

FAMILY VIOLENCE

LEGISLATIVE UPDATE

A CONRAD N. HILTON FOUNDATION PROJECT

The *Model Code on Domestic and Family Violence* is the result of a three year project, funded by the Conrad N. Hilton Foundation, which analyzed state legislation on family violence and developed a comprehensive model code to address family violence issues facing communities across the country. Since the *Model Code* was published in 1994, it 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.

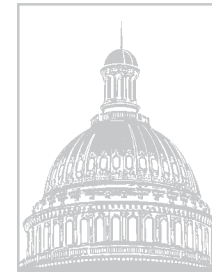
The Hilton Foundation's interest and involvement in reducing and preventing family violence has not

ended with the development of the *Model Code*. The Foundation continues to provide funding to ensure that professionals working in the area of family violence in every state are aware of the *Model Code*, to assist with implementation of the *Model Code*, to document legislative changes in states, and to provide annual updates of new state family violence legislation for those working in the fields of family violence and legislation.

This publication is the second annual update of the Code and addresses the 1996 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



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Family Violence Database Available

Thanks to continued financial support from the Conrad N. Hilton Foundation, the Family Violence Project at the National Council of Juvenile and Family Court Judges has been able to maintain and update its family violence statute database. This database contains all domestic violence-related statutes from the 50 states and the District of Columbia. The 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. Information contained in the statute database is available upon request.



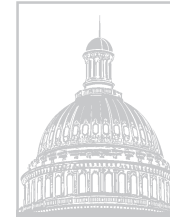
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INTRODUCTION AND OVERVIEW

by Meredith Hofford

In spite of the fact that many states have no legislative session in even numbered years, and quite a few others have abbreviated sessions, 1996 legislatures passed an amazing amount of very helpful laws about domestic and family violence. Especially gratifying is the dearth of presumably well-intended but ill-conceived legislation of earlier years. Elected representatives, advocates, policy makers—all of us—have learned a lot!

Generally, states passed measures which improved access, relief and enforcement of protection orders. Accountability for batterers has been addressed in the form of enhanced penalties, firearms restrictions, mandatory jail time, and development of batterers treatment programs. In an exciting but challenging arena, the role of child welfare agencies in families with battered mothers and children is just beginning to be defined. Training for a variety of professionals, including judges, has been legislatively mandated in a number of states. Much work remains to be done in the areas of child custody and visitation, and violence prevention.

Kudos to Alaska for the breadth and depth of their Omnibus Domestic Violence Bill, based largely on the *Model Code on Domestic and Family Violence*, which passed in their 1996 session. Other states which continue their significant efforts to enact and implement the *Model Code* include: Colorado, District of Columbia, Florida, Louisiana, Maine, Maryland, New Mexico, South Dakota, West Virginia, Wisconsin, and Wyoming.

This discussion of trends and innovations is gleaned from a review of the detailed charts and state-by-state summaries which follow.

INTRODUCTION AND OVERVIEW

VIOLENCE AGAINST WOMEN ACT

States continued to pass laws which bring them into compliance with requirements for funding under the Violence Against Women Act, and which help them to implement the act. In order to receive federal funding ranging from \$666,000 (WY) to \$11,453,000 (CA) in FY96 depending on population, states have passed mandatory arrest laws and laws which ensure that victims of sexual assault and domestic violence are not assessed fees for forensic exams, protection orders or criminal prosecution. In addition, many states passed laws which better enable them to address the full faith and credit requirements of VAWA. These include full faith and credit statutes for enforcement of foreign protection orders and related directives to law enforcement. Alaska, Kentucky and Utah made a remarkable advance in passing legislation which requires the use of uniform protection order forms statewide.

ACCOUNTABILITY FOR BATTERERS

Laws requiring increased accountability for batterers are a welcome addition. Eleven more states have restricted access to firearms or weapons by perpetrators of domestic violence, bringing the total to 31. Ten states passed requirements for the development of or court referral to certified batterers treatment programs. Fourteen states passed measures which increase penalties for domestic violence offenses or elevate the status of certain, usually subsequent, offenses. Hawaii eliminated the option of diversion in domestic violence cases. Iowa and Virginia have each passed a law which requires, for certain domestic violence offenses, a sentence of jail time which cannot be suspended.



CUSTODY AND VISITATION

Hawaii joined the ten states which had previously passed a version of the *Model Code* custody presumption. Four additional states addressed domestic violence as a factor in determining custody which is in the best interest of the child. Vermont, in its adoption law, authorized the court to terminate the parental relationship if the court finds the parent to have committed an act of violence in violation of a protection order, or a crime of domestic violence. Idaho authorized the court to terminate the parent-child relationship where the parent murdered or intentionally killed the

INTRODUCTION AND OVERVIEW

other parent of the child. California established mandatory domestic violence training for its court-appointed custody evaluators.

Legislatures in eight states addressed the matter of safe visitation in some innovative ways. California set standards for supervised visitation providers. Florida established a clearinghouse and network for supervised visitation programs. Kansas requires the attorney general to provide for child exchange and visitation centers throughout the state for victims of domestic or family violence and their children, to be funded from marriage license fees. Minnesota allows law enforcement officers to accompany a person seeking to enforce or comply with a child visitation order.

CHILD PROTECTION

1996 witnessed a surge in legislation addressing the role of child protection agencies and juvenile courts in families where there are both battered mothers and children. Eight states addressed this very complex issue. Typically, state agencies are required to screen for domestic violence in child abuse and neglect investigations, and take measures to provide for the safety of a victim/parent. South Dakota authorized courts in child protection and delinquency cases to issue protection orders for the child and parent or guardian. These orders may direct any person to take certain actions, stay away from a child's home, visit a child under certain conditions, or pay child support. Kentucky and California have mandated training on domestic violence for child protection workers.



INSURANCE DISCRIMINATION

Added to the 6 states which passed the first insurance discrimination laws relating to domestic violence victims in 1995, 10 states passed such laws in 1996. Indiana's law is typical, prohibiting an insurer from denying or refusing coverage, refusing to pay claims or increasing premiums because a person is a victim or potential victim of abuse. Delaware extended the prohibition to include homeowner's and motor vehicle insurance. Florida extended the prohibition to health maintenance organizations (HMOs.)

INTRODUCTION AND OVERVIEW

ON THE HORIZON

With many more state legislatures in full session, 1997 may well prove to be a banner year for domestic violence laws. At this writing, there is much activity in legislative committees. Bills appear to be following the recommendations outlined in the *Model Code*, and generally, the trends discussed above. Volume III of the *Legislative Update* will report on all the new laws this time next year.

Thanks to the support of the Conrad N. Hilton Foundation, the Family Violence Project is able to provide assistance to states drafting, enacting or implementing their domestic violence laws. Research, expert testimony to legislative bodies, consultation and training is available. Please don't hesitate to call (800) 52PEACE to request assistance.



OUR DEEPEST APPRECIATION

As always, we are indebted to dozens of advocates, state coalition staff, legislators and their staffs for their assistance in compiling this information. Please accept our apology for any errors or omissions. We would be grateful to have these brought to our attention. Also, if this document could be improved in any manner so that it is more useful to you, let us know.

Many thanks to everyone who is working so hard to end violence against women and children.

