FAMILY VIOLENCE

LEGISLATIVE UPDATE

National Council of Juvenile and Family Court Judges
Family Violence and Domestic Relations Program

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LEGISLATIVE UPDATE

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INTRODUCTION AND OVERVIEW

by Sarah Smith, JD

To produce the Legislative Update each year, the Family Violence and Domestic Relations Program of the National Council of Juvenile and Family Court Judges (NCJFCJ) tracks and analyzes state legislative developments that impact victims and survivors of domestic violence and their families. Through ongoing research and consultation with state domestic violence coalitions, we create a snapshot of current policy responses to state governments' challenges in addressing domestic violence and its many collateral consequences. Our hope is that the legislative update can serve as a reference for judges, policy makers, advocates, and individuals.

Criminal justice response and protection orders dominated the legislative efforts to address domestic violence in 2014. A clear emphasis in state legislatures on strengthening law enforcement's response to domestic violence and the penalties imposed for domestic violence crimes emerged. In a continuing trend from 2013, a significant proportion of legislative action in 2014 addressed protection orders and other protective measures for domestic violence victims. As in 2013, state legislative action around domestic violence in 2014 saw continued concentration on custody and divorce, civil sanctions for domestic violence, and firearms restrictions.

Reinforcing the Criminal Justice Response to Domestic Violence

Whether through broadening the definition of domestic violence, creating new criminal offenses, designating existing offenses as domestic violence crimes, or stiffening penalties for domestic violence crimes, 2014 saw a clear emphasis in state legislatures on addressing the criminal justice response to domestic violence. Twenty nine states passed legislation aimed at the criminal justice responses to domestic violence in 2014. Twelve states (Arizona, Georgia, Hawaii, Maine, Maryland, Nebraska, New Hampshire, Pennsylvania, Wisconsin, Wyoming, Kansas, and Missouri) passed legislation that established new domestic violence crimes. Seven states (Georgia, Massachusetts, Minnesota, Missouri, New York, Ohio, and West Virginia) expanded the definitions of crimes associated with domestic violence, including harassment, stalking, and strangulation. Arizona expanded the definition of criminal domestic violence to include the non-consensual disclosure of nude photographs, video, film or digital records when the victim has a prior relationship with the defendant. Maine created

the crime of improper contact prior to the setting of pre-conviction bail, which applies to defendants arrested for crimes against family or household members who have been notified by county jail staff not to contact the victim but knowingly and intentionally make such contact. Twelve states (Arizona, Hawaii, Illinois, Louisiana, Massachusetts, Missouri, Mississippi, Oklahoma, Tennessee, Virginia, and Wyoming) enhanced the penalties for domestic violence crimes.

Signaling recognition of the rise in the unauthorized publication of explicit images of a person as an abuse tactic, four states (Arizona, Georgia, Nebraska, and Pennsylvania) passed legislation criminalizing the disclosure of nude images of another person without their consent or for the purpose of harassment. Missouri addressed the use of the Internet as a tool for abuse in a statute that criminalizes the posting of a person's name, address, social security number, or phone number on the Internet with the intent to cause great bodily harm or death. Other states conceiving new domestic violence offenses included Wyoming, which established the offenses of domestic assault and domestic battery and made the unlawful entry into an occupied structure and committing or attempting to commit domestic battery a distinct crime. New Hampshire created the crime of domestic violence, which includes violation of a protection order with the use of physical force or threatened use of a deadly weapon and the use of physical force to block access to phone or electronic communication. Two states (Hawaii and Maryland) created the new criminal offense of committing violence in the presence of a child, while a third (Mississippi) made the commission of a fourth or subsequent domestic violence offense in the presence or hearing of a child under 16 living in the residence of the victim or perpetrator an aggravating factor in sentencing for the domestic violence offense. Kansas passed a criminal statute defining the mistreatment of an elder. The Missouri legislature added a fourth degree offense to the statutory scheme for domestic assault, which criminalizes, among other conduct, the isolation of a domestic victim.

Nine states (Arizona, Illinois, Louisiana, Massachusetts, Mississippi, Missouri, Oklahoma, Virginia, and Wyoming) took legislative action that increased sentences and other sanctions for criminal convictions of domestic violence crimes, particularly for repeated offenses.

Massachusetts also made completion of a certified batterer intervention program mandatory upon conviction of assault and battery against a household member. Two states (Louisiana and Illinois) barred defendants convicted of certain violent offenses from being sentenced to drug treatment as an alternative to incarceration.

Six legislatures (District of Columbia, Hawaii, Minnesota, Mississippi, and Wyoming) expanded the powers of law enforcement in responding to domestic violence. Under new District of Columbia law, police officers are permitted to arrest a person without a warrant when there is probable cause to believe the person is noncompliant with a condition of release that requires them to stay away from a person or place. Hawaii mandated that police officers responding to a domestic violence incident make an inquiry into the identity of the abuser and order that person to leave the premises for a period of 48 hours. Minnesota passed legislation permitting a police officer to arrest a suspect for non-felony domestic abuse if there is probable cause to believe the offense was committed in the previous 72 hours. New Mississippi law requires law enforcement to arrest a suspect when there is probable cause to believe that the suspect committed felony domestic violence. Wyoming police officers are now permitted to arrest a suspect when there is probably cause to believe domestic battery or domestic assault has occurred in the previous 24 hours. In recognition of a victim's unique vulnerability, South Dakota enacted a law that permits law enforcement responding to a domestic incident to the delay the arrest of a victim on an outstanding warrant for 72 hours if the victim is not liable for arrest in connection with the domestic incident and is the immediate caregiver of a minor child.

Legislative action aimed at improving the criminal justice response to domestic violence maintained a focus in 2014 on the crimes of strangulation, stalking, and harassment, all of which are significant indications of risk in the context of domestic violence. Georgia expanded and clarified the definition of strangulation and made it a felony offense. Massachusetts criminalized strangulation and suffocation, introduced enhanced penalties for strangulation, and made completion of a batterer intervention program mandatory for any person convicted of strangulation. Minnesota made

a conviction for felony domestic assault by strangulation grounds for banning a defendant's right to possess firearms or ammunition. Virginia increased any assault or battery crime involving strangulation to a felony offense. Three states (Ohio, Missouri, and New York) enacted legislation broadening their definitions of criminal harassment to include conduct that creates a threat or risk of harm. Two states (California and Louisiana) passed legislation expanding remedies for stalking victims, and a third, Missouri, made repeated convictions for stalking a felony. Growing attention among state lawmakers to the crime of trafficking extended to a recognition of the particular vulnerability of domestic violence victims to being trafficked. Two states (Arizona and Delaware) enacted statutes that make recruitment of a trafficking victim from a domestic violence shelter an aggravating factor in sentencing for a trafficking crime.

