists between the parents.
- to prohibit a court from considering relocation or absence of a victim parent, based on fear or threats of domestic abuse perpetrated by the other parent, as a factor against awarding custody or visitation to the victim parent.
- to require that a finding by the court that a history of domestic abuse exists, which is not rebutted, outweighs consideration of any other factor in awarding custody.
- to require the court to consider a provided list of factors in determining whether a history of abuse exists.

§ 600A.8 is amended to add to the list of grounds which may be considered when ordering termination of parental rights a finding that the parent has been determined to be a chronic substance abuser or has committed a second or subsequent domestic abuse assault.

§ 598.7A is created to authorize the court to require mediation to attempt to resolve differences between the parties relative to the granting of a marriage dissolution decree, unless the court determines that a history of domestic abuse exists or that physical or emotional harm to the child, other children, or a parent is likely to result.

PREVENTION AND TREATMENT:

§ 598.8 is amended to require the court, upon the request of either party, to provide security in the courtroom during a custody hearing if a history of domestic abuse exists.

§ 13.2 is amended to require the attorney general to develop written procedures and policies to be followed in the prosecution of domestic abuse cases.

MISCELLANEOUS:

§ 507B.4 is amended to prohibit discrimination in the sale of insurance solely on the basis of domestic abuse.



LEGISLATURE MEETS:

Annually starting in January and lasting 125 to 145 calendar days.

1996 LEGISLATIVE ISSUES:

Legislation has been introduced

- to prohibit insurance discrimination against victims of domestic abuse.
- to create the Kansas Trust Fund for prevention of domestic violence.
- to prohibit the issuance of a license to carry concealed weapons to an applicant who is subject to a restraining order issued under the Protection From Abuse Act.

Legislation which would establish a rebuttable presumption that it is detrimental to the child and not in the best interest of the child to be placed in sole custody, joint legal custody, or joint physical custody with the perpetrator of family violence may also be introduced this year.

KENTUCKY



LEGISLATURE MEETS:

Starting in January and normally ending in April of even-numbered years. Meets for ten days in January of odd-numbered years for an organizational session only.

1996 LEGISLATIVE ISSUES:

Legislation has been introduced

- to urge the public universities to include curricula addressing domestic violence.
- to prohibit mediation in certain domestic violence cases.
- to permit a domestic violence order to be valid for up to three years instead of one year.
- to require all orders for protection to be issued on a form prescribed by the Administrative Office of the Courts.
- to require protective orders issued in other states be entitled to full faith and credit.
- to establish certification standards for mental health professionals providing court-mandated treatment services for domestic violence offenders.
- to require training concerning domestic violence for
 - ◇ employees of the Department of Social Services.
 - ◇ staff of agencies providing protective shelter services for victims of domestic violence.
 - ◇ mental health professionals, physicians, and nurses.
 - ◇ Commonwealth's attorneys, county attorneys, and their staffs.
 - ◇ law enforcement officers.
 - ◇ judges.
 - ◇ circuit clerks and deputy clerks.
- to require the development of a law enforcement training manual on procedures and policies which addresses domestic violence.
- to enhance penalties for domestic assault.

LOUISIANA



LEGISLATURE MEETS:

Annually. In even-numbered years, sessions start in April and run no longer than 45 calendar days. In odd-numbered years, sessions start in March and run no longer than 85 calendar days.

CRIMINAL PENALTIES AND PROCEDURES:

R.S. 14:79 is amended to reclassify the violation of a protective order for certain crimes as a felony.

FAMILY AND CHILDREN:

R.S. 9:364 is amended to authorize the court to find a 'history of perpetrating family violence' if one incident of family violence has resulted in serious bodily injury or there is more than one incident of family violence.

MISCELLANEOUS:

R.S. 46:1844 is created to provide for a statewide crime victim assistance hotline.

MAINE



LEGISLATURE MEETS:

Annually. Following the November election in an even-numbered year, the legislature organizes in December, officially starts in January, and ends in June of the odd-numbered year. In even-numbered years, the session starts in January and ends in April.

CRIMINAL PENALTIES AND PROCEDURES:

16 MRSA § 53-B is created to provide for privileged communications between victims of domestic violence and their advocates.

CIVIL ORDERS FOR PROTECTION:

15 MRSA § 321 and 19 MRSA § 769 are amended to extend full faith and credit to protection orders issued in any other state, territory, commonwealth, or tribe.

FAMILY AND CHILDREN:

19 MRSA § 752 is amended

- to require the court to consider as primary the safety and well-being of the child in making decisions regarding primary residence and parent-child contact.
- to require the court to establish conditions of parent-child contact in cases involving domestic abuse and to provide guidelines for those conditions.
- to establish that a finding that domestic or family violence has occurred since the last custody determination constitutes a change of circumstances.

PREVENTION AND TREATMENT:

Funds are appropriated to the Department of Human Services for Next Step, a domestic violence shelter that will serve the towns in Hancock County.

19 MRSA § 752 is amended to prohibit the court from ordering, and the state from paying, for a defendant to attend a batterers' intervention program unless the program is certified.



MARYLAND

LEGISLATURE MEETS:

Annually starting in January and ending in April.

CRIMINAL PENALTIES AND PROCEDURES:

Article 27 § 594B is amended to require a police officer to consider whether one of the parties acted in self-defense when making the determination whether to arrest the person whom the officer believes to be the primary aggressor.

Article 88B § 7A is amended to require the Department of State Police to cooperate with the administrative office of the courts, the chief clerk of the District Court of Maryland, and the clerks of the circuit courts to receive, accept, and incorporate civil protective orders in the Maryland Interagency Law Enforcement System.

§ 4-509 is amended to require an officer to arrest, with or without a warrant, and take into custody a person whom the officer has probable cause to believe is in violation of an ex parte order or protective order in effect at the time of the violation.

CIVIL ORDERS FOR PROTECTION:

§ 4-506 is amended to authorize the court to issue mutual protective orders if the court finds by clear and convincing evidence that mutual abuse has occurred. Before issuing such orders, the court is required to make a detailed finding of fact that both parties acted as primary aggressors, and neither party acted primarily in self-defense.

§ 4-506 is amended to authorize the court to issue an earnings withholding order, when issuing a protective order, that includes an award for emergency family maintenance.

FAMILY AND CHILDREN:

§ 9-101.1 is amended to require the court

- to consider evidence of abuse when deciding custody or visitation issues.
- to make arrangements for custody or visitation that best protect the child and the victim of abuse if the court finds that a party has committed abuse.

§ 5-312 is amended to allow evidence of a natural parent's conviction for a crime of violence against the other natural parent to be considered by the court when determining whether to grant a decree of adoption without the consent of that parent.

PREVENTION AND TREATMENT:

§ 2-4-4 is amended to authorize the Boards of County Commissioners for Washington and Calvert Counties to set an additional marriage license fee, the proceeds of which are to be used to fund battered spouse shelters and domestic violence programs.

Authorization is provided for the creation of a State Debt to Montgomery County for a center on domestic violence.



LEGISLATURE MEETS:

Annually starting in January. Sessions may last until the following January.

PREVENTION AND TREATMENT:

§§ 4, 37, and 44 of Chapter 51 are amended to provide for confidential voter registration for persons providing a copy of a court order granting protection or evidence of residence in a protective shelter.

MISCELLANEOUS:

§ 120D was added to Chapter 175 to prohibit discrimination against abuse victims in terms of life insurance or endowment insurance.