1996 STATE LEGISLATION

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

1996 STATE LEGISLATION

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

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

1996 LEGISLATIVE TRENDS

STATE	Arrest Laws	Custody Guidelines	Education /Training	Enhanced Criminal Penalties	Firearm Restrictions /Seizures
Alabama		X			
Alaska	X		X		X
Arizona					X
Arkansas					
California	X		X		
Colorado					
Connecticut				X	
Delaware					
Dist. of Columbia					
Florida	X				
Georgia				X	
Hawaii		X			X
Idaho					
Illinois					
Indiana		X		X	
Iowa			X		
Kansas			X		
Kentucky	X		X	X	X
Louisiana					
Maine			X		
Maryland	X				X
Massachusetts					
Michigan					
Minnesota				X	X
Mississippi				X	
Missouri					

Full Faith and Credit	Insurance Discrimination	Roll of Child Protection Agencies and Courts	Statewide Task Force or Coordinating Councils	Supervised Visitation
X		X		X
	X			
X		X		X
		X	X	
	X		X	
	X			X
	X			
X	X			X
X		X		
X	X			
X	X			
X				
	X			X

1996 LEGISLATIVE TRENDS

STATE	Arrest Laws	Custody Guidelines	Education /Training	Enhanced Criminal Penalties	Firearm Restrictions /Seizures
Montana					
Nebraska					
Nevada					
New Hampshire					
New Jersey					
New Mexico					
New York		X			X
N. Carolina		X			
North Dakota					
Ohio					
Oklahoma			X		X
Oregon					
Pennsylvania					
Rhode Island					X
S. Carolina					
South Dakota				X	
Tennessee					X
Texas					
Utah					
Vermont		X			
Virginia			X		
Washington			X	X	
W. Virginia	X			X	X
Wisconsin				X	
Wyoming				X	

Full Faith and Credit	Insurance Discrimination	Roll of Child Protection Agencies and Courts	Statewide Task Force or Coordinating Councils	Supervised Visitation
	X			
	X			
X				
		X		X
	X			X
		X		
	X		X	
X				
	X			
	X			
X				

ALABAMA



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 the second and third years, and January the fourth year. Each session lasts for 105 calendar days.

DEFINITIONS:

§ 13A-11-8 is amended to expand the definition of harassment to include a threat, verbal or nonverbal,

- made with the intent to carry out the threat, and
- that would cause a reasonable person who is the target of the threat to fear for his or her safety.

FAMILY AND CHILDREN:

§ 6-6-20 is created to allow for mandatory mediation in civil cases except in protection order cases or in custody or visitation cases where there are allegations of domestic violence.

§ 30-3-152 is created

- to require the court to consider joint custody in every child custody case.
- to provide a list of factors, including any history of or potential for child abuse, spouse abuse, or kidnapping, to be considered in determining whether joint custody is in the best interest of the child.

PREVENTION AND TREATMENT:

\$759,674 is appropriated from the state general fund to the coalition against domestic violence for the fiscal year ending September 30, 1997.

ALASKA



LEGISLATURE MEETS:

Annually starting in January and normally ending in May.

DEFINITIONS:

§ 18.66.990 is created to provide definitions for the statutes in Chapter 66 “Domestic Violence and Sexual Assault.”

CRIMINAL PENALTIES AND PROCEDURES:

§ 12.25.180 is amended to require a peace officer who has stopped or contacted a person for a misdemeanor involving violence to take that person before a judge or magistrate for a hearing instead of issuing a citation.

§ 12.30.027 is created

- to require the court prior to ordering release before or after a trial, or pending an appeal, of a person charged with or convicted of a crime involving domestic violence, to consider the safety of the victim or other household members, and
- to authorize the court to impose bail and to provide for conditions of release.

§ 12.55.015 is amended to require a sentencing court to order the forfeiture of a deadly weapon that was in the actual possession of or was used by a defendant during the commission of a crime involving domestic violence.

§ 12.55.101 is created to provide for conditions of probation, including participation in domestic violence rehabilitation programs, for domestic violence crimes.

§ 18.65.515 is created

- to require a peace officer to protect the victim and any member of the victim’s family, and
- to authorize the peace officer to seize deadly weapons to protect the victim or the victim’s family when investigating a crime involving domestic violence.

§ 18.65.530 is created

- to authorize mandatory arrest for crimes involving
 - ◊ domestic violence,
 - ◊ violation of protective orders, and
 - ◊ violation of conditions of release.
- to require officers who receive complaints of domestic violence from more than one person arising from the same incident to evaluate the conduct of each person to determine who was the primary aggressor.

Evidence Rule 505(a)(2) is amended to eliminate privilege in a proceeding in which one spouse is charged with a crime involving domestic violence.

CIVIL ORDERS FOR PROTECTION:

§ 18.65.540 is created to require the Department of Public Safety to maintain a central registry of protective orders issued by or filed with a court of Alaska.

§§ 18.66.100, 18.66.110, 18.66.120, 18.66.130 are created

- to provide a protocol for protective order petitions.
- to authorize the issuance of ex parte, emergency, and specific protective orders.
- to govern the modification of protection orders.

§18.66.140 is created to require enforcement of properly filed protective orders issued in other states.

§ 18.66.150 is created

- to require the use of uniform protective order forms.
- to prohibit the charging of filing fees in protection order actions.

FAMILY AND CHILDREN:

§ 25.20.060 is amended to provide for address and telephone number confidentiality for victims of domestic violence in child custody petitions.

§ 25.20.061 is created to authorize the court to set conditions to ensure victim and child safety when awarding visitation in proceedings involving domestic violence.

§§ 25.20.080, 25.24.060, and 24.24.140, and Civil Procedure Rule 100(a) are amended to prohibit the court from ordering mediation in proceedings involving domestic violence.

PREVENTION AND TREATMENT:

§ 18.65.240 is amended to restrict appointment of a person as a police officer, except on a probationary basis, unless the person has completed a basic program of police training which includes at least 12 hours of instruction regarding domestic violence.

§ 18.65.510 is amended to require police training which acquaints police officers with

- the investigation and management of cases involving domestic violence, and
- report writing for those cases.

§ 18.65.705 is amended to prohibit a person from receiving a permit to carry a concealed handgun if that person has been convicted of a crime involving domestic violence within five years of the application.

§ 18.66.300 is created to require the development of standards and procedures for the delivery of services to victims of domestic violence by health care facilities.

ALASKA

§ 18.66.310 is created to require continuing education in domestic violence for public employees, court system employees, and prosecuting authorities.

§ 44.28.020 is amended to require the department of corrections to adopt standards for rehabilitation programs for perpetrators of domestic violence.

§ 47.17.035 is created to require the department of social services to develop written procedures for screening reports of harm to identify abuse and neglect of a child in order to assess whether domestic violence is occurring within the family.



ARIZONA

LEGISLATURE MEETS:

Annually starting in January and normally ending in April.

DEFINITIONS:

§ 12-1809 is amended to define harassment as a series of acts over any period of time which are directed at a specific person and which would cause a reasonable person to be seriously alarmed, annoyed or harassed, and which conduct in fact seriously alarms, annoys or harasses the target person and which serves no legitimate purpose.

CRIMINAL PENALTIES AND PROCEDURES:

§ 13-3601 is amended to authorize a peace officer to seize firearms when responding to domestic violence situations.

CIVIL ORDERS FOR PROTECTION:

§ 13-3602 is amended

- to prohibit granting an order of protection unless the party who requests the order files a written, verified petition for the order.
- to prohibit the court from requiring the petitioner to perform community service as a condition of the waiver or deferral of filing fees or fees for service of process.
- to authorize the court
 - ◇ to prohibit a defendant from possessing or purchasing a firearm.
 - ◇ to require a defendant to participate in domestic violence counseling.

MISCELLANEOUS:

§ 20-448 is amended to prohibit an insurer which offers life or disability insurance contracts from

- denying a claim incurred,
- refusing to renew, restricting, canceling, excluding or limiting coverage, or
- charging a different rate for the same coverage on the basis that the insured or proposed insured is or has been a victim of domestic violence.

§ 31-403 is created to authorize a murderer convicted before September 30, 1992 to petition for review of sentence in cases in which the victim committed acts of domestic violence against the murderer.



LEGISLATURE MEETS:

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

CRIMINAL PENALTIES AND PROCEDURES:

§ 1109 is added to the Evidence Code to allow the admission of evidence that a defendant committed prior domestic violence acts in a criminal action in which the defendant is accused of an offense involving domestic violence.

§ 1370 of the Evidence Code is amended to create a new exception to the hearsay rule of evidence whereby, under certain circumstances, a statement made by a victim to a third party which narrates, describes, or explains the defendant's infliction or threat of physical injury upon the victim is admissible in court.