Orders of Protection

A total of 26 state legislatures addressed protection orders, with the majority of legislative measures aimed at expanding access to protection orders for victims and on enhancing enforcement. Eleven states expanded access to protection orders by broadening victim eligibility, increasing permissible time frames for protection orders, and addressing common barriers to obtaining protection orders. Five states expanded eligibility for protection orders to victims of sex crimes (California), child witnesses to domestic violence (California), children of parties who might be subject to victim or witness intimidation (California), victims of second degree assault (Maryland), victims of simple or aggravated assault (Mississippi), and a broader range of intimate relationships (South Dakota and Washington). Several states modified evidentiary rules in protection order proceedings aimed at addressing the challenges common to meeting the burden of proof for obtaining a protection order. Maryland lowered its standard of proof for some protection orders to preponderance of the evidence. Florida passed legislation that permits courts in protection order proceedings, including *ex parte* proceedings, to take judicial notice of cases in other jurisdictions without prior notice to the litigants when imminent danger is alleged in a protection order case. Under new Florida law, courts in *ex parte* protection order proceedings are also permitted to consider evidence beyond the pleadings and affidavits. New South Dakota law explicitly permits courts in

proceedings for stalking protection orders to convert the proceeding to one for a domestic abuse protection order where the evidence shows domestic abuse, but not stalking. Similarly, South Dakota courts hearing domestic abuse protection order cases are now permitted to convert those proceedings into those for stalking where the evidence shows stalking but not domestic abuse. California introduced flexibility into their evidentiary rules for protection orders by allowing a court to issue a protection order based only on a petitioner's affidavit. The California legislature also passed legislation that prohibits courts from considering the passage of time between the alleged abuse and the petition for a protection order and requires courts that deny a petition for a protection order to make written or oral statements of the reasons for the denial.

Legislatures further expanded access to protection orders in 2014 with measures that increased the permissible time period for a protection order (Delaware, Mississippi, and Wisconsin), allowed non-judges to preside over protection order proceedings (New York), authorized judges to issue *ex parte* protection orders based on assertions by officers for a municipal transit authority (California), prohibited charging the petitioner fees for the filing, issuance, enforcement, dismissal, withdrawal, or service of a protection order (Ohio), and set forth procedures for obtaining and renewing protection orders during a state of emergency (Louisiana). Two states (Rhode Island and Wisconsin) introduced requirements that police officers responding to domestic abuse calls provide information to victims about protection orders.

The enforcement of protection orders continued to be a priority for legislatures in 2014. Twelve states enacted provisions that expanded powers of enforcement or strengthened sanctions for the violation of protection orders. A new Louisiana law requires law enforcement to use every reasonable means, including arrest, to enforce a stalking protection order. A similar Minnesota law now permits a police officer to arrest a person who the police officer has reasonable cause to believe committed a non-felony violation of a protection order. In addition, Louisiana law enforcement officers are now required to arrest a person whose assaultive conduct against a household/family member or dating partner violates an order of protection

or injunction. Additional Louisiana legislative measures strengthened criminal sanctions for defendants convicted of committing crimes of violence and introduced a statutory presumption that the person who violates an order of protection in a domestic incident is the predominant aggressor. Similar measures in other states included making murder in violation of a protection order a capital offense (Alabama), criminalizing the violation of certain civil protection orders (Connecticut), increasing the maximum penalty for the violation of certain criminal protection orders from five years to 10 years (Connecticut), requiring defendants subject to a protection order to wear an alcohol monitoring device (Kentucky), designating a prior conviction for the violation of a protection order a prior offense for the purpose of determining sentencing (Maryland), barring the dismissal of criminal charges for violation of a protection order pursuant to a satisfaction agreement between the parties (Massachusetts), permitting the court to revoke bail of a defendant for violating a protection order that is the condition of release (Massachusetts), requiring courts to order a defendant convicted of violating an abuse prevention order to complete a Batterer Intervention Program (BIP) (Massachusetts), imposing a penalty of incarceration for up to six months or a fine of up to $500 for the knowing violation of an order of protection issued upon conviction for simple or aggravated domestic violence (Mississippi), making a second or subsequent offense for the violation of a protection order within five years a felony (Missouri), and declaring the violation of a certain emergency protection orders contempt of court (Virginia).

Emerging and Continuing Trends in Protection Orders

In signs of an emerging trend, three states introduced protection orders that address distinctive forms of violence. Two states (Illinois and Ohio) enacted laws that permit organizations and employers to obtain protection orders when there are threats against the organization or its employees. California established a gun violence restraining order that enables law enforcement or family members who believe an individual poses a threat to themselves or others to obtain a civil order barring the individual from possessing or purchasing firearms or ammunition.

2014 also saw the continuation of some of 2013's trends in protection order legislation, including laws that facilitate information sharing among

courts and public agencies about the existence of protection orders (Louisiana, Maryland, and Tennessee), as well as the continued inclusion of economic and other types of provisions in protection orders. Although only one state law addressed custody provisions in a protection order (Mississippi), several others empowered courts to include provisions that address economic support (Connecticut, Massachusetts, Mississippi, and Virginia) and pets (Iowa, New Hampshire, Ohio, South Carolina, and Virginia), removing common barriers to separation from an abusive partner. Mississippi also gave courts issuing criminal protection orders the authority to order defendants to receive counseling or medical treatment to bring about the cessation of domestic abuse.

Victim's Rights and Protections

Victim confidentiality remained the focus of much of the legislation aimed at protecting victims in 2014, with 15 states enacting statutes to facilitate the shielding of victims' personal information from the public. Four states imposed restrictions on access to the addresses of victims in public documents such as voter rolls (Alabama, Arizona, and Utah), paternity action files (Arizona), and child support orders (North Carolina), while a fifth state (Virginia) made stalking victims eligible for its address protection program. Several states provided for the redaction of all of a victim's identifying information from certain public records, including criminal case files (Arizona and Missouri) and post-secondary education institutions' reports on violent crimes on campus (California). Other states imposed limits on the public disclosure of information in protection order files (Georgia and Maryland) workplace protection restraining orders (Illinois), police logs on responses to reports of domestic violence, rape, and other violent offenses (Massachusetts), victims' written requests for government records related to their victimization (New Hampshire), and petitions for name change (Wisconsin). Missouri criminalized the posting of a person's name, address, social security number, or phone number on the Internet with the intent to cause great bodily harm or death. Connecticut made it a crime to disclose the location of a domestic violence shelter, and Mississippi imposed $10,000 in civil liability on an employee, contractor, volunteer, or agent of a domestic violence shelter who comments on the identity or condition of a person receiving

domestic violence services.