1996 LEGISLATIVE ISSUES:

Legislation has been introduced

- to create a rebuttable presumption that it is not in the best interests of the child to be placed in sole custody, shared legal custody, or shared physical custody with an abusive parent.
- to require the court to provide for the safety and well-being of the child and the safety of the abused parent if ordering visitation to an abusive parent.
- to create the crime of aggravated assault.
- to protect records of confidential communications between victims of domestic violence and/or sexual assault and their counselors.

MICHIGAN



LEGISLATURE MEETS:

Sessions run for two years, starting in January of odd-numbered years and ending in December of the following even-numbered year.

1996 LEGISLATIVE ISSUES:

Legislation has been introduced

- to prohibit insurers, health maintenance organizations, and health care corporations from rating or refusing insurance coverage to victims of domestic assault.
- to allow a 10 year period of limitations for an action charging assault or battery brought by a victim of domestic violence.
- to authorize a police officer to arrest, with or without a warrant, an individual for violating a local ordinance
 - ◇ if the officer has reasonable cause to believe the violation occurred or is occurring, and
 - ◇ the individual has had a child in common with the victim, resides or has resided with the victim, or is a spouse or former spouse of the victim.

MINNESOTA



LEGISLATURE MEETS:

Annually. In even-numbered years, sessions start in January and normally end in May. In odd-numbered years, sessions start in January or February and end in March or April.

CIVIL ORDERS FOR PROTECTION:

§ 518B.01 is amended

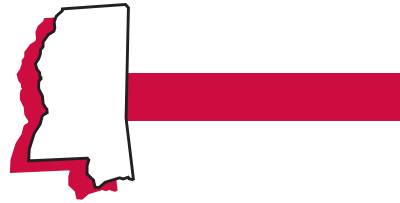
- to require the court to advise the petitioner
 - ◇ of the petitioner's right to request a hearing.
 - ◇ of the respondent's right to request a hearing.
- to substitute 'ex parte' for 'temporary' orders and authorize the court to use its discretion in fixing the period of time for the order.
- to provide that any ex parte order will be in effect for the stated fixed period unless a hearing is requested.

FAMILY AND CHILDREN:

§ 256.996 is created to establish the Cooperation for the Children Program which is designed to provide a nonjudicial forum to aid in the resolution of custody and visitation issues. The program is required

- to screen all referrals for domestic abuse.
- to allow the parents to attend separate sessions with the program facilitator if there are allegations or indications of domestic abuse.
- to utilize certified mediators who are competent in recognizing the dynamics of domestic abuse, except in relationships that involve allegations or indications of domestic abuse, where mediation services are not appropriate.

MISSISSIPPI



LEGISLATURE MEETS:

Annually starting in January and lasting approximately 90 calendar days, generally adjourning in mid-April.

CRIMINAL PENALTIES AND PROCEDURES

§ 93-21-28 is created

- to authorize emergency law enforcement response in domestic abuse cases.
- to set out the duties of law enforcement when responding to a victim of domestic or family violence.

§ 99-3-7 is amended to require arrest, with or without a warrant, where there is probable cause to believe an act of domestic violence has been committed or a protective order has been violated.

CIVIL ORDERS FOR PROTECTION:

§ 93-21-13 is amended to authorize the court to extend the duration of a temporary protection order from 5 days to 10 days.

1996 LEGISLATIVE ISSUES:

Legislation has been introduced

- to require law enforcement agencies to develop, adopt, and implement written policies regarding arrest procedures for domestic abuse incidents.
- to include justice court protective orders under the authority to make an arrest without a warrant.
- to enhance penalties for violations of protective orders regarding domestic violence.
- to prohibit the court from ordering mediation in any judicial proceeding where a party has been the victim of family violence.
- to create a presumption that no parent who has a history of perpetrating domestic violence shall be awarded custody of children.

MISSOURI



LEGISLATURE MEETS:

Annually starting in January and ending in May.

CIVIL ORDERS FOR PROTECTION:

§ 455.050 is amended

- to allow the court to establish a visitation schedule that is in the best interests of the child when issuing an order of protection.
- to allow for the appointment of a guardian ad litem or court appointed special advocate whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

§ 455.060 is amended

- to allow the court to modify an order of protection upon a motion filed by the guardian ad litem or the court appointed special advocate.
- to provide that orders of protection shall terminate upon the entry of a decree of dissolution, except those provisions which enjoin a person from abusing, molesting, stalking, or disturbing the peace or entering the premises of another.

§ 455.032 is created

- to give the court jurisdiction to enter an order of protection if the petitioner is present in Missouri permanently or on a temporary basis.
- to allow for the admission of evidence of abuse outside the state.

§ 455.040 is amended

- to allow service of process for protection order hearings to occur within three days instead of five.
- to allow service of a full order of protection to occur by certified mailing of a copy of the order to the respondent.

§ 455.067 is created to require full faith and credit to be given to any order of protection issued by any other state, territory, or possession of the United States.

§ 455.073 is created to require the Supreme Court of the State of Missouri to develop, adopt, and use uniform forms for petitions and orders of protection.



LEGISLATURE MEETS:

In odd-numbered years beginning in January. The sessions are limited to 90 legislative days, normally ending in April.

CRIMINAL PENALTIES AND PROCEDURES:

§ 45-5-206 is amended

- to increase the penalty for convictions of partner or family member assault as the number of convictions increase.
- to provide for convictions in other states to be taken into account.
- to allow the court to prohibit a convicted offender from possession or use of the firearm used in an assault, if a firearm was used.

§ 45-5-626 is amended to provide for increased penalties for continued violations of orders of protection.

A section is added to Title 46, chapter 6, part 6 to require a peace officer responding to a call relating to partner or family member assault to seize the weapon used or threatened to be used in the alleged assault.

CIVIL ORDERS FOR PROTECTION:

A section is added to Title 40

- to provide for order of protection hearings.
- to prohibit mutual protection orders.

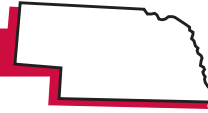
A section is added to Title 40 to direct the attorney general to prepare and distribute uniform sample forms to court clerks, who are to make the forms available to the public at no charge.

A section is added to Title 40 to provide for the issuance of permanent written orders of protection.

MONTANA

A section is added to Title 40 to direct courts and law enforcement

- to give full faith and credit to all orders of protection issued within the state.
- to enforce orders of protection issued in another state if properly filed in a Montana court.



NEBRASKA

LEGISLATURE MEETS:

Annually beginning in January. Meets for 90 legislative days in odd-numbered years, ending in May. Meets for 60 legislative days in even-numbered years, ending in April.

1996 LEGISLATIVE ISSUES:

Legislation has been introduced to prohibit the issuance of a concealed hand gun license to a person

- who has been convicted of stalking.
- who is subject to a restraining order, injunction, or protection order against domestic violence.



LEGISLATURE MEETS:

In odd-numbered years, beginning in January and normally ending in June of the same year.

DEFINITIONS:

§ 33.018 is amended to include domestic violence acts which occur in dating relationships.

CRIMINAL PENALTIES AND PROCEDURES:

A section is added to Chapter 52 to allow for a copy or transcript of the content of recordings of telephone calls made through an emergency system to be used as evidence.

§ 200.575 is amended to classify as aggravated stalking

- stalking of a spouse while a proceeding for the dissolution of their marriage is pending or within six months after entry of the final decree.
- stalking of a person with whom he has a child in common while a proceeding for the custody of that child is pending.

§ 33.060 is amended to require law enforcement to enforce orders without regard to the county in which the order was issued.