§ 836 of the Penal Code is amended to permit a peace officer to make a warrantless arrest of a person who commits an assault or battery upon

- his or her spouse,
- a person with whom he or she is cohabiting, or
- the parent of his or her child

if the peace officer

- has reasonable cause to believe that the person to be arrested has committed a public offense in the officer's presence.
- has reasonable cause to believe that the person to be arrested has committed a felony, although not in the officer's presence.
- makes the arrest as soon as the reasonable cause arises whether or not the felony or assault or battery has in fact been committed.

§ 853.6 of the Penal Code is amended to require a person arrested for domestic violence to be taken before a magistrate, instead of being released, whenever the arrest is in accordance with specified law enforcement policies which encourage the arrest of domestic violence offenders.

§ 3053.2 is added to the Penal Code to authorize the parole authority to impose upon the parole of a person released from prison for a domestic violence offense specified conditions, including participation in or successful completion of a batterer's program.

CIVIL ORDERS FOR PROTECTION:

§ 6380.5 is amended to specify the conditions under which out-of-state protective or restraining orders shall be deemed valid and enforced.

FAMILY AND CHILDREN:

Chapter 13 is added to Part 2 of Division 8 of the Family Code

- to require the Judicial Council to develop standards for supervised visitation providers.
- to direct the Judicial Council to consider a number of issues, including orientation to and guidelines for cases in which there are allegations of domestic violence.

§ 3111 of the Family Code is amended to require that, on or after January 1, 1998, court-appointed custody investigators prior to their appointment must have completed a specified domestic violence training program, to be prescribed by the Judicial Council.

§ 3170 of the Family Code is amended to require that domestic violence cases be handled in accordance with a separate written protocol approved by the Judicial Council.

§ 6303 of the Family Code is amended to specify that supportive persons who accompany either party to any proceeding in order to obtain a domestic violence protection order, or to mediation sessions, are not required to have certification, training, or other special qualifications.

§ 332 of the Welfare and Institutions Code is amended to require the court to consider, as a reasonable means of protecting a dependent child,

- removing an offending parent or guardian from the home, or
- allowing the non-offending parent or guardian to retain custody, so long as that parent or guardian presents a plan demonstrating the ability to protect the child from future harm.

PREVENTION AND TREATMENT:

§ 68555 is added to the Government Code to require the Judicial Council to establish judicial training programs for all domestic violence matters.

§ 13731 is added to the Penal Code to authorize the San Diego Association of Governments to serve as a clearinghouse for criminal justice data involving domestic violence in San Diego County.

§ 16206 of the Welfare and Institutions Code is amended to require the statewide multipurpose child welfare training program to include information concerning the dynamics and effects of domestic violence upon families and children.

§ 16208 of the Welfare and Institutions Code is amended to require the Emergency Response Protocol to incorporate screening procedures in order to assess whether abuse of other family or household members is occurring.

CALIFORNIA

MISCELLANEOUS:

§ 361 of the Welfare and Institutions Code is amended to provide for protection of confidentiality of the address of a parent who is a victim of domestic violence.

INNOVATIVE EFFORTS:

§ 372 of the Code of Civil Procedure is amended to permit a minor who is 12 years of age or older to appear in court, without a guardian, counsel, or guardian ad litem, for the purpose of obtaining a protective order against a person with whom the petitioner is having or has had a dating or engagement relationship.



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.

CRIMINAL PENALTIES AND PROCEDURES:

§ 46b-38c is amended to increase from \$1,000 to \$2,000 the possible fine for criminal violation of a protective order.

A new section is created

- to authorize a court to issue a standing criminal restraining order, which shall remain in effect until modified or revoked by the court, when imposing a sentence for assault or sexual assault against a family or household member.
- to make violation of a standing criminal restraining order punishable by a term of imprisonment, a fine of up to \$5,000, or both.

PREVENTION AND TREATMENT:

A task force is established to study domestic violence, including the examination of issues relating to

- the prosecution of crimes of domestic violence.
- the enforcement of protective orders related to domestic violence.
- the penalties imposed against offenders.
- the effectiveness of the current system in reducing the incidence of domestic violence.

CONNECTICUT

A new section is created to authorize the Commissioner of Children and Families

- to consider the existence and impact of family violence in any child abuse investigation.
- to assist family members in obtaining protection from family violence.

A new section is created to establish a family violence coordinating council

- to increase awareness and understanding of family violence and its consequences.
- to reduce the incidence of family violence within the state.



DELAWARE

LEGISLATURE MEETS:

Annually starting in January and ending in June.

FAMILY AND CHILDREN:

§ 1507 of Title 13 is amended

- to establish a parenting education course in which divorce proceeding litigants having children aged 17 years or younger are required to participate, and
- to require persons who have a demonstrable history of domestic violence to attend a more intensive course designed to address the additional topic of domestic abuse and its effects on children.
- to specify that parties may attend separate courses.

PREVENTION AND TREATMENT:

§ 2105 is added to Title 13 to authorize the Domestic Violence Coordinating Council to investigate and review the circumstances of all Delaware deaths which occur as a result of domestic violence.

MISCELLANEOUS:

§ 2304 of Title 18 is amended to prohibit insurance companies from engaging in discriminatory practices with regard to homeowners or private passenger motor vehicle insurance based upon an individual's status as a victim of domestic violence.

§ 305 of Title 21 is amended to provide for confidentiality of personal information contained in Division of Motor Vehicles records.

§ 1303 is added to Title 15 to provide for confidentiality of addresses contained in voter registration records.



LEGISLATURE MEETS:

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

CRIMINAL PENALTIES AND PROCEDURES:

§ 741.31 is amended to require a court, upon finding a willful violation of a domestic violence injunction, to order a respondent to attend a batterers' intervention program, unless the court makes written factual findings stating why such a program would be inappropriate.

§ 784.035 "Battery as domestic violence; enhanced penalty" is deleted.

§ 901.15 is amended to provide that, with respect to an arrest for an act of domestic violence, the decision to arrest shall not require the consent of the victim or consideration of the relationship of the parties.

CIVIL ORDERS FOR PROTECTION:

§ 61.052 is amended to require that any injunction for protection against domestic violence arising out of a dissolution of marriage proceeding be issued as a separate order.

FAMILY AND CHILDREN:

The Florida Family Visitation Network is created

- to serve as a clearinghouse for resources and research on supervised visitation programs.
- to provide technical assistance and other support services to existing and emerging supervised visitation programs.
- to compile a directory of state-supervised visitation programs containing referral information.
- to compile data on the use of supervised visitation programs.

PREVENTION AND TREATMENT:

§ 945.76 is created to authorize the Department of Corrections to assess and collect annual certification fees for the certification and monitoring of batterers' intervention programs.

MISCELLANEOUS:

§ 741.31 is amended to provide for an award of economic damages to a person who suffers an injury and/or loss as a result of a violation of an injunction for protection against domestic violence.

§ 641.3903 is amended to prohibit a health maintenance organization from refusing to provide services or care to a subscriber solely because medical services may be or have been sought for injuries resulting from an assault, battery, sexual assault, sexual battery, or any other offense by a family or household member, or by another who is or was residing in the same dwelling unit.



LEGISLATURE MEETS:

Annually starting in January and normally ending in March.

DEFINITIONS:

§ 16-5-23.5 is amended to define the offense of family violence battery as battery committed between

- past or present spouses.
- persons who are parents of the same child.
- parents and children.
- stepparents and stepchildren.
- foster parents and foster children.
- other persons living or formerly living in the same household.

CRIMINAL PENALTIES AND PROCEDURES:

§ 15-6-77 is amended to provide that no fee or cost shall be assessed for any service rendered by the clerk of the superior court in connection with entry of judgment in family violence cases under Chapter 13 of Title 19.

§§ 15-6-77, 15-10-82, and 15-16-21 are amended to provide that no fees shall be charged to or assessed against an alleged victim of any domestic violence offense

- for costs associated with the filing of criminal charges, or
- for the issuance or service of a warrant, protective order, or witness subpoena arising from the incident of domestic violence.