Three states addressed victim confidentiality through privileges barring disclosure of communications between a client and certain professionals. California extended its privilege to communications between a sexual assault victim and counselor, a domestic violence victim and counselor, and a trafficking victim and caseworker. Illinois created an exception to the physician-patient privilege where a physician is subject to a grand jury subpoena. The Attorney General issuing the subpoena, however, is required to seek a protective order limiting the disclosures of the physician in testimony if the crime alleged is domestic battery, any sex offense, or if the patient is under the age of 18. Mississippi introduced a privilege for employees, agents, contractors, and volunteers of a domestic violence shelter barring their testimony, disclosure, or surrender in civil cases of documents, files, or other records pertaining to a domestic violence victim.

Attention to the rights and protections available to victims of domestic violence also persisted in state legislatures across the nation in 2014. Six states (Arizona, Massachusetts, Minnesota, New Hampshire, New York, and Oklahoma) extended employment protections to domestic violence victims, including promoting access to unemployment benefits (New York and Minnesota). Laws in three states addressed housing rights (California, Minnesota, and Pennsylvania) for domestic violence victims, while six other states (Georgia, Illinois, Indiana, Massachusetts, Missouri, and Virginia) introduced protective measures for witnesses in civil, criminal, and protection order proceedings addressing domestic or sexual violence. In other notable 2014 legislation impacting victims' rights, Louisiana mandated that the state's Crime Victims' Reparation Board revise their rules to eliminate consideration of victim responsibility for a crime based on certain factors, including the way the victim was dressed, the nature of the relationship to an alleged offender, and whether the victim was under the influence of drugs or alcohol when the crime occurred. Alabama expanded the definition of work loss under the Alabama Crime and Victim's Compensation Act to include the income of a domestic violence offender when the victim resided with the offender and the offender's income was a significant source of direct support to the victim. Missouri barred

prosecutors and law enforcement from requiring a victim of domestic assault, stalking, or a sexual offense from being required to submit to a polygraph or a psychological stress exam as a condition of the state proceeding with a criminal case on behalf of the victim

Parenting Time (Custody) and Divorce

Laws addressing parenting time and divorce, particularly in the context of abuse, were passed in 16 state legislatures. Louisiana introduced a new ground for divorce: one spouse's physical or sexual abuse of the other spouse or child. The law deems such grounds established if a protective order barring physical abuse of a spouse or child was issued against the accused spouse after a hearing. Another 2014 Louisiana statute requires the payment of financial support to an abused party in a divorce based, in part, on the effect and the duration of the abuse. A criminal conviction or findings in a mental health evaluation are a sufficient basis for a court's domestic abuse determination under the statute. Tennessee addressed the consequences of abuse in divorce proceedings with a statute that requires any debt for participation in a batterer's intervention program be attributed to the abuser. Proof of abuse during the marriage can be established under the Tennessee statute with an order of protection or criminal conviction. Oklahoma enacted a law that requires parents seeking divorce based on incompatibility to attend an educational program on the impact of divorce on children that includes information on the long- and short-term effects of family violence on children. Michigan authorized courts to appoint parenting coordinators to assist parents in establishing parenting time agreements. The Michigan statute includes robust domestic violence provisions, including mandatory domestic violence screening and consideration of a family's domestic violence history before the appointment of a parenting coordinator.

In addition to four states (New Mexico, North Carolina, South Dakota and Tennessee) that passed custody statutes for deployed parents, 11 other jurisdictions addressed parenting time, relocation, and child abduction in the context of separating families. Tennessee made adjustments to the statutory factors relevant to best interests of the child determinations, adding evidence of emotional or physical abuse of a child as a best interest factor. Kansas mandated that courts consider evidence of emotional or physical spousal

abuse in making custody determinations. South Dakota created a rebuttable presumption that joint physical custody is not in a child's best interest if the court finds a parent has a history of domestic abuse. A new Minnesota law clarified that the only time there is a presumption against joint custody is when domestic abuse is present.

A number of states addressed visitation in new laws that are responsive to tensions and safety risks that commonly arise around post-separation visitation. The Utah legislature enacted a statute declaring the policy of the state that divorcing parents have unrestricted access to their children, while other new Utah legislation authorized courts to order supervised visitation when necessary to protect a child. New Hampshire passed legislation that permits courts to require that visitation take place in a supervised visitation center that has a metal detector and trained security personnel on site. Continuing a trend that emerged in 2013, two states (Michigan and Pennsylvania) enacted versions of the Uniform Child Abduction and Prevention Act, which sets forth procedures and legal standards for obtaining an abduction prevention order against a parent suspected of planning to abduct a child from the custodial parent.

Firearms

States continued to take legislative action to limit access to firearms and ammunition for individuals convicted of domestic violence related crimes. Eight states (Indiana, Louisiana, Minnesota, Vermont, Washington, West, Virginia, Wisconsin, and Wyoming) all passed legislation imposing or facilitating restrictions on the possession of firearms. The restrictions included a statute that barred firearms possession even when a domestic violence offense is expunged from a person's criminal record (Indiana), provisions prescribing specific procedures for determining whether a person is barred from possessing firearms (West Virginia and Wisconsin), and expanding the grounds for firearms possession bars (Minnesota, Louisiana, Wyoming, and Washington). Two states (Louisiana and Vermont) introduced penalties for the violation of statutory bars on firearms possession. Although California did not impose specific restrictions on firearms or ammunition possession in this legislative session, the legislature did enact laws to

facilitate the enforcement of existing restrictions. New California laws permit the issuance of a search warrant for the property of a person who violates a gun violence restraining order, permit law enforcement officers to disseminate and share information in the state firearms registry, and authorized San Francisco Bay Area Regional Transit (BART) police officers to confiscate a firearm or deadly weapon from a domestic violence incident scene.

Civil Sanctions for Domestic Violence

States continued to impose civil consequences for domestic violence in 2014. Twelve states (California, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Oklahoma, Pennsylvania, South Carolina, West Virginia, Wisconsin, and Wyoming) enacted such measures. Louisiana passed statutes that imposed civil liability on individuals for acts of domestic abuse and for stalking. California strengthened its existing civil stalking tort statute with more expansive definitions of conduct that rises to the level of stalking. Pennsylvania enacted a similar law providing for civil liability for the unlawful dissemination of an intimate image of a person. Several states limited the professional pursuits of individuals convicted of domestic violence. Oklahoma and Wisconsin barred those with domestic violence convictions from employment in law enforcement. Oklahoma also instituted limits on the eligibility for security guard and private investigator licensing for individuals who have engaged in domestic violence. South Carolina prohibited the appointment of a person convicted of domestic violence as a guardian *ad litem* for a vulnerable adult, and West Virginia instituted a ban on nursing homes employing individuals who have been convicted of felony domestic battery or assault. Four states (Illinois, Louisiana, Minnesota, and Wyoming) passed legislation prohibiting the sealing or expungement of domestic violence-related convictions from criminal records.