FAMILY AND CHILDREN:

§ 125.480 is amended

- to create a rebuttable presumption that sole or joint custody of the child by the perpetrator of domestic violence is not in the best interest of the child if there is a determination by the court that either parent or any other person seeking custody has engaged in one or more acts of domestic violence against the child or any other person residing with the child.
- to require the court to set forth findings that custody and visitation arrangements adequately protect the child and the parent or other victim of domestic violence who resided with the child.

- to require the court to determine, if possible, which party was the primary aggressor in cases where both parties engaged in acts of domestic violence.

§ 125A.360 is amended

- to create a rebuttable presumption that sole or joint custody of the child by the perpetrator of a sexual assault is not in the best interest of the child, if the person convicted of the sexual assault is the spouse of the victim at the time of the sexual assault.
- to require the court to set forth findings that any custody and visitation arrangements adequately protect the child and the victim.

PREVENTION AND TREATMENT:

\$20,000 is appropriated from the state general fund to the office of the attorney general for applying for federal grants concerning family violence.

NEW HAMPSHIRE



LEGISLATURE MEETS:

Annually starting in January and lasting for 45 legislative days or until July 1, whichever comes first.

CIVIL ORDERS FOR PROTECTION:

A section is created to establish a family division pilot program with jurisdiction of family matters such as protection of persons from domestic violence, and child custody and visitation.

1996 LEGISLATIVE ISSUES:

Legislation has been introduced

- to require the court to issue telephonic emergency temporary orders to protect a plaintiff from domestic abuse.
- to authorize the application for, or issuance of, domestic violence temporary and final orders telephonically or by facsimile transmission.
- to prohibit a person convicted of a violent misdemeanor from possessing a firearm and certain other weapons.
- to include, as eligible for compensation, any person who sustains personal injury as a result of a felony or misdemeanor.
- to make the incarceration of a parent for capital murder or first or second degree murder grounds for termination of parental rights.

NEW JERSEY



LEGISLATURE MEETS:

Annually from January through June and from September through December.

CRIMINAL PENALTIES AND PROCEDURES:

§ 2C:25-29 is amended to prohibit the use of in-house restraining orders in cases involving domestic violence.

1994 LEGISLATIVE CHANGES:

Legislation was passed

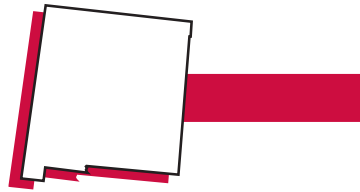
- to add stalking to the list of acts that constitute domestic violence.
- to require that all judges, judicial personnel, and law enforcement personnel attend initial and bi-annual in-service training on the handling of domestic violence matters.
- to authorize a judge to order the search for, and seizure of, any weapons as a condition of release or bail in a domestic violence situation.
- to require a hearing prior to dissolving or modifying an ex parte order.
- to prohibit mediation in situations where domestic violence is an issue.

1996 LEGISLATIVE ISSUES:

Legislation has been introduced

- to establish a domestic violence central registry.
- to restrict the purchase of firearms by anyone who has been the subject of a domestic violence restraining order.
- to require police to seize weapons at the scene of domestic violence incidents.
- to upgrade simple assault committed against domestic violence victims to aggravated assault.
- to clarify that a defendant who claims self defense in prosecution for homicide or assault shall be entitled to introduce evidence of past child abuse or domestic violence committed by the victim.
- to establish the Address Confidentiality Program for victims.

NEW MEXICO



LEGISLATURE MEETS:

Annually starting in January. In odd-numbered years sessions are limited to 60 calendar days, normally ending in March. In even-numbered years sessions are limited to 30 calendar days, normally ending in February.

DEFINITIONS:

§§ 30-3A-3, 31-1-7, and 40-13-2 are amended to expand the definition of household member to include a spouse, former spouse, family member, including a present or former step-parent or in-law, or a person with whom the threatened person has had a continuing relationship. Cohabitation is not necessary to be deemed a household member.

CRIMINAL PENALTIES AND PROCEDURES:

§ 40-13-7 is amended

- to provide for emergency assistance to victims of domestic abuse from local law enforcement.
- to provide for victim notification when an abusing household member is released from jail or detention.
- to protect law enforcement officers from civil liability when responding to requests for assistance.
- to require a statement to be included in a judgment and sentence document to indicate when a conviction results from the commission of domestic abuse.

The Criminal Code is expanded to include the “Crimes Against Household Members Act.”

1996 LEGISLATIVE ISSUES:

Legislation has been introduced

- to request the Human Services Department to conduct a study to determine the feasibility of creating a domestic violence certification program.
- to request an investigation and report on health and life insurance availability to domestic violence victims.

NEW YORK



LEGISLATURE MEETS:

Annually starting in January. Meets all year round, but a majority of the work is done by July.

CRIMINAL PENALTIES AND PROCEDURES:

§ 530.11 of the Criminal Procedure Law and § 812 of the Family Court Act are amended to provide for the family court and the criminal courts to expand their concurrent jurisdiction to include any proceeding concerning aggravated assault in the second degree.

CIVIL ORDERS FOR PROTECTION:

- § 240 of the Domestic Relations Law, §§ 446, 551, 656, 759, 842, and 1056 of the Family Court Act, and § 530.12 of the Criminal Procedure Law are amended to authorize the court to grant additional relief and impose additional conditions in a protection order, including
- ordering the respondent to refrain from committing a family offense or any criminal offense against the child, the other parent, or any person to whom custody of the child is awarded, or from harassing, intimidating, or threatening such persons.
 - granting permission to a designated party to enter the residence during a specified period of time in order to remove personal belongings.

§ 240 of the Domestic Relations Law is amended to direct the chief administrator of the courts to promulgate appropriate uniform temporary orders of protection and orders of protection forms which are compatible with the statewide computerized registry.

§ 59 of chapter 222 is amended to change the date of operation of the computerized registry of protection orders to on or after October 1, 1995.

NEW YORK

PREVENTION AND TREATMENT:

The Labor Law is amended to add § 10-a to study the issue of employees separated from employment due to acts of domestic violence. The study is to be completed and submitted by January 15, 1996.



NORTH CAROLINA

LEGISLATURE MEETS:

Annually. In odd-numbered years sessions start in January and have no statutory ending date. In even-numbered years sessions usually start in May and last for four to six weeks.

CRIMINAL PENALTIES AND PROCEDURES:

§ 15A-534.1 is amended

- to require that the judicial official who determines the conditions of pre-trial release be a judge.
- to provide that a defendant may be retained in custody not more than 48 hours from the time of arrest without a determination being made by a judge regarding release.

§ 14-269.8 is created

- to prohibit the purchase of firearms by a person subject to a domestic violence order.
- to make the violation of this provision a felony.

CIVIL ORDERS FOR PROTECTION:

§ 50B-3 is amended

- to allow the court to include a prohibition on the purchase of firearms in a protection order.
- to require that the sheriff of the county where a domestic violence order is entered provide for immediate entry of the order and any modifications of the order into the Division of Criminal Information Network.



LEGISLATURE MEETS:

In odd-numbered years, starting in January and ending in April.

DEFINITIONS:

Subsection 2 of 14-07.1-01 is amended to expand the definition of domestic violence to include sexual activity compelled by physical force.

CRIMINAL PENALTIES AND PROCEDURES:

§ 14-07.1-11 is amended to provide for mandatory warrantless arrest for violation of a protection order within four hours from the time an officer determines there is probable cause to believe an assault of a family member has taken place.

§ 14-07.1-13 is amended to require the court to order the surrender of firearms or dangerous weapons under certain circumstances.

CIVIL ORDERS FOR PROTECTION:

A section is added to chapter 11-15

- to require the sheriff to notify the bureau of criminal investigation of any disorderly conduct restraining order within twenty-four hours of issuance.
- to require a law enforcement agency to enter the order into any information system available in the state that is used to list outstanding warrants.