§ 16-1-1 is amended to provide that a marital relationship between the defendant and the alleged victim is not a defense to a charge of rape or aggravated sodomy.

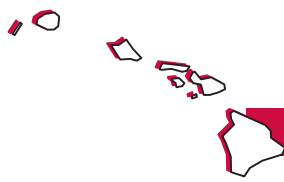
§ 16-5-23.1 is amended to require that

- a first conviction of family violence battery be punished as a misdemeanor.
- a second or subsequent conviction of family violence battery against the same or another victim be punished as a felony.

§ 42-5-21 is created to require provision of a family violence counseling program within the correctional system to every person, sentenced to the custody of the state, who committed an offense which involves family violence.

§ 42-8-35.6 is created to require that a court sentencing a defendant to probation for an offense involving family violence order the defendant to participate in a court-approved family violence intervention program or receive counseling related to family violence.

§ 42-9-45 is amended to require that an inmate who has committed an offense identified to involve family violence not be released on parole until such inmate has successfully completed a family violence counseling program offered by the Department of Corrections.



LEGISLATURE MEETS:

Annually starting in January and normally ending in April.

DEFINITIONS:

§ 571-2 is amended to define family violence as the occurrence of one or more of the following acts by a family or household member, but not including acts of self-defense:

- attempting to cause or causing physical harm to another family or household member,
- placing a family or household member in fear of physical harm,
- causing a family or household member to engage involuntarily in sexual activity by force, threat of force, or duress.

CRIMINAL PENALTIES AND PROCEDURES:

Chapter 134 and § 709-906 are amended to authorize police officers to seize firearms in instances of domestic abuse.

§ 853-4 is amended to prohibit the deferred acceptance of a guilty or nolo contendere plea when the offense charged is abuse of family and household members.

CIVIL ORDERS FOR PROTECTION:

§ 586-5.5 is amended to authorize a protective order which was granted for a period of less than three years to be extended for a period not to exceed three years from the date the original protective order was granted.

FAMILY AND CHILDREN:

§ 571-46 is amended

- to provide that a court's determination that a parent has committed family violence raises a rebuttable presumption that it is detrimental to the child and not in the child's best interest to be placed in sole custody, joint legal custody, or joint physical custody with the perpetrating parent.
- to authorize the court to award visitation to a parent who has committed family violence only if the court finds that adequate provisions can be made for the safety of the child and of the parent who is a victim of family violence.
- to require that supervised visitation centers provide
 - ◊ a secure setting and specialized procedures for supervised visitation and the transfer of children for visitation.
 - ◊ supervision by a person trained in security and the avoidance of family violence.

§ 580-41.5 is amended

- to prohibit the court from requiring a party alleging spousal abuse to participate in mediation.
- to require mediators who receive court referrals to screen for family violence.

PREVENTION AND TREATMENT:

§ 134-11 is amended to change the exemption from firearms regulations to preclude the application of exemptions to any person who is the subject of a restraining order.

§ 346-14 is amended to require the department of human services to establish and administer programs and adopt rules as deemed necessary for

- the prevention of domestic and sexual violence.
- the protection and treatment of victims of domestic and sexual violence.

IDAHO



LEGISLATURE MEETS:

Annually starting in January and normally ending in March.

DEFINITIONS:

§ 18-918 is amended to define household members, for the purpose of domestic assault and battery, as persons who are spouses, former spouses, or persons who have a child in common, regardless of whether they have been married or have lived together at any time.

CIVIL ORDERS FOR PROTECTION:

§ 39-6311 is amended to require that, if the appropriate law enforcement agency determines that the service information sheet on a domestic violence order is incomplete or cannot be entered into the Idaho law enforcement communications system upon receipt, the agency return the service information sheet to the clerk of the court, who is required to notify the petitioner of the error or omission.

FAMILY AND CHILDREN:

§ 16-2005 is amended to authorize the court to terminate the parent-child relationship where the parent murdered or intentionally killed the other parent of the child.

PREVENTION AND TREATMENT:

§ 31-3201A is amended to require that the \$5 retained by the county treasurer from the filing of a divorce action be used for the costs of evaluating, counseling, and treating for anger control or prevention those persons convicted of domestic assault or battery.

MISCELLANEOUS:

§ 9-203 is amended to authorize physicians to testify in 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.

PREVENTION AND TREATMENT:

The following amounts were appropriated to the Department of Public Aid for Employment and Social Services:

- \$8,975,000, payable from the General Revenue Fund for the Domestic Violence Shelters and Services Program.
- \$1,000,000, payable from the Special Purposes Fund for the Family Violence Prevention Service.
- \$1,800,000, payable from the Domestic Violence Shelter and Service Fund for the Domestic Violence Shelters and Services Program.

The sum of \$1,200,000 was appropriated from the General Revenue Fund to the Department of Public Aid for deposit into the Domestic Violence Shelter and Service Fund.



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.

DEFINITIONS:

§ 31-1-11.5-2 is amended to define domestic violence to include conduct found by a court to constitute physical or sexual abuse against a party or a child of a party.

CRIMINAL PENALTIES AND PROCEDURES:

§ 35-42-2-1 is amended to provide that domestic violence battery resulting in bodily harm be a Class D felony in cases where the perpetrator has been convicted previously of a domestic violence battery.

CIVIL ORDERS FOR PROTECTION:

§ 5-2-5-12 is amended to require all law enforcement agencies

- to enter information contained in a protective order, including any modifications or extensions, into the Indiana Data and Communication System (IDACS) on a daily basis.
- to delete from IDACS any protective order which is removed.

§ 5-2-9-8 is created to require a law enforcement agency which receives a copy of an order to enter the information received into IDACS.

§§ 31-1-11.5-8.3 and 34-4-5.1-2.5 are created and
§ 31-6-6.1-12.5 is amended to prohibit a court from issuing a joint or mutual protective order or restraining order.

§ 33-17-1-11 is created to require that court clerks provide assistance to each person filing a petition for the issuance of a protective order without the assistance of an attorney.

§ 33-19-5-4 is amended to authorize

- the waiver of the initial civil costs fee for any party who files a protective order action.
- the assessment of all civil costs fees against the respondent in a protective order action.

§ 34-4-5.1-2.3 is created to provide for the expiration of an emergency protective order

- 60 days after the date the order is issued, or
- on the date a court issues an order stating that the emergency order has expired, whichever occurs first.

§ 34-4-5.1-9 is created to authorize a court, when issuing a protective order, to order the respondent to pay costs and attorneys' fees.

FAMILY AND CHILDREN:

§ 31-1-11.5-7 is amended to prohibit a court from ordering joint counseling in cases where there is evidence of a pattern of domestic violence.

§§ 31-1-11.5-21 and 31-6-6.1-11 are amended to require a court to consider evidence of a pattern of domestic violence by either parent when determining the best interests of the child in a custody proceeding.



MISCELLANEOUS:

- § 27-4-1-4 is amended and § 27-8-24.3 is created to prohibit an insurer from
- denying or refusing to issue coverage on, or refusing to contract with, or refusing to reissue, or otherwise terminating or restricting coverage on, an individual under an insurance policy or health plan, or
 - adding any surcharge or rating factor to an insurance premium, or
 - excluding or limiting coverage for losses, or denying a claim incurred as a result of abuse, because the individual covered by the insurance is a victim or potential victim of abuse.

LEGISLATURE MEETS:

Annually starting in January and ending in April or May.

CRIMINAL PENALTIES AND PROCEDURES:

- § 708.2A is amended to make a third or subsequent offense of domestic abuse assault a class “D” felony with required sentencing
- to a term of not less than one year (which cannot be suspended), and
 - a fine of not less than seven hundred dollars.

PREVENTION AND TREATMENT:

A Domestic Abuse Treatment Pilot Program is established which requires certain courts to sentence to batterers’ treatment programs persons who plead guilty or are convicted of domestic abuse assault.