Training and Awareness

An emphasis on domestic violence training and awareness for schools, law enforcement, and other professionals emerged in 2014, with 11 states and one U.S. territory (California, Connecticut, Florida, Guam, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, and Wisconsin) enacting legislation in this area. Four states (Louisiana, California,

Connecticut, and Illinois) introduced training requirements for secondary school employees on subjects including dating violence, bullying, stalking, and sexual assault. Louisiana, California, and Connecticut introduced requirements for the policies of higher education institutions on the reporting of and response to sexual assault and violent crimes on campus. New laws in five states (California, Indiana, Massachusetts, Minnesota, and Wisconsin) introduced domestic violence training requirements for law enforcement. Legislation in eight jurisdictions (California, Connecticut, Florida, Guam, Kentucky, Louisiana, Massachusetts, and Michigan) addressed domestic violence-related training for other professionals, including judges, court clerks, child protection personnel, juvenile justice department staff, parenting coordinators, guardians *ad litem*, medical professionals, and domestic violence shelter employees (trauma training).

Our Appreciation

The NCFCJ's Family Violence and Domestic Relations Program extends its sincere thanks to all of the individuals and organizations who work to end domestic and family violence. Although we have made every effort to ensure the accuracy of this publication, we receive new information regularly. Please accept our apologies for errors and omissions. We would appreciate having these brought to our attention.

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2014 STATE LEGISLATION*

STATE	DEFINITIONS	CRIMINAL PENALTIES AND PROCEDURES
ALABAMA		X
ALASKA		
ARIZONA	X	X
ARKANSAS		
CALIFORNIA	X	X
COLORADO		
CONNECTICUT		X
DELAWARE		X
DIST. OF COLUMBIA		X
FLORIDA		
GEORGIA		X
GUAM		
HAWAII		X
IDAHO		
ILLINOIS		X
INDIANA		X
IOWA		
KANSAS		X
KENTUCKY		X
LOUISIANA		X
MAINE		X
MARYLAND		X
MASSACHUSETTS		X
MICHIGAN		
MINNESOTA		X
MISSISSIPPI		X
MISSOURI		X
MONTANA		

* This chart represents only legislation passed during the 2014 legislative sessions and includes some states' continuing efforts in these subject areas. It is not a cumulative chart and does not include laws enacted in prior legislative sessions.

2014 STATE LEGISLATION*

FAMILIES AND CHILDREN	ORDERS FOR PROTECTION	PREVENTION AND 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		
	X	X	X
X			
X	X	X	X
	X	X	
X	X		X

2014 STATE LEGISLATION*

STATE	DEFINITIONS	CRIMINAL PENALTIES AND PROCEDURES
NEBRASKA		X
NEVADA		
NEW HAMPSHIRE		X
NEW JERSEY		
NEW MEXICO		
NEW YORK		X
NORTH CAROLINA		
NORTH DAKOTA		
NORTHERN MARIANA ISLANDS		
OHIO		X
OKLAHOMA		X
OREGON		
PENNSYLVANIA		X
PUERTO RICO		X
RHODE ISLAND		
SOUTH CAROLINA		
SOUTH DAKOTA		X
TENNESSEE		X
TEXAS		
U.S. VIRGIN ISLANDS		
UTAH		X
VERMONT		
VIRGINIA		X
WASHINGTON		
WEST VIRGINIA	X	
WISCONSIN		X
WYOMING		X

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2014 STATE LEGISLATION*

FAMILIES AND CHILDREN	ORDERS FOR PROTECTION	PREVENTION AND 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
	X		X

2014 STATE LEGISLATIVE TRENDS*

STATE	CRIMINAL JUSTICE RESPONSE	ORDERS FOR PROTECTION
ALABAMA		X
ALASKA		
ARIZONA	X	
ARKANSAS		
CALIFORNIA	X	X
COLORADO		
CONNECTICUT		X
DELAWARE	X	X
DIST. OF COLUMBIA		X
FLORIDA		X
GEORGIA	X	X
GUAM		
HAWAII	X	
IDAHO		
ILLINOIS	X	X
INDIANA		
IOWA		X
KANSAS	X	
KENTUCKY		X
LOUISIANA	X	X
MAINE	X	
MARYLAND	X	X
MASSACHUSETTS	X	X
MICHIGAN		
MINNESOTA	X	X
MISSISSIPPI	X	X
MISSOURI	X	X
MONTANA		

* This chart represents only legislation passed during the 2014 legislative sessions and includes some states' continuing efforts in these subject areas. It is not a cumulative chart and does not include laws enacted in prior legislative sessions.

2014 STATE LEGISLATIVE TRENDS*

VICTIM RIGHTS AND PROTECTIONS	CUSTODY AND DIVORCE	FIREARMS	CIVIL SANCTIONS FOR DV	TRAINING AND AWARENESS
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				X
	X			X
X	X	X	X	X
X				
X				

2014 STATE LEGISLATIVE TRENDS*

STATE	CRIMINAL JUSTICE RESPONSE	ORDERS FOR PROTECTION
NEBRASKA	X	
NEVADA		
NEW HAMPSHIRE	X	X
NEW JERSEY		
NEW MEXICO		
NEW YORK	X	X
NORTH CAROLINA		
NORTH DAKOTA		
NORTHERN MARIANA ISLANDS		
OHIO	X	X
OKLAHOMA	X	
OREGON		
PENNSYLVANIA	X	
PUERTO RICO	X	
RHODE ISLAND	X	X
SOUTH CAROLINA		X
SOUTH DAKOTA	X	X
TENNESSEE	X	X
TEXAS		
U.S. VIRGIN ISLANDS		
UTAH		X
VERMONT		
VIRGINIA	X	X
WASHINGTON		X
WEST VIRGINIA	X	
WISCONSIN	X	X

* This chart represents only legislation passed during the 2014 legislative sessions and includes some states' continuing efforts in these subject areas. It is not a cumulative chart and does not include laws enacted in prior legislative sessions.

2014 STATE LEGISLATIVE TRENDS*

VICTIM RIGHTS AND PROTECTIONS	CUSTODY AND DIVORCE	FIREARMS	CIVIL SANCTIONS FOR DV	TRAINING AND AWARENESS
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

ALABAMA

LEGISLATIVE SESSION:

Annual. The regular session convened on January 14, 2014, and adjourned on April 3, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 13A-5-40 is amended to make murder in violation of a protective order, including protective orders issued as a condition of pre-trial release, a capital offense.

FAMILIES AND CHILDREN:

§ 17-4-33 is amended to require the redaction of the residential and mailing address of a victim of domestic violence, or the address of a registered voter who has legal custody of a minor victim of domestic violence, from the computerized statewide voter registration list. The registered voter must provide an affidavit to the county Board of Registrars stating that the voter or the minor is a victim of domestic violence or that a protective order has been issued protecting the voter or the minor.