A section is added to chapter 12-60 to require the bureau to maintain a registry of all orders of which it receives notice.

A subsection is added to § 12.1-31.2-01 and subsection 6 of § 14-07.1-03 is amended to provide that fees for filing and service of process may not be charged to the petitioner in any proceeding seeking relief due to domestic violence.

PREVENTION AND TREATMENT:

§ 49-21-01.6 is amended to provide that per-line blocking must be provided without charge to residential customers and domestic violence agencies if call identification services are also offered.



LEGISLATURE MEETS:

Annually starting in January. Sessions generally end in July in odd-numbered years and in June in even-numbered years.

1995 FOCUS:

The focus for 1995 was on implementation of 1994 legislation with emphasis on

- assisting law enforcement and hospitals to develop policies to address domestic violence.
- developing a protection order registry.

1994 LEGISLATIVE CHANGES:

Legislation was passed

- to allow for the victim in both civil and criminal matters to be accompanied by a victim advocate during all court procedures.
- to increase funding to shelters.
- to modify the definition of family members.
- to require counties to enforce protection orders regardless of
 - ◊ whether the order is registered in the county.
 - ◊ where the order was issued.
- to prohibit mutual restraining orders absent specific circumstances.
- to establish a preferred arrest policy.
- to require police officers to make a primary physical aggressor determination.
- to authorize the confiscation of deadly weapons at the scene.
- to establish guidelines for police policies and procedures regarding domestic violence.
- to require the Clerk of the Courts to maintain a registry of certified copies of protection orders that have been registered.
- to require hospitals to develop protocols for conducting interviews and creating photographic evidence.
- to require State Boards to develop continuing education courses for nurses, doctors, psychologists, counselors, and social workers.

1996 LEGISLATIVE ISSUES:

There are plans to introduce legislation which would modify visitation in cases where there is domestic violence. In June of 1996, the Supreme Court Domestic Violence Task Force will issue its report, which should include recommendations for legislative changes.



LEGISLATURE MEETS:

Annually beginning with a one day organizational session in January. The legislative session begins in February and ends in May.

DEFINITIONS:

§ 60.1 is amended

- to expand the definition of domestic abuse to include persons who are or were in a dating relationship.
- to expand the definition of family or household members to include foster parents.
- to define dating relationship as a courtship or engagement relationship.

CRIMINAL PENALTIES AND PROCEDURES:

§ 60.6 is amended to increase the penalties for second or subsequent convictions for violation of a protective order.

§ 60.11 is created to require that any ex parte or final protective order issued pursuant to the Protection from Domestic Abuse Act have prominently printed on it a statement that

- the filing or nonfiling of criminal charges and the prosecution of the case shall not be determined by a person who is protected by the order, but shall be determined by the prosecutor.
- no person, including a person who is protected by this order, may give permission to anyone to ignore or violate any provision of the order.

§ 1105 is amended to provide that no police officer or sheriff may release a person arrested for a violation of an ex parte or final protective order or arrested for an act constituting domestic abuse, stalking, or harassment, without the violator appearing before a magistrate, judge, or court who is required to determine bond and other conditions of release as necessary for the protection of the alleged victim.

PREVENTION AND TREATMENT:

§§ 1290.10 and 1290.11 of Title 21 are created to preclude eligibility for

- a handgun license if convicted of any provision of the Protection from Domestic Abuse Act.
- a concealed handgun license upon the entry of a court order for a Victim Protection Order or if arrested for a violation of the Protection from Domestic Abuse Act.



LEGISLATURE MEETS:

In odd-numbered years, starting in January and ending in June or July.

DEFINITIONS:

§ 107.705 is amended to expand the definition of family or household member to include adult persons related by adoption, and unmarried parents of a child, regardless of the age of the child.

§ 163.732 is amended to expand the definition of stalking

- by deleting the requirement that the repeated and unwanted contact be without a legitimate purpose.
- by adding a reasonable person standard.
- by adding the requirement that the contact cause reasonable apprehension.

CRIMINAL PENALTIES AND PROCEDURES:

§ 166.293 is amended to provide that the violation of a condition of an order issued pursuant to the Abuse Prevention Act or stalking protective order provisions is cause for revoking a concealed handgun license.

CIVIL ORDERS FOR PROTECTION:

§ 107.710 is amended to require that in any petition for relief from abuse, when the petitioner requests custody of any child, the petition must disclose

- the child's present residence.
- the name and address of the party or other responsible person with whom the child is presently residing.
- the name and current address of any party or other responsible person with whom the child resided for the five years immediately prior to the filing of the petition.

§ 107.718 is amended

- to allow the court to prohibit the respondent from

intimidating the petitioner or any children.

- to award other relief necessary to provide for the safety and welfare of the petitioner and children.
- to require the court to make adequate provision for the safety of the child and petitioner if visitation is awarded to the abuser. Guidelines, including options for supervised visitation and required attendance and completion of a program of intervention, are provided.

A section is added to and made a part of §§ 107.700 and 107.730 to provide that an order or modification to an order that provides for the custody of a child shall, when requested by the party awarded custody, contain a provision

- ordering a peace officer to assist in recovering the custody of the child.
- authorizing the use of any reasonable force necessary to that end.

§ 107.718 is amended to allow the court to prohibit the respondent from entering a reasonable area surrounding the petitioner's residence.

PREVENTION AND TREATMENT:

§ 137.303 is amended to provide that 0.900% of moneys in the Criminal Fine and Assessment Account shall be transferred to the Domestic Violence Fund.

§ 181.642 is amended to require that all police officers are trained to investigate, identify, and report crimes that constitute domestic violence.

INNOVATIVE EFFORTS:

§ 106.041 is amended to provide that a marriage license must contain a statement that, "Neither you nor your spouse is the property of the other. The laws of the State of Oregon affirm your right to enter into marriage and at the same time to live within the marriage free from violence and abuse."

PENNSYLVANIA



LEGISLATURE MEETS:

Annually starting in January and normally meeting most of the year. Technically the legislature meets from January in odd-numbered years until November 30 of even-numbered years.

DEFINITIONS:

§ 479.1 is amended, for purposes of the Crime Victims Compensation Board, to include violations of any protective order issued as a result of an act related to domestic violence in the definition of ‘personal injury crime.’

CRIMINAL PENALTIES AND PROCEDURES:

§ 479.3 is amended to provide for victim notification

- of offender release or escape from a correctional facility.
- of the release of the offender on bail when the offender was incarcerated for the violation of a protection from abuse order.

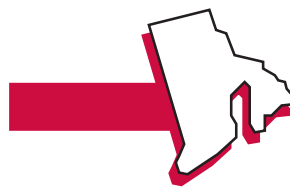
§§ 1726.1 and 1726.2 are added to Title 42

- to provide that the cost of a forensic rape examination or other physical examination conducted for the purpose of gathering evidence and the cost to provide medications shall not be charged to the victim.
- to provide that costs or fines associated with the filing of criminal charges or the issuance or service of a warrant, protection order, or subpoena shall not be charged to the victim of a domestic violence incident.

PREVENTION AND TREATMENT:

§ 6105 of Title 18 is amended to prohibit from possessing, using, controlling, selling, transferring, or manufacturing firearms, a person who is the subject of an active protection from abuse order which provided for the confiscation of firearms. Any person so prohibited is also prohibited from obtaining a license to carry a firearm.

RHODE ISLAND



LEGISLATURE MEETS:

Annually starting in January and generally ending in May.

DEFINITIONS:

§ 12-29-2 is amended to include stalking in the definition of crimes of domestic violence.