LEGISLATURE MEETS:

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

CRIMINAL PENALTIES AND PROCEDURES:

A new section is created to require that prosecuting attorneys who prosecute crimes relating to domestic violence adopt and put into effect written policies concerning the prosecution of crimes related to domestic violence.

A new section is created to make the knowing or intentional violation of a protection order issued by a court of any state or Indian tribe a class A person misdemeanor.

§ 21-3412 is amended to classify

- a first conviction of domestic battery as a class B person misdemeanor.
- a second conviction of domestic battery within five years of the first as a class A person misdemeanor.
- a third or subsequent conviction of domestic battery within five years as a person felony.

§ 22-2307 is amended to require that law enforcement agencies adopt written policies, including procedures for law enforcement officers to follow, when handling a protective order issued by a court of any state or Indian tribe.

CIVIL ORDERS FOR PROTECTION:

§ 60-3104 is amended to prohibit docket fees for proceedings under the protection from abuse act.

§ 60-3107 is amended to authorize the court to require that the person against whom a protective order is issued seek counseling in order to aid in the cessation of abuse.

FAMILY AND CHILDREN:

A new section is created to require the attorney general to provide for child exchange and visitation centers throughout the state for victims of domestic or family violence and their children.

§ 60-1616 is amended to authorize court-ordered exchange or visitation to take place at a child exchange and visitation center.

§ 77-7334 is amended to require that all moneys credited to the crime victims assistance fund from marriage license fees be set aside for the purpose of establishing child exchange and visitation centers.

MISCELLANEOUS:

§ 40-2404 is amended to prohibit an insurer from

- refusing to insure,
- refusing to continue to insure,
- limiting the amount, extent, or kind of coverage available,
- charging a different rate for the same coverage,
- excluding or limiting coverage for losses, or
- denying a claim incurred as a result of abuse based on the fact that the applicant or insured is, has been, or may be the subject of domestic abuse.



LEGISLATURE MEETS:

Starting in January and normally ending in April of even-numbered years. Meets for 10 days in January of odd-numbered years for organizational sessions only.

CRIMINAL PENALTIES AND PROCEDURES:

§§ 15.717 and 403.783 are created to provide for the development

- of a prosecutor's manual establishing policies and procedures for the prosecution of domestic violence related crime.
- of a written model policy and procedures manual on domestic violence issues for use by law enforcement agencies.

§ 69.350 is created to authorize county attorneys to employ victim advocates who have completed training relating to appropriate intervention with crime victims, including victims of domestic violence.

§ 403.7539 is created to provide for civil and criminal proceedings for violations of foreign protective orders.

§ 421.575 is created to describe the role of victim advocates in court proceedings.

§ 431.005 is amended

- to authorize a peace officer to arrest a person without a warrant if there is probable cause to believe that the suspect has intentionally or wantonly caused physical injury to a member of the suspect's family or to someone with whom the suspect is or has constituted an unmarried couple according to the statutory definition.

- to require a peace officer to arrest a person without a warrant if there is probable cause to believe that that person has violated a condition of release.

§ 431.064 is created to provide procedures and conditions for pretrial release of a person arrested for assault, a sexual offense, or violation of a protective order.

§ 508.032 is created to provide for enhanced penalties for a third or subsequent assault on victims in the perpetrator's family or with whom the perpetrator is or has constituted an unmarried couple.

CIVIL ORDERS FOR PROTECTION:

§ 403.725 is amended to prohibit courts from requiring mediation, conciliation, or counseling prior to or as a condition of issuing an emergency protection order.

§ 403.735 is amended to require courts

- to provide 24-hour access to emergency protective orders.
- to submit to the Kentucky Supreme Court written procedures for 24-hour accessibility.

§ 403.750 is amended

- to prohibit courts from ordering or referring parties to participate in mediation to resolve issues alleged in a petition for a protection order.
- to authorize the court
 - ◇ to issue a protection order for up to a three-year period.
 - ◇ to reissue a protection order for an additional period of three years with no limit on the number of times an order may be reissued.

§ 403.737 is created to provide for the use of standard protective order forms.

§§ 403.7521 and 403.7524 are created to provide for full faith and credit to be given to foreign protective orders.

§§ 403.7527 and 403.7529 are created to require enforcement of foreign protective orders.

FAMILY AND CHILDREN:

§ 403.036 is created to prohibit a court from ordering mediation in dissolution of marriage or child custody proceedings unless certain criteria are met.

PREVENTION AND TREATMENT:

§§15.718, 30A.015, 194.530, 194.535, 194.540, 403.784, and 421.570 are created to provide for domestic violence

- training courses and continuing education courses
 - ◊ for Commonwealth's attorneys and county attorneys and their staffs.
 - ◊ for Department of Social Services staff.
 - ◊ for law enforcement officers.
 - ◊ for circuit clerks and deputy clerks.
- training requirements
 - ◊ for staffs of agencies providing victims of domestic violence protective shelter services.
 - ◊ for victim advocates.
- training courses for mental health professionals and health care providers.

§ 21A.170 is amended to require in-service training programs on domestic violence for circuit judges, district judges, and domestic relations and trial commissioners.

§ 237.110 is created

- to authorize the Department of State Police to issue licenses to carry concealed firearms or other deadly weapons.
- to prohibit issuing licenses to applicants who are respondents in protection orders.
- to require that a license be suspended or revoked if the licensee becomes a respondent in a protection order.

§ 403.7505 is created to require that the Cabinet for Human Resources establish certification standards for mental health professionals who provide court-mandated treatment services for domestic violence offenders.

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.

PREVENTION AND TREATMENT:

\$1,905,183 was appropriated for the Family Violence Program, which provides crisis counseling, short-term 24-hour shelter, and advocacy services for victims of domestic violence at 17 sites statewide.

MAINE



LEGISLATURE MEETS:

Annually. The annual session starts in December following the November election in an even-numbered year and normally ends in June of the odd-numbered year. The next session starts in January of the even-numbered year and ends in April of that year.

DEFINITIONS:

17-A MRSA § 212 is amended to expand the definition of family or household members to include a minor child of any household member when the defendant is an adult household member.

19 MRSA § 762 is amended to expand the definition of family or household member to include individuals presently or formerly living together and individuals who are or were sexual partners.

CRIMINAL PENALTIES AND PROCEDURES:

§17-A MRSA § 210-A is created

- to prohibit stalking.
- to classify stalking as
 - ◊ a Class D crime when it is a first offense.
 - ◊ a Class C crime when the defendant has two or more prior convictions.

CIVIL ORDERS FOR PROTECTION:

19 MRSA § 769 is amended to provide for the filing of foreign protective orders in the Maine Criminal Justice Information System.

MISCELLANEOUS:

24-A MRSA § 2159-B is created to prohibit discrimination against victims of domestic abuse by an insurer, nonprofit hospital, medical service organization, or health maintenance organization which issues health or disability coverage.



LEGISLATURE MEETS:

Annually starting in January and ending in April.

DEFINITIONS:

Article 88B § 7A is created to expand the definition of civil protection order to include a protective order issued by a court of another state or an Indian tribe and filed with the district court or a circuit court.

CRIMINAL PENALTIES AND PROCEDURES:

§ 4-508.1 is added to the Family Law Article to require a law enforcement 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 a protective order issued by a court of another state or an Indian tribe.

§ 4-511 is added to the Family Law Article to authorize a law enforcement officer to remove firearms from the scene of an alleged act of domestic violence.

CIVIL ORDERS FOR PROTECTION:

Family Law Article § 4-506 is amended to authorize the court to order that the respondent in a protective order surrender to law enforcement authorities for the duration of the order any firearm in the respondent's possession.

§ 4-508.1 is added to the Family Law Article to require that a protective order issued by a court of another state or an Indian tribe be accorded full faith and credit.