§ 11-46-36 is amended to require all municipal clerks to redact from the public record of registered voters the residential and mailing address of a registered voter, or a minor in the legal custody of a registered voter, who is a victim of domestic violence.

§ 17-11-5 is amended to allow the absentee election manager to redact the information of victims of domestic violence, or the information of voters who have legal custody of minor victims of domestic violence, from any copy of the absentee voter list that is posted or made public record.

PREVENTION AND TREATMENT:

§ 15-23-3 is amended to:

- Increase the allowance of expenses authorized under the Alabama Crime Victim's Compensation Act from $5,000 to $7,000; and
- Define "work loss" under the Alabama Crime Victim's Compensation Act to include the income of a domestic violence offender when:
  - o A domestic violence victim was residing with the offender at the time of the offense; and
  - o The offender's income was a significant source of direct support for the victim.

* Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.

ARIZONA

LEGISLATIVE SESSION:

Annual. The regular session convened on January 13, 2014, and adjourned on April 24, 2014. The special session convened on May 27, 2014, and adjourned on May 29, 2014.

DEFINITIONS:

§ 13-3601 is amended to define criminal domestic violence to include the non-consensual disclosure of nude photographs, video, film, or digital records, where the victim has a prior relationship with the defendant or the victim is a child who has resided in the same house as the defendant or the defendant's spouse

CRIMINAL PENALTIES AND PROCEDURES:

§ 13-1425 is enacted to criminalize the disclosure of nude photographs, video, or digital records if the depicted person has not consented to the disclosure.

§ 13-701 is amended to make recruiting, enticing, or obtaining a victim from a shelter for runaway youth, foster children, homeless persons; or victims of human trafficking, domestic violence, or sexual assault an aggravating factor that a trier of fact must consider when determining felony sentencing terms.

§ 13-3214 is amended to make a person's status as a victim of human trafficking an affirmative defense to prostitution.

FAMILIES AND CHILDREN:

§ 8-106 is amended to allow a mother in a paternity action to omit her address from an affidavit and notices to potential fathers if the address of her attorney is contained in the affidavit.

MISCELLANEOUS:

§ 8-807 is amended to require the Arizona Department of Child Safety to share information in its records with law enforcement agencies, prosecutors, attorneys representing child victims of crime, schools, and service providers for the purposes of investigating and prosecuting any violation involving domestic violence or violent sexual assault.

§ 8-413 is amended to require law enforcement or prosecution agencies to redact a victim's identifying and locating information from criminal case records, including defense discovery.

§ 11-483 is amended to:

- Require a person participating in the address confidentiality program to attach a copy of a program authorization card and a statement of certification when requesting the county recorder prohibit access to the person's county recorder records; and
- Expand the definition of an "eligible person" who can request restrictions on public access to the person's personal information in county recorder records to include a participant in the state address confidentiality program.

§ 11-484 is amended to:

- Require a person participating in the address confidentiality program to attach a copy of the person's authorization card and statement of certification when requesting the county assessor and country treasurer prohibit access to information contained within their county records; and
- Expand the definition of an "eligible person" to request restriction on public access to the individual's personal information in county records to include participants in the state address confidentiality program.

§ 16-153 is amended to allow participants in the address confidentiality program to request their voter registration record, and the record of any other registered voter residing at the residence address of the protected person be sealed.

§ 41-166 is amended to require address confidentiality program participants to comply with certain requirements if they would like to keep their county assessor and treasurer records confidential.

§ 8-420 is amended to require certain employers to permit the victim of a juvenile offense to leave work to obtain an order of protection, an injunction against harassment, or any other form of injunctive relief that would ensure the health, safety, and welfare of the victim or the victim's child.

CALIFORNIA

LEGISLATIVE SESSION:

Annual. The regular session convened on January 6, 2014, and adjourned on November 30, 2014.

DEFINITIONS:

§ 6203 of the Family Code is amended to clarify that the definition of abuse under the statute is not limited to the actual infliction of physical injury or assault.

CRIMINAL PENALTIES AND PROCEDURES:

§ 912 of the Evidence Code is amended to add the sexual assault counselor-victim privilege, the domestic violence-counselor privilege, and the human trafficking caseworker-victim privilege to the statute defining the circumstances under which certain confidentiality privileges are waived.

§ 917 of the Evidence Code is amended to:

- Apply the presumption of confidence to the sexual assault counselor-victim privilege, the domestic violence counselor victim-privilege, and the human trafficking caseworker-victim privilege; and
- Impose the burden of proof for demonstrating that a disclosure was not made in confidence on the party seeking to defeat a privilege.

§ 13750 of the Penal Code is enacted to authorize any city, county, or nonprofit organization to establish a multiagency, multidisciplinary family justice center to assist victims of domestic violence, sexual assault, elder or dependent adult abuse, and human trafficking.

§ 13751 of the Penal Code is enacted to require that each family justice center created under the authority of §13750 of the Penal Code maintain a training program for staff and volunteers that incudes not less than eight hours of training annually on privileges and confidentiality, information sharing, risk assessment, safety planning, victim advocacy, and high risk case response.

§ 13700 of the Penal Code is amended to include San Francisco Bay Area Rapid Transit Police Department officers in the definition of officers for the purposes of a statute addressing law enforcement response to domestic violence.

§ 18250 of the Penal Code is amended to include San Francisco Bay Area Rapid Transit Police Department officers among those authorized to take temporary custody of any firearm or deadly weapon if they are at the scene of a domestic violence incident or serving a protective or gun violence restraining order.

§ 11106 of the Penal Code is amended to permit the sharing of the name of a person in the state's firearms registry and any information about that person's purchase of ammunition with the victim of a crime if 1) the person has been accused or convicted of a crime against the victim; or 2) the person is the subject of an emergency protective order or temporary restraining order issued under the Domestic Violence Protection Act.

§ 1524 of the Penal Code is amended to permit the issuance of a warrant to search the property or things of a person who owns, possesses, or has custody and control of a firearm or ammunition in violation of a gun violence restraining order.

ORDERS FOR PROTECTION:

§ 646.91 of the Penal Code is enacted to clarify that San Francisco Bay Area Rapid Transit Police Department officers are officers on whose assertions a judicial officer is authorized under the statute to issue an *ex parte* protective order.