CRIMINAL PENALTIES AND PROCEDURES:

§ 11-59-2 is amended

- to provide that a second or subsequent conviction for stalking, regardless of the time frame or victim, shall be deemed a felony punishable by imprisonment and/or a fine.
- to delete the requirement that harassment of another person be willful, malicious, and repeated, for the crime of stalking to be committed.

§ 12-29-5 is amended to provide for mandatory jail sentences, which cannot be suspended, for a second or subsequent conviction of an offense punishable as a misdemeanor involving domestic violence.

CIVIL ORDERS FOR PROTECTION:

§§ 15-15-3 and 8-8.1-3 are amended to authorize the court

- to prohibit the defendant from contacting the plaintiff.
- to grant relief for up to three years in the original order.

§ 15-15-8 is amended to require a law enforcement officer to act upon a certified copy of a foreign protection order in the same manner as upon an order issued by a court of this state.

SOUTH CAROLINA



LEGISLATURE MEETS:

Annually starting in January and normally ending in June.

CRIMINAL PENALTIES AND PROCEDURES:

§ 16-25-70 is amended

- to require an officer to arrest, with or without a warrant,
 - ◊ if physical manifestations of an injury are present, and
 - ◊ the officer has probable cause to believe the person to be arrested committed a misdemeanor or felony.
- to require an officer to make a primary aggressor determination.
- to prohibit an officer from discouraging requests for intervention.
- to require an officer to include grounds for the arrest in the written report when arresting both parties.

Chapter 3, Title 16 is amended to add Article 17

- to prohibit harassment and stalking.
- to provide definitions and penalties.
- to authorize temporary restraining orders.
- to authorize warrantless arrests.

CIVIL ORDERS FOR PROTECTION:

§ 20-4-70 is amended

- to authorize the court to issue an order of protection for up to one year.
- to authorize either party to request an extension.
- to require the order to be enforced until further order of the court following the issuance, unless, before the expiration period, the court has scheduled a hearing pursuant to the filing of an action, in which case the relief granted remains in effect until an order pursuant to the hearing is issued by the court.

SOUTH DAKOTA



LEGISLATURE MEETS:

Annually starting in January. Sessions are limited to 40 legislative days in odd-numbered years and end in March. Sessions are limited to 35 legislative days in even-numbered years and end in February.

PREVENTION AND TREATMENT:

A comprehensive interim study and comparison of the *Model Code on Domestic and Family Violence* and existing state statutes and domestic abuse programs was authorized but not funded.

INNOVATIVE EFFORTS:

South Dakota's Legislative Research Council held a Legislative Issue Forum on Domestic Violence in Pierre, South Dakota which included an overview of the *Model Code*. Legislators attended in person and via South Dakota's rural telecommunications system.

1996 LEGISLATIVE ISSUES:

Legislation has been introduced

- to make an appropriation for grants for domestic and sexual abuse shelter programs.
- to include certain dating relationships for purposes of protection from domestic abuse.
- to require the surrender of firearms and other dangerous weapons under the provisions of certain protection orders and temporary protection orders.
- to create the South Dakota Domestic Violence Council.
- to define and establish partner or family member assault as a crime separate and distinct from other assaults or domestic abuse and to provide penalties therefor.
- to provide for the mandatory arrest of the primary aggressor in certain domestic abuse situations.
- to give full faith and credit to domestic protection orders issued by other jurisdictions.

- to restrict the issuance of mutual orders for protection against domestic abuse.
- to revise the classification of offenders subject to warrantless arrest in domestic abuse cases.
- to provide for domestic and sexual abuse training for hospital emergency room personnel.
- to provide for additional domestic abuse training for law enforcement officers.
- to create a rebuttable presumption that awarding custody or granting visitations to the abusive party is not in the best interests of the child if the court finds credible evidence that domestic abuse has occurred.



LEGISLATURE MEETS:

Annually for approximately 45 legislative days starting in January and ending in May.

DEFINITIONS:

Title 36, Chapter 3, Part 6 is amended to clarify the purpose and intent of the legislature to recognize the seriousness of domestic abuse.

§ 39-17-315 is amended to substitute text

- to define the offense of stalking.
- to provide definitions and penalties, including the classification of a second or subsequent violation involving the same victim and occurring within seven years of the prior conviction as a class C felony.

CRIMINAL PENALTIES AND PROCEDURES:

Title 36, Chapter 3, Part 6 is amended to add two sections

- to make the preferred response arrest if a law enforcement officer has probable cause to believe that a person has committed a crime involving domestic abuse.
- to require an officer
 - ◊ to make a primary aggressor determination.
 - ◊ to make written reports.
 - ◊ to offer transportation to a victim, advise the victim of services, and give the victim a written notice of available legal rights.
- to prohibit an officer from discouraging future requests for assistance.
- to authorize an officer to seize weapons.

Title 40, Chapter 11, Part 1 is amended to add a section

- to require a magistrate to determine whether a defendant arrested for domestic violence offenses or violation of a protection order
 - ◊ is a threat to the victim or other family or household members.

- ◇ is a threat to public safety.
- ◇ is reasonably likely to appear in court.
- to authorize a judge to establish conditions of bail against a person charged with domestic violence.
- to provide for victim notification when the defendant is released from custody.

§ 40-35-303 is amended to add subsections

- to require the court to consider the safety and protection of the victim or any other member of the victim's family or household when deciding whether or not to grant probation.
- to authorize the court to impose conditions on probation.

CIVIL ORDERS FOR PROTECTION:

§ 36-3-604 is amended to delete a requirement that all petitions for protection orders, which are filed pro se, be liberally construed in favor of the petitioner.

Title 36, Chapter 3, Part 6 is amended to add a section

- to prohibit requiring the petitioner to pay filing fees, litigation taxes, or any other costs associated with the filing, issuance, or enforcement of an order of protection.
- to authorize the clerk of the court to provide order of protection petition forms to agencies that provide domestic violence assistance. If one of those agencies meets with a victim and recommends that an order be sought, the agency is required to assist the victim in the completion of the form.

PREVENTION AND TREATMENT:

Title 36, Chapter 3 is amended

- to create the domestic violence state coordinating council.
- to require law enforcement agencies and all state and local court administrators, court clerks, and judges with personnel likely to encounter domestic violence situations
 - ◇ to adopt a policy regarding domestic violence.
 - ◇ to provide initial and continuing education regarding domestic violence.

- to require the Peace Officers Standards and Training Commission and the administrative office of the courts to establish and provide a continuing education curriculum concerning domestic violence.

INNOVATIVE EFFORTS:

Tennessee House Joint Resolution 55 recognizes and thanks individual citizens who spoke up and were instrumental in passing laws protecting victims of domestic violence.



LEGISLATURE MEETS:

In odd-numbered years starting in January and normally ending about the end of May. Sessions are constitutionally limited to 140 calendar days.

CRIMINAL PENALTIES AND PROCEDURES:

Chapter 38, Code of Criminal Procedure, is amended to add Article 38.10 to provide that the privilege of a person's spouse not to be called as a witness for the state does not apply in any proceeding in which the person is charged with a crime committed against the person's spouse, a minor child, or a member of the household of either spouse.

§ 23.101, Government Code, is amended to add to the list of hearings to be given preference, criminal actions involving a charge that a person committed an act of family violence.

§§ 22.01 and 25.07 of the Penal Code are amended to enhance penalties for repeat family violence offenses and repeat protective order offenses.

§§ 71.04, Family Code, and 5.06, Code of Criminal Procedure, are amended to require the prosecuting attorney having responsibility for filing applications for protective orders to provide notice to law enforcement agencies within the jurisdiction of the prosecuting attorney.