PREVENTION AND TREATMENT:

Article 27 § 445 is amended to prohibit

- the sale, rental, or transfer of a regulated firearm to, or
- the possession of a regulated firearm by

a respondent against whom a current non ex parte civil protective order has been entered.

MISCELLANEOUS:

§ 234D is added to Article 48A to prohibit an insurer, nonprofit health service plan, or health maintenance organization from

- canceling, refusing to underwrite or renew, or refusing to issue,
- refusing to pay a claim on,
- canceling or otherwise terminating,
- increasing rates on, or
- adding a surcharge, or applying a rating factor to a policy of life insurance or health insurance or health benefits plan because the applicant or claimant is a victim of domestic violence.

MASSACHUSETTS



LEGISLATURE MEETS:

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

DEFINITIONS:

§ 1 of Chapter 209A is amended to define “protection order issued by another jurisdiction” to mean any injunction or other order issued

- by a court of another state, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or tribal court
- for the purpose of preventing violent or threatening acts of harassment against, contact with, or physical proximity to another person, including temporary and final orders issued by civil and criminal courts filed by or on behalf of a person seeking protection.

CRIMINAL PENALTIES AND PROCEDURES:

§ 5A is added to Chapter 209A to authorize a law enforcement officer to presume the validity of and enforce a copy of a protection order issued by another jurisdiction.

§ 20 of Chapter 233 is amended to provide an exception to the spousal privilege in domestic violence proceedings.

CIVIL ORDERS FOR PROTECTION:

§ 5A is added to Chapter 209A to require that full faith and credit be given to any protection order issued by another jurisdiction.

PREVENTION AND TREATMENT:

§ 20L is added to Chapter 233 to require that the location and street address of all domestic violence victims programs and rape crisis centers

- be absolutely confidential.
- not be required to be revealed in any criminal or civil proceeding.

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.

CRIMINAL PENALTIES AND PROCEDURES:

§ 518B.01 is amended to authorize the court to prohibit any person convicted of violating an order of protection from possessing any type of firearm in cases where a firearm was used in any way during the commission of the violation.

§ 609.2243 is created to provide for sentencing for repeat gross misdemeanor and felony domestic assaults.

FAMILY AND CHILDREN:

§ 518.175 is amended to authorize the court to provide a law enforcement officer or other appropriate person to accompany a party seeking to enforce or comply with a child visitation order.

§ 518.1751 is amended to prohibit mandatory visitation dispute resolution for a party who has obtained an order for protection.

PREVENTION AND TREATMENT:

§ 609.2244 is created to require that domestic abuse assessments be conducted and submitted to the court when a defendant is convicted of a domestic abuse offense, or when a defendant is arrested for a domestic abuse offense and has convictions for other offenses arising out of the same circumstances. The report must make specific recommendations regarding treatment and limitations on contact with the victim.

MINNESOTA

MISCELLANEOUS:

§ 72A.20 is amended to include as an unfair method of competition and an unfair and deceptive act or practice

- refusing to offer, sell, or renew coverage,
- limiting coverage, or
- charging a rate different from that normally charged for the same coverage

under a life insurance policy or health plan covering an applicant who is a victim of domestic abuse.



MISSISSIPPI

LEGISLATURE MEETS:

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

CRIMINAL PENALTIES AND PROCEDURES:

§ 97-3-107 is amended to enhance stalking penalties.

MISSOURI



LEGISLATURE MEETS:

Annually starting in January and ending in May.

CRIMINAL PENALTIES AND PROCEDURES:

§ 488.610 is created to prohibit requiring a domestic violence victim to pay

- the costs associated with the filing of criminal charges against the offender.
- the costs associated with the issuance of a warrant or witness subpoena associated with a domestic violence offense.

CIVIL ORDERS FOR PROTECTION:

§ 488.610 is created to prohibit requiring a victim to pay the costs associated with the issuance of a protection order.

NEW HAMPSHIRE



LEGISLATURE MEETS:

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

CRIMINAL PENALTIES AND PROCEDURES:

§ 244:1 is created to recognize the validity of faxed search and arrest warrants.

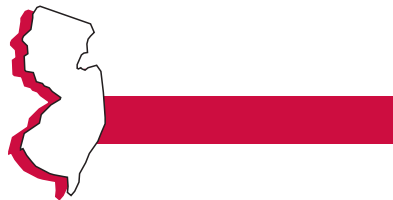
CIVIL ORDERS FOR PROTECTION:

§ 244:1 is created to recognize the validity of faxed domestic violence orders.

MISCELLANEOUS:

§ 417:4 is amended to prohibit the denial of health insurance coverage solely because the applicant has been or may become a victim of domestic abuse or violence.

NEW JERSEY



LEGISLATURE MEETS:

Annually from January through June and from September through December.

DEFINITIONS:

§ 2C:12-10 is amended to redefine stalking in the fourth degree.

CRIMINAL PENALTIES AND PROCEDURES:

§ 2C:12-10.1 is created to require that a judgment of conviction for stalking operate as an application for a permanent restraining order limiting contact between the defendant and the victim.

PREVENTION AND TREATMENT:

§ 2C:44-6 is amended to require any presentence investigation, in any case involving a conviction of stalking, to include a report on the defendant's mental condition.

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:

§ 215.52 is added to the Penal Law to create the crime of aggravated criminal contempt, a Class D felony, when, in violation of a duly served order of protection, the defendant intentionally or recklessly causes physical injury to a person for whose protection the order was issued.

CIVIL ORDERS FOR PROTECTION:

§ 530.14 is added to the Criminal Procedure Law and § 842-a is added to the Family Court Act to create mandatory and permissive court suspension of a firearm license and ineligibility for such a license

- upon the issuance of an order of protection.
- upon a finding of willful failure to obey an order of protection.

FAMILY AND CHILDREN:

§ 240 of the Domestic Relations Law is amended to require the court to consider the effect of domestic violence upon the best interests of the child.

MISCELLANEOUS:

§ 2612 is added to the Insurance Law to prohibit insurers from discriminating against victims of domestic violence.

§ 215.14 of the Penal Law is amended to prohibit an employer from subjecting to discharge or penalty a person pursuing an application for or enforcement of an order of protection.

§ 11-306 is added to the Election Law to provide for the use of special ballots by victims of domestic violence.



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.

DEFINITIONS:

§ 50B-1 is amended

- to expand the definition of domestic violence to include acts committed upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a familial relationship.
- to define familial relationship to mean a relationship wherein the parties involved
 - ◇ are current or former spouses.
 - ◇ are persons of the opposite sex who live together or have lived together.
 - ◇ are parents, grandparents, or others acting in loco parentis to a minor child, or children and grandchildren.
 - ◇ have a child in common.

CIVIL ORDERS FOR PROTECTION:

§ 50B-3 is amended

- to expand the type of relief the court may order when granting a protection order.
- to authorize the court to renew an original or any succeeding order for up to one additional year.
- to prohibit the issuance of mutual protective orders unless the court makes detailed findings of fact indicating
 - ◇ that both parties acted as aggressors,
 - ◇ that neither party acted primarily in self-defense, and
 - ◇ that the right of each party to due process is preserved.

§ 50B-4 is amended to provide full faith and credit to protective orders entered by the courts of another state or Indian tribe.

FAMILY AND CHILDREN:

§ 50-13.2 is amended to require the court

- when making a custody determination to consider
 - ◇ acts of domestic violence between the parties.
 - ◇ the safety of the child.
 - ◇ the safety of either party from domestic violence perpetrated by the other party.
- after a finding of domestic violence, to enter orders which best protect the party and the children who were victims of domestic violence.

OHIO



LEGISLATURE MEETS:

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

FAMILY AND CHILDREN:

§ 3113.31 is amended to authorize the court to require a public children's services agency to provide supervised visitation when the respondent in a protection order is granted visitation or companionship rights to a child.

OKLAHOMA



LEGISLATURE MEETS:

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

FAMILY AND CHILDREN:

§ 7003-8.1 of the Children's Code is amended to prohibit the court, when placing in the custody of an individual or in the custody of a private agency or institution a child alleged to be deprived, from placing the child with an individual who has been convicted of any crime involving domestic abuse or who is married to or living with a person convicted of a crime involving domestic abuse, unless that person is able to show by clear and convincing evidence that the child will not be at risk by such a placement.