§ 136.2 of the Penal Code is amended to:

- Expand the list of domestic violence offenses that a court is required to consider in determining whether to issue a protection order to protect a victim or witness from intimidation to include abuse against:
  - A child of a party to the domestic violence proceeding,
  - A child who is the subject of an action under the Uniform Parentage Act, or
  - Another person related to the defendant by consanguinity or affinity within the 2nd degree;
- Require a criminal court to consider issuing a protective order when the defendant is charged with specified sex crimes, including rape and spousal rape;
- Require that records in all criminal cases involving domestic violence or rape be clearly marked as such to alert the court to its ability to issue a restraining order;
- Permit a criminal court, in determining whether good cause exists to issue a protective order, to consider the relationship between the defendant and the victim, the defendant's criminal history, and any current protective orders when issuing a criminal protective order in a sex offense case; and
- Define a minor who was physically present during a domestic violence act as a witness who has suffered harm and permit the court to issue a protection order protecting the minor from the defendant.

§ 6300 of the Family Code is amended to permit a court to issue a protection order based solely on the affidavit or testimony of the petitioner.

§ 6301 of the Family Code is amended to:

- Clarify that courts should not consider the length of time between the most recent act of abuse and the application for a protection order as determinative in itself of whether a protection order is granted; and
- Require the court to consider the totality of the circumstances in determining whether a protection order will be granted.

§ 6340 of the Family Code is amended to require a court that denies a petition for a protection order to provide a brief written or oral statement on the record of the reasons for the decision.

§§ 18100, 18105, 18107, 18109-10, 18115, 18120, 18122, 18125, 18130, 18135, 18140, 18145, 18150, 18155, 18160, 18165, 18170, 18175, 18180, 18185, 18190, 18195, 18197, 18200, and 18205 of the Penal Code are enacted to:

- Create a gun violence restraining order that enjoins a person from possession of firearms or ammunition;
- Establish a civil restraining order process for gun violence restraining orders; and
- Make the knowing violation of a gun violence restraining order a misdemeanor, punishable by a five-year prohibition on possession of firearms or ammunition upon the expiration of the existing gun violence restraining order.

PREVENTION AND TREATMENT:

§ 1708.7 of the Civil Code is amended to:

- Expand the definition of the tort of stalking to include a pattern of conduct with the intent to place a victim under surveillance;
- Expand liability under the tort to include engaging in patterns of conduct that result in a plaintiff suffering substantial emotional distress or that would cause a reasonable person to suffer substantial emotional distress;
- Broaden the requisite intent requirement for the "credible threat" element of the stalking tort to include reckless disregard for the safety of the plaintiff or that of an immediate family member;
- Expand the definition of "credible threat" under the statute to include a defendant's direct and indirect actions and the use of any method, device or means to follow, harass, monitor, surveil, threaten, interfere with, or damage a plaintiff's property;
- Define the term "follow" as moving in relative proximity to a person as that person moves from place to place or to remain in relative proximity to a person who is stationary or whose movements are confined to a small area;
- Define "place under surveillance" as remaining present outside of the plaintiff's school, place of employment, vehicle, residence (other than the residence of the defendant), or other place occupied by the plaintiff;
- Clarify that "substantial emotional distress" within the meaning of the statute:
    - Is not equivalent to the legal definition of "severe emotional distress" in the tort of intentional infliction of emotional distress;
    - Does not require the plaintiff to show physical manifestations of emotional distress; and
    - Is determined by the fact-finder's evaluation of the totality of the circumstances to determine whether the defendant reasonably caused the plaintiff substantial fear, anxiety, or emotional torment; and
- Clarify that the plaintiff does not need to demand that the defendant cease his conduct if exigent circumstances make the demand impractical or unsafe.

MISCELLANEOUS:
§ 11106 of the Penal Code is amended to permit law enforcement officers to acquire and disseminate information from the California Attorney General's Firearm Registry if the subject of the record is arraigned for a crime where the victim is an intimate partner or family member.

§ 67386 of the Education Code is enacted to require all post-secondary educational institutions to develop policies on sexual assault, domestic violence, dating violence, and stalking.

§ 13515 of the Penal Code is amended to require supervising city police officers and deputy sheriffs to complete elder and dependent abuse training that includes the legal rights and remedies available to victims of elder abuse or dependent adults, including emergency protective orders, move-out orders, and temporary restraining orders.

§ 53165 of the Government Code is enacted to prohibit any city, town, county, housing authority, municipal corporation, or political subdivision from requiring a landlord to terminate or fail to renew a tenancy based on the tenant or a household member being a victim of acts that constitute domestic violence, sexual assault, stalking, or human trafficking.

§ 67380 of the Education Code is amended to:

- Require a post-secondary institution to notify the local law enforcement agency as soon as practicably possible when a victim makes a report of a violent crime, sexual assault, or hate crime to a campus security authority;
- Require the post-secondary institution to make the report without identifying the victim, unless the victim consents to being identified after having been informed of the right to have his or her identifying information withheld; and
- Require that the alleged assailant not be identified in the information disclosed to the local law enforcement agency if the victim does not consent to being identified.

§ 1708.8 of the Civil Code is amended to expand the definition of "private, personal, or familial activity" for the purposes of a statute imposing civil liability for physical invasion of privacy to include:

- Intimate details of the plaintiff's personal life under circumstances in which the plaintiff has a reasonable expectation of privacy;
- Interaction with the plaintiff's family or significant others under circumstances in which the plaintiff has a reasonable expectation of privacy;
- If the defendant has ever been convicted of being a disruptive presence at schools under Penal Code § 626.8, any activity that occurs when minors are present at any preschool or public or private school having kindergarten or any of the grades 1 to 12;
- Any activity that occurs on a residential property under circumstances in which the plaintiff has a reasonable expectation of privacy; and
- Other aspects of the plaintiff's private affairs or concerns under circumstances in which the plaintiff has a reasonable expectation of privacy.

CONNECTICUT

LEGISLATIVE SESSION:

Annual. The regular session convened on February 5, 2014, and adjourned on May 7, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 46b-38k is enacted to criminalize the malicious disclosure of a domestic violence shelter's location and classify this offense as a Class A misdemeanor.

FAMILIES AND CHILDREN:

§ 46b-54 is amended to:

- Permit a court in a family relations matter to appoint a guardian *ad litem* (GAL) for a child in lieu of an attorney once the parties have made reasonable efforts to resolve the matter;
- Require the court to schedule GAL participation at the beginning, the end, or any time in the proceedings that the court deems appropriate to minimize the parties' legal fees;
- Prohibit the attorney or the GAL for a minor from reporting to the court any medical diagnosis or health-care conclusion of a professional treating a child unless the parties have refused to pay for obtaining that professional's medical records; and
- Require counsel or the GAL for a minor child to consider certain factors in evaluating the best interests of the child, including the temperament and developmental needs of the child, the capacity and disposition of the parents to understand the child's needs, any manipulation or coercive behavior of the parents in an effort to involve the child in the parents' dispute, the effect on the child of the actions of an abuser if any domestic violence has occurred, and whether the child or a sibling has been abused or neglected.