Subchapter A, Chapter 56, Code of Criminal Procedure, is amended to add Article 56.12 to provide for victim notification when an inmate escapes from a facility operated by the institutional division of the Texas Department of Criminal Justice.

CIVIL ORDERS FOR PROTECTION:

Chapter 17, Code of Criminal Procedure, is amended to add Article 17.292 to authorize a magistrate to issue an order for emergency protection on the request of the victim, the guardian

of the victim, a peace officer, or a state attorney. Any condition granting possession of or access to a child included in the order will prevail over any other existing court order. The order must contain a statement that no person, including a person who is protected by the order, may give permission to anyone to ignore or violate the provisions of the order.

§ 411.042, Government Code, is amended

- to require the bureau of identification and records to collect information concerning protective orders.
- to authorize the department to adopt rules to ensure that information relating to the issuance of an active protective order and its dismissal is reported to local law enforcement agencies and entered into the state's law enforcement information system.

Subchapter C, Chapter 3, Family Code, is amended to add § 3.522

- to require a petition for divorce to state whether a protective order is in effect or has been applied for.
- to require a copy of the order to be attached to the divorce petition.

§ 71.06, Family Code, is amended to prohibit the dismissal of an application for a protective order based solely on the fact a divorce has been filed unless the divorce court has already addressed the issue.

§ 71.11, Family Code, is amended to allow the court in a protective order to require the person found to have committed family violence to complete a batterers' treatment program if one is available. If no program is available, the batterer must participate in counseling.

§ 71.14, Family Code, is amended to provide that notice to the respondent's last known address by registered mail is sufficient notice of a motion hearing.

PREVENTION AND TREATMENT:

Senate Concurrent Resolution 5 requests and encourages local counselors and professionals to obtain training and to affiliate themselves as volunteers and counselors with already established battered women's centers and battering intervention programs to develop additional battering intervention and prevention programs and services which meet the state standards.

Senate Concurrent Resolution 17 requests that the Texas Department of Criminal Justice raise the funding priority of all diversion targeted programs including, but not limited to, battering intervention and prevention programs, in order to increase offender services and provide adequate counseling.

Senate Concurrent Resolution 38 memorializes the Congress of the United States to enact legislation to amend the food stamp program to allow food stamp workers to reissue food stamp benefits to family members fleeing from domestic violence.

Title 4, Civil Practice and Remedies Code, is amended to add Chapter 83 to allow a victim of stalking to sue the stalker in civil court to recover actual and exemplary financial compensation for the crime.

Subchapter B, Chapter 41, Government Code, is amended to require the court of criminal appeals to adopt rules regarding the training of prosecuting attorneys relating to cases involving a charge of family violence.

§ 12, Article 4413(503), Revised Statutes, is amended to require the Department of Protective and Regulatory Services to adopt and implement rules requiring investigating employees to document indications of domestic violence.

Title 4, Family Code, is amended to add Chapter 73 to require

medical professionals who treat persons for injuries believed to be caused by domestic violence

- to provide information regarding shelters.
- to adequately document the injury in the person's medical file.

§ 415.032, Government Code, is amended to require law enforcement officers to receive training in the documentation of cases involving family violence.

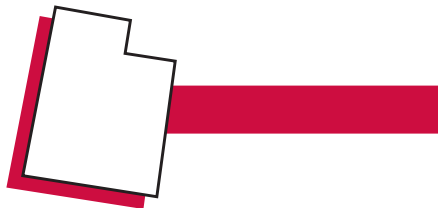
Subchapter C, Chapter 141, Human Resources Code, is amended to add § 141.0431 to provide training to juvenile probation departments and juvenile boards in violence prevention and conflict resolution programs that include discussion of domestic violence issues.

Subchapter C, Chapter 61, Human Resources Code, is amended to add § 61.047 to require education in violence prevention and conflict resolution that includes discussion of domestic violence issues to all children in the custody of the Texas Youth Commission.

Chapter 51, Human Resources Code, is amended to add § 51.0051 to maximize federal funding programs to benefit victims of family violence.

Subchapter B, Chapter 22, Government Code, is amended to replace § 22.110 to require the court of criminal appeals to assure that a minimum of eight hours of judicial training related to the problems of family violence, sexual assault, and child abuse is provided within a judge's first term of office.

Chapter 3, Family Code, is amended to add Subchapter G to authorize the court to consider family violence in certain proceedings for spousal maintenance.



LEGISLATURE MEETS:

Annually starting in January and ending in February. The sessions are limited to 45 calendar days.

CRIMINAL PENALTIES AND PROCEDURES:

§ 77-38-3 is amended to classify a victim's address, telephone number, and victim impact statement as protected information.

§ 77-36-3.1 is amended to authorize the court to order a defendant to participate in an electronic monitoring program as a condition of release after arrest for domestic violence.

§ 77-36-1.1 is created to provide for enhanced penalties for subsequent domestic violence offenses.

§ 77-36-2.1 is created to require law enforcement officers who respond to domestic violence allegations to use reasonable means to protect the victim, including confiscating weapons.

§ 77-36-2.2 is created

- to require an officer to make a primary aggressor determination.
- to require records to be kept of all reported incidents of domestic violence.

§ 77-36-2.7 is renumbered from § 77-36-3 and amended

- to authorize the dismissal of a case where a plea has been held in abeyance, only if the perpetrator successfully completes all conditions imposed by the court.
- to require the court to record in the court file the specific reasons a court dismisses criminal charges or a prosecutor moves to dismiss charges.
- to consider a victim/spouse to be an unavailable witness if the testimonial privilege of spouses or the privilege of confidential communication between spouses is invoked.

§ 77-36-5.1 is created to require the court to consider the safety and protection of a victim and any member of the victim's family or household before placing a convicted perpetrator of domestic violence on probation.

§ 77-36-6 is amended to require law enforcement agencies to enforce all orders of the court regardless of the jurisdiction in which the order was issued.

CIVIL ORDERS FOR PROTECTION:

§ 30-6-4.8 is created

- to authorize a court issuing an order for protection to order the respondent to participate in, and pay the costs of, an electronic monitoring program.
- to require a court to order a respondent who has violated an order of protection to participate in an electronic monitoring program.

§ 30-6-4 is amended to require the Administrative Office of the Courts to develop and adopt uniform forms for petitions and orders for protection.

§ 30-6-4.1 is enacted to create a duty, for each party at any hearing in a proceeding to obtain an order for protection, to keep the court informed of other proceedings.

§ 30-6-4.2 is created

- to authorize the court to impose restrictions, including prohibiting the respondent from purchasing, using, or possessing firearms or weapons, when issuing orders of protection.
- to require law enforcement to transmit verification of service to the statewide domestic violence network.

- § 30-6-8 is amended to require the Administrative Office of the Courts, in cooperation with the Department of Public Safety and the Law Enforcement and Technical Services Division
- to provide for a single statewide domestic violence network to be utilized on or before January 1, 1996.
 - to ensure that peace officers will have immediate access to information concerning court orders.

§ 30-6-4.6 is created to prohibit court ordered mediation of the issues in a petition for an order for protection.

PREVENTION AND TREATMENT:

§ 53-5-704 is amended to require an applicant for a permit to carry a concealed firearm to prove that he has not been convicted of any offense involving domestic violence.

The Domestic Violence Intervention Task Force is created

- to study the problem of domestic violence.
- to report its findings and recommendations before December 31, 1995.

§ 77-36-2.3 is created to require all law enforcement officer training in domestic violence to stress

- protection of the victim.
- enforcement of criminal laws.
- the availability of community shelters, services, and resources.