PREVENTION AND TREATMENT:

§ 1211 of Title 10 is amended to require all judges having juvenile or domestic docket responsibility to attend training pertinent to domestic abuse issues.

§§ 1290.10 and 1290.11 of Title 21 are amended to exclude from eligibility for a handgun or concealed handgun license any individual convicted of any violation of another state's victim protection order.

MISCELLANEOUS:

§ 921.1 is added to Title 12 in order to govern the use of funds to provide legal services for indigent persons. In fiscal years 1997 and 1998, funds for representation of indigent persons in civil legal matters are required to be limited to family law legal services, and priority to be given to cases involving domestic and family violence and abuse.



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.

FAMILY AND CHILDREN:

Chapter 39 is added to Part IV of Title 23 to provide guidelines for custody mediation programs, which include

- prohibiting the court from ordering an orientation session or mediation in a case where either party or child of either party is or has been a subject of domestic violence or child abuse.
- requiring the court to develop model guidelines with assistance from experts in mediation and domestic violence.

§ 5303 of Title 23 is amended to provide that, in awarding custody or visitation, the court must consider criminal charges, including contempt for violation of an order or agreement.

MISCELLANEOUS:

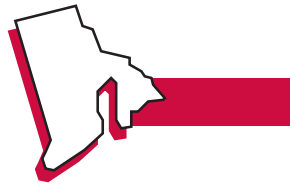
§ 8127 of Title 42 is amended to require that no wage attachment be issued against an abused person or victim for damages related to residential leases

- when said person has obtained a protective order in a criminal proceeding against a family or household member, and
- it is determined by the court that the damages were caused by that family or household member.

§ 5A of the Unfair Insurance Practices Act is amended to define 'victim of abuse' and prohibit insurers from

- denying, refusing to issue, refusing to renew, refusing to reissue, canceling, or terminating an insurance policy or insurance contract;
- restricting coverage under an insurance policy or insurance contract;
- adding a surcharge, applying a rating factor or using any other underwriting standard or practice which adversely takes into account a history or status of abuse; or
- excluding or limiting benefits or coverage under an insurance policy or insurance contract for losses incurred, because the insured or applicant is a victim of abuse.

RHODE ISLAND



LEGISLATURE MEETS:

Annually starting in January and generally ending in May.

PREVENTION AND TREATMENT:

§ 11-47-5 is amended to prohibit a person convicted of a felony domestic violence offense from purchasing, owning, carrying, transporting, or having in his or her possession any firearm.

MISCELLANEOUS:

§ 12-28-11 is created to prohibit employers, employment agencies, or licensing agencies from

- refusing to hire an applicant for employment,
- discharging an employee, or
- discriminating against an employee with respect to any matter related to employment solely by reason of his or her seeking to obtain a protective order.

§ 39-21.1-17 is amended to provide that tapes of 911 emergency calls shall not be released without the written consent of the caller.

S. CAROLINA



LEGISLATURE MEETS:

Annually starting in January and normally ending in June.

CIVIL ORDERS FOR PROTECTION:

§ 20-4-40 is amended to prohibit the clerk of the court from charging a fee for filing a petition serving an order of protection from domestic abuse.

§ 20-4-60 is amended to prohibit the court from granting a mutual order of protection unless

- the court sets forth findings of fact necessitating the mutual order.
- both parties consent to a mutual order.

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.

CRIMINAL PENALTIES AND PROCEDURES:

§ 26-7A-107.2 is created to classify the violation of an order of protection as a Class 2 misdemeanor.

CIVIL ORDERS FOR PROTECTION:

§ 25-10-5.2 is created to restrict the issuance of mutual orders for protection against domestic abuse.

§ 26-7A-107 is amended to authorize the court to make an order of protection in assistance of or as a condition of a disposition in a delinquency, abuse/neglect or child-in-need-of-supervision case. The order may prescribe conditions for the safety and well-being of the child and child's parent, custodian or guardian, including stay away, visitation, child support, and treatment.

§ 26-7A-107.1 is created to provide a protocol for handling an alleged violation of an order of protection.

§ 26-7A-107.2 is created to specify that a violation of the order is a class 2 misdemeanor.

PREVENTION AND TREATMENT:

An appropriation of \$250,000 was made from the general fund to the Department of Social Services to fund grants for domestic and sexual abuse shelter programs.

TENNESSEE



LEGISLATURE MEETS:

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

CIVIL ORDERS FOR PROTECTION:

§ 36-3-606 is amended

- to authorize the court, in a protection order, to direct the respondent to attend available counseling programs which address violence and control issues or substance abuse problems.
- to authorize a violation of this direction to be punished as criminal or civil contempt.

FAMILY AND CHILDREN:

§ 36-6-101 is amended to establish a presumption that joint custody is in the best interest of a minor child where the parents have agreed to joint custody or so agree in open court, unless the court finds by clear and convincing evidence to the contrary.

PREVENTION AND TREATMENT:

The following appropriations were made:

- \$25,000 to be used for operating a 24-hour-a-day, toll-free statewide telephone line for domestic violence.
- \$5,000 to be used for establishing a pilot project on domestic violence counseling for abusive spouses and their families in Lauderdale County.
- \$5,000 to be used for domestic violence programs in Rutherford County.
- \$25,000 to be used by the Domestic Violence Coalition of Greater Chattanooga for operating expenses.
- \$50,000 to be used for establishing a pilot project on domestic violence counseling for abusive spouses and their families in Shelby County.

§ 4-29-218 is amended to extend the authorization for the domestic violence state coordinating council.

§ 39-17-1351 is created to regulate handgun carry permits and to deny permit applications from an applicant currently subject to an order of protection which prohibits such applicant from carrying or possessing a firearm.

MISCELLANEOUS:

§ 36-3-621 is created

- to require that a health care practitioner who knows, or has reasonable cause to suspect, that a patient's injuries are the result of domestic violence or abuse make a report to the local law enforcement agency. The report must not disclose the name or identity of the patient, but must include information on the nature and extent of the injuries and a summary of any statements made by the patient that would reasonably give rise to a suspicion of spousal abuse.
- to require all local law enforcement agencies to report to the Tennessee Bureau of Vital Statistics on a monthly basis the incidents of spousal abuse reported to them.
- to require the Bureau of Vital Statistics, in consultation with the Tennessee Task Force Against Domestic Violence, to issue an annual report of the incidence of spouse abuse.

§§ 56-8-301 through 56-8-306 are created to establish the Domestic Violence Victims Health Insurance Protection Act, which prohibits unfair denial of health benefit coverage to victims of abuse.

LEGISLATURE MEETS:

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

CRIMINAL PENALTIES AND PROCEDURES:

§ 76-9-201 is amended to remove language designating telephone harassment as a Class B misdemeanor when it constitutes a violation of a protective order.

CIVIL ORDERS FOR PROTECTION:

§§ 30-6-4 and 30-6-4.2 are amended to require that certain, specific information be included on standardized forms for petitions and orders for protection.

§ 30-6-4.5 is amended to prohibit the court from granting a mutual order or mutual orders for protection to opposing parties unless each party

- has filed an independent petition against the other for a protective order, and both petitions have been served;
- makes a showing at a due process protective order hearing of abuse or domestic violence committed by the other party; and
- demonstrates that the abuse or violence did not occur in self-defense.

§ 30-6-12 is created to provide for full faith and credit to be given to foreign protective orders.

VERMONT



LEGISLATURE MEETS:

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

CIVIL ORDERS FOR PROTECTION:

15 V.S.A. § 1107 is amended to require police departments, sheriffs' departments, and state police district offices to establish procedures for filing foreign abuse prevention orders and for making their personnel aware of the existence and contents of such orders.