ORDERS FOR PROTECTION:

§ 53a-223 is amended to include protection orders issued as a condition of probation in the statute criminalizing the violation of protective orders.

§§ 53a-223, 223a, and 223b are amended to increase the penalty for violation of a restraining or protective order to a Class C, from a Class D felony, if the violator imposes any restraint on the person or liberty of a person or threatens, harasses, assaults, molests, sexually assaults, or attacks a person in violation of the order.

§ 46b-15 is amended to:

- Permit courts issuing *ex parte* and final civil restraining orders to include the following economic relief to petitioners who are married or cohabit with the respondent and share a child in common:
    - Prohibiting respondents from:
        - Taking any action that could result in termination of necessary utilities at the family dwelling or dwelling of the applicant;
        - Taking any action that would result in the cancellation, change of coverage or beneficiary on any health, automobile, or homeowners insurance policy to the detriment of the petitioner or dependent child in common of the petitioner and respondent;
        - Transferring, encumbering, concealing, or disposing of specified property owned or leased by the applicant; and
    - Requiring the respondent to provide the petitioner with temporary possession of an automobile, checkbook, documentation of health, automobile or homeowners insurance, documentation needed for the purposes of proving identity, keys, or other necessary specified personal effects;

- Permit courts issuing final civil restraining orders after a hearing to provide the following additional economic relief to petitioners who are married or cohabit with the respondent and share a child in common:
  - o Ordering respondent to:
    - Make rent or mortgage payments on the family dwelling or dwelling in which the petitioner and a dependent child in common with the respondent reside for up to 120 days;
    - Maintain utility services or other necessary service related to the family dwelling or dwelling in which the petitioner and a dependent child in common with the respondent reside for up to 120 days;
    - Maintain all existing health, automobile, or homeowners insurance coverage without a change in coverage or beneficiary designation for up to 120 days;
    - Provide financial support for the benefit of any dependent child or children in common with petitioner for up to 120 days; and
- Require that any protection order issued under this statute contain specific language notifying the respondent that violation of the order is a crime and set forth the sentences and fines for such criminal violations.

§§ 46b-15 and 11-4a are amended to establish a 16-member task force to study service of restraining orders issued under § 46b-15.

§ 46b-38c is amended to increase from five years to 10 years the maximum penalty for violation of a family violence protective order issued under this statute.

§ 54-1k is amended to increase from five years to 10 years the maximum penalty for violation of a protective order issued in cases of stalking, harassment, sexual assault, or risk of injury or impairing the morals of a child under this statute.

§ 54-82r is amended to increase from five years to 10 years the maximum penalty for violation of a protective order issued to prevent witness harassment under this statute.

§ 53a-40e is amended to increase from five years to 10 years the maximum penalty for violation of a standing criminal protective order issued under this statute.

§ 53a-40d is amended to add criminal violation of a standing protection order to the list of offenses that are subject to enhanced penalties for what the statute terms persistent offenders.

PREVENTION AND TREATMENT:

§ 46b-38c is amended to require the Judicial Branch to consult with organizations that advocate on behalf of victims of domestic violence in order to ensure that ongoing training programs for judges and other court personnel include information on the unique characteristics of family violence crimes.

§ 10-222d is amended to:

- Define teen dating violence within the meaning of the Safe School Climate Plan statute as any act of physical, emotional, or sexual abuse, including stalking, harassing, and threatening, that occurs between two students who are currently in or have recently been in a dating relationship;
- Require local and regional boards of education to include teen dating violence in their Safe School Climate Plan; and
- Require local and regional boards of education to implement a prevention and intervention strategy for school employees to deal with teen dating violence.

§ 10-222i is amended to require the Connecticut Department of Education to include teen dating violence in information it provides through the Safe School Climate Resource Network.

§ 10-222j is amended to require the Connecticut Department of Education to provide annual training to school employees on the prevention, identification, and response to teen dating violence.

§ 10a-55a is amended to require institutions of higher education to include stalking in their annual uniform crime report.

§ 10a-55m is amended to:

- Require institutions of higher education to include stalking in their awareness programming;
- Define "bystander intervention" as the act of challenging social norms that support stalking or intimate partner violence (IPV);
- Modify the definition of institution of higher education covered by the statute to include licensed for-profit institutions;
- Require institutions of higher education to include a stalking policy in their annual uniform campus crime report;
- Require institutions of higher education to allow victims of sexual assault, stalking, or IPV to make anonymous disclosures to the university;
- Require institutions of higher education to notify a victim of the institution's duties under state and federal law, including the duty to warn, and any other obligations that could result in disclosure of the victim's identity; and
- Require institutions of higher education to notify a victim of sexual assault, stalking, or IPV, in writing, of their rights and options under the institution's policy.

DELAWARE

LEGISLATIVE SESSION:

Annual. The regular session convened on January 8, 2014, and adjourned on June 30, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 787 of Title 11 is amended to:

- Define recruiting, enticing, or obtaining a victim from a domestic violence, human trafficking, sexual assault, runaway youth or foster youth shelter as an aggravating circumstance in the crime of trafficking;
- Create a presumption that if a minor has engaged in commercial sexual activity, the minor is abused or neglected under the Family Court statute;
- Require a police officer to make an immediate report to the Department of Social Services when there is probable cause to believe a minor is engaged in commercial sexual activity;
- Permit an attorney guardian *ad litem* or court appointed special advocate representing a minor charged with prostitution or loitering to file a motion to stay juvenile delinquency proceedings;
- Permit the court, in the event that the stay is granted, to provide specialized services; and
- Permit the court to dismiss the case on the motion of the Attorney General if the minor substantially complies with the specialized services.

FAMILIES AND CHILDREN:

§ 711a of Title 13 is amended to prohibit a court from ordering mediation in a child support proceeding.

ORDERS FOR PROTECTION:

§ 1045c of Title 10 is amended to eliminate the six-month time limit on extensions of Family Court protective orders.

DIST. OF COLUMBIA

LEGISLATIVE SESSION:

Annual. The regular session convened on January 2, 2014, and adjourned on December 31, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 23-581 is amended to permit a law enforcement officer to arrest a person without a warrant if there is probable cause to believe the person is noncompliant with a condition of release that requires the person to stay away from another person or place.

FLORIDA

LEGISLATIVE SESSION:

Annual. The regular session convened on March 4, 2014, and adjourned on May 2, 2014. The special session convened on August 7, 2014, and adjourned on August 11, 2014.

FAMILIES AND CHILDREN:

§ 90.204 is amended to permit courts in protection order, child custody, dissolution, and paternity cases in which imminent danger to persons or property has been alleged to take judicial notice of any court records from cases in any U.S. jurisdiction without prior notice when it is impractical to give prior notice to the parties of the intent to take judicial notice.