\$150,000 is appropriated from the General Fund for funding new shelter facilities.



LEGISLATURE MEETS:

Annual sessions normally start in January and generally end in April.

1994 LEGISLATIVE CHANGES:

The Abuse Prevention Act was amended

- to delete the requirement that, in order to be eligible to request a protection order against a family member, the victim and abuser had to have lived together in the victim's household.
- to authorize judges
 - ◊ to order abusers who have a duty to support their victims and/or their children to pay up to three months of the victim's living expenses and up to three months of child support.
 - ◊ to include, in protection orders, conditions under which a plaintiff can deny parent-child contact pending further order of the court.
 - ◊ to extend the term of a protection order even if abuse did not occur during the term of the original order.
- to require the Court Administrator to ensure that judges in the family and district court are made aware of pending proceedings in the other court.
- to require judges to consider evidence of abuse and the impact of the abuse on a child, and the relationship of the child and the abusive parent, when determining children's best interest.
- to grant evidentiary privilege to crisis workers.

1996 LEGISLATIVE ISSUES:

Legislation has been introduced to require the presence of a victim advocate when a victim of certain domestic violence and stalking crimes is interviewed by any person on behalf of the defendant.

VIRGINIA



LEGISLATURE MEETS:

Annually starting in January. Sessions run for 60 days in even-numbered years and for 45 days in odd-numbered years.

CRIMINAL PENALTIES AND PROCEDURES:

§ 18.2-60.3 is amended

- to require victim notification prior to the release from a state correctional facility or local or regional jail of any person incarcerated upon conviction of a stalking violation.
- to require information relating to the person notified not be made available to the person convicted.

CIVIL ORDERS FOR PROTECTION:

§ 16.1-266.2 is created to authorize the appointment of pro bono counsel for alleged victims in family abuse cases in which the court is authorized to issue a preliminary protective order or an emergency protective order.

§ 16.1-241 is amended to prohibit the charging of fees by the sheriff for the service of process of protective orders.

PREVENTION AND TREATMENT:

§ 18.2-308 is amended to provide a list of individuals who are disqualified from obtaining a permit to carry a concealed weapon including

- individuals subject to a restraining or protective order and prohibited from purchasing or transporting a firearm.
- individuals who have been convicted of assault, assault and battery, or sexual assault within the previous three year period.

WASHINGTON



LEGISLATURE MEETS:

Annually starting in January. Sessions run for 60 calendar days in even-numbered years and for 105 calendar days in odd-numbered years.

CRIMINAL PENALTIES AND PROCEDURES:

RCW 26.50.110 is amended to classify the violation of restraint provisions of an order for protection issued under Chapter 26.50 as a gross misdemeanor.

A section is added to Chapter 26.26 to classify a violation of the provisions of a restraining order issued under this chapter as a misdemeanor.

RCW 10.99.040 is amended to require a written order releasing a person charged or arrested to state that the person can be arrested even if any person protected invites or allows a violation of the order's prohibitions. Only the court can change the order.

CIVIL ORDERS FOR PROTECTION:

RCW 26.50.030 is amended to require disclosure of the existence of other litigation concerning custody or residential placement of a child.

A section is added to Chapter 26.50 to require that orders for protection be issued on standard forms mandated by RCW 26.50.035(1).

RCW 26.050.035 is amended to require the translation of forms into the languages spoken by significant non-English-speaking populations.

RCW 26.50.060 is amended to require the court to state in writing the reasons for declining to issue or renew an order for protection.

RCW 26.50.070 concerning ex parte temporary orders for protection is amended

- to require orders
 - ◊ to contain date of issuance and expiration date.
 - ◊ to be entered into the state-wide judicial information system.
- to require the court to state the reasons for denial of a motion.

Sections are added to chapter 26.50

- to require a state-wide judicial information system for use by each district, municipal, and superior court, to be available by July 1, 1997, in order to prevent the issuance of competing protection orders.
- to require the court to consult the judicial information system before granting an order
 - ◊ directing residential placement of a child.
 - ◊ restraining or limiting a party's contact with a child.

RCW 26.50.050, 26.50.070, 26.50.090, 26.050.095, and 26.50.125 are amended to authorize service by mail.

A section is added to Chapter 26.50 to provide for the appointment of an interpreter in preparing forms, participating in the hearing and court ordered assessments, and translating orders.

RCW 26.50.100 is amended to require an order to remain in any computer-based criminal intelligence information system until it has expired, been vacated, or been superseded.

RCW 26.09.050 is amended to provide for the continuance or issuance of restraint provisions when entering a decree of dissolution of marriage, legal separation, or declaration of invalidity.

RCW 26.10.040 is amended to require the court, when making an order, to consider, approve, or make provision for

- restraining orders.
- domestic violence protection orders.
- antiharassment protection orders.

RCW 26.26.137 is amended to authorize either party to request a domestic violence protection order or an antiharassment protection order.

RCW 26.09.050, 26.10.040, 26.26.130, and 26.26.137 are amended

- to require that restraining orders issued under these sections state that violation of the order, with actual notice of its terms, is a criminal offense and will subject a violator to arrest.
- to require the court to forward any orders granted to the appropriate law enforcement agency, which must enter the order into any computer-based criminal intelligence information system.

PREVENTION AND TREATMENT:

RCW 10.99.030 is amended to require the criminal justice training commission to implement by January 1, 1997, a course of instruction for the training of law enforcement officers in the handling of domestic violence complaints.

A section is added to require the criminal justice training commission to develop

- an educational manual regarding domestic violence.
- a training curriculum for prosecutors regarding domestic violence.

WEST VIRGINIA



LEGISLATURE MEETS:

Annually starting in January and normally ending in March. In the first year of a governor's four-year term, the session normally ends in April.

1996 LEGISLATIVE ISSUES:

Legislation has been introduced

- to require a law enforcement officer, under certain circumstances, to arrest the alleged perpetrator of a violation of a protective order.
- to enhance the penalty for repeated violations of a protective order.
- to allow for the admission into evidence in judicial proceedings held to determine custody of minor children any criminal convictions for acts of violence or abuse toward children or family members.
- to provide for temporary relief by magistrates in cases where a temporary order has been entered in an action for divorce, annulment, or separate maintenance between the same parties.
- to clarify that it is a crime to abuse a party or children or be physically present at a location in knowing and willful violation of the terms of a protective order.
- to address the issue of discriminatory practices against victims of abuse.
- to address the issue of stalking.
- to require insurance coverage of cosmetic and reconstructive surgery for injuries received from being a victim of domestic violence.

WISCONSIN



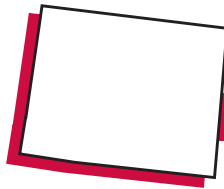
LEGISLATURE MEETS:

The legislative schedule is set in January of odd-numbered years. Session dates vary, but there are four sessions every year, with a special veto review in July of even-numbered years.

1996 LEGISLATIVE ISSUES:

Legislation has been introduced to require full faith and credit be accorded to protection orders issued in other states. Work is currently in progress to put together a comprehensive bill on domestic violence which will be introduced in the fall.

WYOMING



LEGISLATURE MEETS:

Annually. Sessions start in February and run for 20 calendar days in even-numbered years. In odd-numbered years, sessions start in January and run for 40 calendar days.

CIVIL ORDERS FOR PROTECTION:

§ 35-21-103 is amended to prohibit the assessment of filing fees or other court costs to a petitioner seeking an order of protection.