15 V.S.A. § 1108 is amended to provide full faith and credit to foreign abuse prevention orders.

A new section is created to require the court administrator to prepare a form for use by the courts that will enable a court in another state to enforce a protection order issued in Vermont.

FAMILY AND CHILDREN:

A new chapter, 15A, is created to provide an adoption act which includes sections

- requiring a preplacement evaluation to contain information on whether the person being evaluated has been subject to an abuse prevention order or charged with or convicted of domestic assault.
- authorizing a court to terminate a parental relationship if it finds upon clear and convincing evidence that
 - ◊ the respondent has been convicted of a crime of domestic violence or has been found by a court to have committed an act of violence in violation of a restraining or protective order, and
 - ◊ the facts of the crime or violation indicate the respondent to be unfit to maintain a parental relationship with the minor.

VIRGINIA



LEGISLATURE MEETS:

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

CRIMINAL PENALTIES AND PROCEDURES:

§ 16.1-253.2 is amended to require that a person convicted of violating

- no-contact,
- stay-away, or
- further-acts-of-abuse

provisions of a protective order be sentenced to a term of confinement and that in no case shall the entire term imposed be suspended.

§ 19.2-81.3 is amended to require a law enforcement officer who arrests a person in a case involving domestic violence to petition for an emergency protective order when the person arrested and taken into custody is brought before the magistrate.

§ 19.2-81.4 is created to require the Virginia State Police and each local police and sheriff's department to establish an arrest policy and procedures for domestic violence situations, including standards for determining who is the primary physical aggressor.

§ 19.2-271.2 is amended to remove the requirement that one spouse must have the other's consent to testify against him or her.

CIVIL ORDERS FOR PROTECTION:

§ 16.1-253.4 is amended to require a judge or magistrate to issue a written or verbal ex parte emergency protective order under certain conditions.

§ 16.1-279.1 is amended

- to authorize the court
 - ◊ to provide for temporary custody and visitation when issuing a protective order.
 - ◊ to issue the protective order for a period of up to two years.
- to provide that full faith and credit be given foreign protection orders.

§ 18.2-57.2 is amended to require that, when a person arrested for assault and battery against a family or household member is brought before a magistrate, the magistrate issue an emergency protective order.

PREVENTION AND TREATMENT:

House Joint Resolution 12 and Senate Joint Resolutions 27 and 69 direct the Commission on Family Violence Prevention

- to study the need for enhanced training for magistrates in the handling of family abuse cases.
- to continue to study family violence prevention in the Commonwealth.
- to assure that training on the statutory provisions and procedures related to protective orders and stalking is provided for justice system professionals, including judges, Commonwealth's attorneys, law enforcement officers, clerks, intake officers, and magistrates.

House Joint Resolution 229

- recognizes that the majority of family violence occurs between separated spouses.
- requests the Executive Secretary of the Supreme Court of Virginia to provide enhanced training for magistrates in the handling of child-access or visitation-interference cases.

§ 9-170 is amended to authorize the Department of Criminal Justice Services

- to establish training standards, and
- to publish a model policy for law-enforcement personnel in the handling of family abuse cases.

MISCELLANEOUS:

§§ 24.2-405, 24.2-406, and 24.2-418 are amended to authorize parties who have been granted a protective order to provide a post office box address to be used in lieu of a residential street address on printed lists of registered voters and those who voted.

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:

§ 9A.36.150 is enacted to create the crime of interfering with the reporting of domestic violence.

§§ 10.99.040, 10.99.050, and 26.50.110 are amended to enhance the penalties for repeat violations of domestic violence no-contact or protection orders.

§ 26.50.115 is amended to provide that the presentation of an unexpired, certified copy of a protection order with proof of service is sufficient for a law enforcement officer to enforce.

PREVENTION AND TREATMENT:

§ 43.70.610 is created to require the department of health to establish an ongoing domestic violence education program as an integral part of its health professions regulation.

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.

CRIMINAL PENALTIES AND PROCEDURES:

§ 48-2A-10c is amended to provide that a law enforcement officer who did not observe an alleged violation of a protection order may make a warrantless arrest under certain circumstances.

§ 48-2A-10d is amended to enhance the penalty for repeat violations of a protective order.

PREVENTION AND TREATMENT:

- § 61-7-4 is amended to prohibit the issuance of a state license for carrying a concealed deadly weapon to an applicant who
- has criminal charges pending or is currently serving a sentence of confinement, parole, probation, or other court-ordered supervision because of a charge of domestic violence.
 - is the subject of a restraining order as a result of an act of domestic violence.
 - is subject to a protective order.

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.

CRIMINAL PENALTIES AND PROCEDURES:

§ 813.128 is amended to authorize law enforcement officers to enforce foreign protection orders.

§ 939.621 is amended to increase the penalty for certain domestic abuse offenses if they are committed during the 72 hours immediately following an arrest for an incident of domestic abuse.

§ 940.20 is amended to provide that any person subject to a domestic abuse restraining order who intentionally causes bodily harm to the petitioner is guilty of a Class E felony.

§ 968.075 is amended to require that a person arrested for a domestic abuse incident avoid the residence of the alleged victim during the 72 hours immediately following the arrest.

CIVIL ORDERS FOR PROTECTION:

§ 806.247 is amended to provide for full faith and credit for foreign protection orders.

§§ 813.12, 813.122, 813.123, and 813.125 are amended to require a protection order to include a statement that the order or injunction may be accorded full faith and credit in every civil or criminal court of the United States, civil or criminal courts of any other state, and Indian tribal courts.

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.

CRIMINAL PENALTIES AND PROCEDURES:

§ 6-2-501 is amended to provide for enhanced penalties for a second or subsequent assault or battery by one household member against another.

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 Domestic Violence**
(501) 812-0571

**California Alliance
Against Domestic Violence**
(415) 457-2464

**Colorado Coalition
Against Domestic Violence**
(303) 831-9632

**Connecticut Coalition
Against Domestic Violence**
(860) 524-5890

**Delaware Coalition
Against Domestic Violence**
(302) 658-2958

**District of Columbia Coalition
Against Domestic Violence**
(202) 783-5332

**Florida Coalition
Against Domestic Violence**
(904) 671-3998

**Georgia Coalition on
Family Violence, Inc.**
(770) 984-0085

**Hawaii State Coalition
Against Domestic 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) 752-1296

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

**Maryland Network
Against Domestic Violence**
(301) 942-0900

**Massachusetts Coalition of
Battered Women's Service Groups**
(617) 248-0922

**Michigan Coalition
Against Domestic Violence**
(517) 887-9334

**Minnesota Coalition
for Battered Women**
(612) 646-6177

**Mississippi Coalition
Against Domestic Violence**
(601) 981-9196

**Missouri Coalition
Against Domestic Violence**
(573) 634-4161

**Montana Coalition
Against Domestic Violence**
(406) 443-7794

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

**Nevada Network
Against Domestic Violence**
(702) 358-1171

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

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

**New Mexico State 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 and Sexual Assault
(405) 557-1210

Oregon Coalition Against Domestic and 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 and Sexual Assault
(803) 750-1222

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

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

Texas Council on Family Violence
(800) 525-1978

Utah Domestic Violence Advisory Council
(801) 538-9886

Vermont Network Against Domestic Violence and 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 and Sexual Assault
(307) 367-4296

STATE LEGISLATIVE CONTACTS

Alabama Legislative Reference Service
(334) 242-7560

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Arkansas Bureau of Legislative Research
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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

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Maryland Department of Legislative Reference
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Massachusetts Office of the Clerk of the House of Representatives
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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

STATE LEGISLATIVE CONTACTS

**New Mexico Legislative
Council Service**
(505) 986-4600

**New York Assembly Public
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(518) 455-4218

**New York Office of the
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(518) 455-2051

**North Carolina Legislative
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(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
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(360) 786-7750

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

STATE LEGISLATIVE CONTACTS

**West Virginia Office of
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(304) 347-4800

**Wisconsin Legislative
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(608) 266-0341

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(307) 777-7881

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