1996 LEGISLATIVE ISSUES:

Legislation has been introduced

- to prohibit the issuance of mutual restraining orders.
- to prohibit life and disability insurers from discriminating against victims of abuse.

STATE DOMESTIC VIOLENCE COALITIONS

Alabama Coalition Against Domestic Violence
(334) 832-4842

Alaska Network on Domestic Violence and Sexual Assault
(907) 586-3650

Arizona Coalition Against Domestic Violence
(602) 279-2900

Arkansas Coalition Against Violence to Women and Children
(501) 399-9486

California Alliance Against Domestic Violence
(209) 524-1888

Colorado Domestic Violence Coalition
(303) 573-9018

Connecticut Coalition Against Domestic Violence
(860) 524-5890

Delaware Coalition Against Domestic Violence
(302) 658-2958

District of Columbia Coalition Against Domestic Violence
(202) 387-5630

Florida Coalition Against Domestic Violence
(904) 668-6862

Georgia Advocates for Battered Women and Children
(770) 984-0085

Hawaii State Committee on Family Violence
(808) 486-5072

Idaho Coalition Against Sexual and Domestic Violence
(208) 384-0419

Illinois Coalition Against Domestic Violence
(217) 789-2830

Indiana Coalition Against Domestic Violence
(317) 543-3908

Iowa Coalition Against Domestic Violence
(515) 244-8028

Kansas Coalition Against Sexual and Domestic Violence
(913) 232-9784

Kentucky Domestic Violence Association
(502) 875-4132

STATE DOMESTIC VIOLENCE COALITIONS

Louisiana Coalition Against Domestic Violence
(504) 542-4446

Maine Coalition for Family Crisis Services
(207) 941-1194

Maryland Network Against Domestic Violence
(301) 942-0900

Massachusetts Coalition of Battered Women and Jane Doe Safety Fund
(617) 248-0922

Michigan Coalition Against Domestic Violence
(517) 484-2924

Minnesota Coalition for Battered Women
(612) 646-6177

Mississippi Coalition Against Domestic Violence
(601) 981-9196

Missouri Coalition Against Domestic Violence
(314) 634-4161

Montana Coalition Against Domestic Violence
(406) 443-7794

Nebraska Domestic Violence & Sexual Assault Coalition
(402) 476-6256

Nevada Coalition Against Domestic Violence
(702) 358-1171

New Hampshire Coalition Against Domestic Violence
(603) 224-8893

New Jersey Coalition For Battered Women
(609) 584-8107

New Mexico Coalition Against Domestic Violence
(505) 246-9240

New York Coalition Against Domestic Violence
(518) 432-4864

North Carolina Coalition Against Domestic Violence
(919) 956-9124

North Dakota Council on Abused Women's Services
(701) 255-6240

Ohio Domestic Violence Network
(614) 784-0023

STATE DOMESTIC VIOLENCE COALITIONS

Oklahoma Coalition on Domestic Violence & Sexual Assault
(405) 557-1210

Oregon Coalition Against Domestic & Sexual Violence
(503) 223-7411

Pennsylvania Coalition Against Domestic Violence
(717) 545-6400

Rhode Island Coalition Against Domestic Violence
(401) 467-9940

South Carolina Coalition Against Domestic Violence & Sexual Assault
(803) 254-3699

South Dakota Coalition Against Domestic Violence
(605) 945-0869

Tennessee Task Force Against Domestic Violence
(615) 386-9406

Texas Council on Family Violence
(512) 794-1133

Utah Domestic Violence Advisory Council
(801) 538-4100

Vermont Network Against Domestic Violence & Sexual Assault
(802) 223-1302

Virginians Against Domestic Violence
(804) 221-0990

Washington State Coalition Against Domestic Violence
(360) 352-4029

West Virginia Coalition Against Domestic Violence
(304) 765-2250

Wisconsin Coalition Against Domestic Violence
(608) 255-0539

Wyoming Coalition Against Domestic Violence & Sexual Assault
(307) 367-4296

STATE LEGISLATIVE CONTACTS

Alabama Legislative Reference Service
(334) 242-7560

Alaska Legislative Affairs Agency
(907) 465-4648

Arizona Legislative Council
(602) 542-4236

Arkansas Bureau of Legislative Research
(501) 682-1937

California Office of the Chief Clerk of the Assembly
(916) 445-3614

California Office of the Chief Clerk of the Senate
(916) 445-4251

Colorado Legislative Council
(303) 866-3521

Connecticut Law and Legislative Reference Section, State Library
(860) 566-4544

Delaware Division of Research, Legislative Council
(302) 739-4114

District of Columbia Office of the Secretary, Council of the District of Columbia
(202) 724-8080

Florida Division of Legislative Library Services
(904) 488-2812

Georgia Office of the Clerk of the House of Representatives
(404) 656-5015

Georgia Office of the Secretary of the Senate
(404) 656-5040

Hawaii Legislative Reference Bureau
(808) 587-0666

Idaho Legislative Library
(208) 334-2475

Illinois Legislative Research Unit
(217) 782-6851

Indiana Office of Legislative Information
(317) 232-9856

Iowa Legislative Information Office
(515) 281-5129

Kansas Division of Legislative Administrative Services
(913) 296-2391

Kentucky Legislative Research Commission
(502) 564-8100

STATE LEGISLATIVE CONTACTS

Louisiana Legislative Research Library
(504) 342-2434

Maine Law and Legislative Reference Library
(207) 287-1600

Maryland Department of Legislative Reference
(410) 841-3810

Massachusetts Office of the Clerk of the House of Representatives
(617) 722-2356

Massachusetts Office of the Clerk of the Senate
(617) 722-1276

Michigan Clerk of the House
(517) 373-0135

Michigan Secretary of the Senate
(517) 373-2400

Minnesota House Public Information Office
(612) 296-2146

Minnesota Senate Information Office
(612) 296-0504

Mississippi House of Representatives
(601) 359-3358

Missouri Legislative Library, Committee on Legislative Research
(314) 751-4633

Montana Legislative Services Division
(406) 444-3064

Nebraska Clerk of the Legislature
(402) 471-2271

Nevada Legislative Council Bureau
(702) 687-6800

New Hampshire Reference and Information Services
(603) 271-2239

New Jersey Legislative Information Service
(609) 292-4840

New Mexico Legislative Council Service
(505) 986-4600

New York Assembly Public Information Office
(518) 455-4218

New York Office of the Secretary of the Senate
(518) 455-2051

STATE LEGISLATIVE CONTACTS

North Carolina Legislative Services Office
(919) 733-7044

North Dakota Legislative Council
(701) 328-2916

Ohio Legislative Service Commission
(614) 466-3615

Oklahoma Legislative Reference Division, Oklahoma Division of Libraries
(405) 521-2502 (ext. 274)

Oregon Administrator's Office, Legislative Administration Committee
(503) 986-1848

Pennsylvania Library, Legislative Reference Bureau
(717) 787-4816

Rhode Island Legislative Reference, State Library
(401) 277-2473

South Carolina Legislative Council
(803) 734-2145

South Dakota Legislative Research Council
(605) 773-3251

Tennessee Office of Legislative Services
(615) 741-3511

Texas Legislative Reference Library
(512) 463-1252

Utah Office of Legislative Research and General Counsel
(801) 538-1032

Vermont Legislative Council
(802) 828-2231

Virginia Legislative Information Office
(804) 786-6530

Washington Office of the Clerk of the House
(360) 786-7750

Washington Office of the Secretary of the Senate
(360) 786-7550

West Virginia Office of Legislative Services
(304) 347-4800

Wisconsin Legislative Reference Bureau
(608) 266-0341

Wyoming Legislative Service Office
(307) 777-7881