§ 39.301 is amended to:

- Require that a child protective investigator implement separate, child-focused safety plans for the perpetrator of domestic violence and the parent who is the victim of domestic violence;
- Require a child protective investigator to seek issuance of an injunction to implement a safety plan for a perpetrator who is not the parent, guardian, or legal custodian of a subject child; and
- Prohibit the perpetrator of domestic violence from seeing the child-focused safety plan of the victim.

ORDERS FOR PROTECTION:

§§ 741.30, 784.046, and 784.0485 are amended to:

- Permit courts in *ex parte* hearings for temporary protective orders to take judicial notice of other court matters; and
- Create an exception under specific circumstances from the requirement that evidence in *ex parte* hearings be limited to verified pleadings or affidavits.

MISCELLAENOUS:

§ 402.40 is amended to require that the Department of Children and Families (DCF) collaborate with certain community-based agencies, including the Florida Coalition Against Domestic Violence, in the development of training curricula for child protection personnel.

§ 402.402 is enacted to require that all child protection investigators and supervisors receive specialized training focused on serving specific populations, including families with a history of domestic violence.

GEORGIA

LEGISLATIVE SESSION:

Biennial. The second year of the session convened on January 14, 2014, and adjourned on March 20, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 16-5-21 is amended to:

- Modify the definition of aggravated assault to include the act of strangulation with an offensively used object, device, or instrument;
- Categorize strangulation as a felony level crime; and
- Define strangulation as impeding the normal breathing or circulation of blood of another person by applying pressure to the throat or neck or by obstructing the nose and mouth.

§ 16-11-90 is enacted to make electronically transmitting or posting the sexually explicit conduct of an adult for the purpose of harassment or when the postings cause financial loss to the victim a high and aggravated misdemeanor offense.

§ 17-8-55 is enacted to permit a victim under the age of 18 to testify by closed-circuit camera in certain criminal cases including homicide, cruelty, and sexual assault.

ORDERS FOR PROTECTION:

§ 9-11-7.1 is enacted to:

- Permit a court, upon a finding of good cause, to seal a protective order filing containing personal or confidential information that has not been redacted;
- Permit a court to order that a redacted version of a protection order be filed as the public record; and
- Limit electronic access to a protection order document filed with the court.

GUAM

LEGISLATIVE SESSION:

Biennial. The regular session convened on January 13, 2014, and adjourned on December 31, 2014.

PREVENTION AND TREATMENT:

§ 122404 of Article 24 is enacted to require that Anesthesiologist Assistants complete one hour of continuing medical training in domestic violence that includes information on the prevalence of domestic violence, screening procedures, and referring patients to resources in the local community.

LEGISLATIVE SESSION:

Annual. The regular session convened on January 15, 2014, and adjourned on May 1, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 709-906 is amended to:

- Create the criminal offense of physical abuse occurring in the presence of a family or household member less than 14 years of age*;
- Designate the offense as a felony*;
- Require that a police officer responding to a report of abuse of a family or household member make reasonable inquiry of the victim and any other witnesses and order the person that the police officer reasonably believes inflicted the abuse to leave the premises for a period of 48 hours.

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.

ILLINOIS

LEGISLATIVE SESSION:

Annual. The regular session convened on January 29, 2014, and adjourned on May 31, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

725 § 5/110-5 is amended to permit courts to order respondents charged with certain violent crimes, including domestic battery, kidnapping, stalking, harassment, and attempted murder of an intimate partner, to undergo a risk assessment using an evidence-based, recognized instrument as a condition of bail.

720 § 5/12-3.2 is amended to permit enhanced penalties for multiple convictions for domestic battery based on prior convictions for offenses in other jurisdictions that are substantially similar to Illinois's definition of domestic battery.

730 § 5/5-6-2 is amended to:

- Prohibit any offender sentenced to probation for a violent offense from receiving time credit toward completion of his or her probation for obtaining a GED, a career certificate, a vocational technical certification, an associate's degree, or a bachelor's degree; and
- Define a violent offense within the meaning of the statute to include any offense in which bodily harm is inflicted or force is used, or threatened, against any person; involving sexual conduct, sexual penetration or sexual exploitation; domestic violence, domestic battery, violation of an order of protection, stalking or a hate crime; driving under the influence of drugs or alcohol, or an offense involving the possession of a firearm or dangerous weapon.

FAMILIES AND CHILDREN:

55 § 80/3 is amended to:

- Require advisory boards for Children's Advocacy Centers (CACs), which are facility-based programs for collaborative, multidisciplinary investigations of child maltreatment, to write an operational protocol that minimizes the trauma of the investigation process for the child, non-offending parents and caregivers, as well as coordinates treatment referrals for the same parties; and
- Require CACs to have a multidisciplinary systems approach to investigation that includes a child-friendly, trauma-informed space for children and their non-offending family members, culturally competent services, and a policy or procedure to familiarize a child and non-offending family members with the court process and preparations for testifying in court.

ORDERS FOR PROTECTION:

820 § 275/10 of the Workplace Violence Prevention Act is amended to clarify the definition of "credible threat of violence" within the meaning of the statute as a course of conduct that causes reasonable persons to fear for their safety or for the safety of others at the workplace.

820 § 275/15 is amended to clarify that an employer may seek a workplace protection restraining order if:

- An employee has suffered unlawful violence and the respondent has made a credible threat to carry out violence in the employee's workplace;
- An employee believes that the respondent has made a credible threat to carry out violence in the workplace; or
- An unlawful act of violence has been carried out at the workplace or the respondent has made a credible threat of such.

820 § 275/20 is amended to:

- Require that an employer file an affidavit with the court demonstrating by a preponderance of the evidence that the elements of 820 § 275/15 have been met; and
- Require that, where an emergency order is sought, evidence that great or irreparable harm has, will be, or is likely to be suffered by an employee in the workplace.

820 § 275/21 is enacted to:

- Require an employer seeking a workplace protection restraining order involving an employee who is the victim of unlawful violence by a family or household member to:
  - Notify the employee in writing of its intent to seek such an order; and
  - Conduct a verbal consultation with the employee prior to seeking the order to determine whether any safety or well-being concerns exist or whether the employer's action will interfere with any legal action the employee is taking;
- Require that if an employee does not consent to the employer's plans to seek a workplace protection order that the employer abide by a four-day waiting period before petitioning for the order;
- Provide for an exception to the waiting-period requirement if there is an immediate threat of imminent physical harm at the work site and the employer is seeking an emergency order; and
- Require employers who are subject to the Victims' Economic Security and Safety Act to include the specific language about their rights under that statute in the written notice to employees of their intent to seek a workplace protection restraining order.

820 § 275/25 is amended to expand the permissible remedies available in a workplace protection restraining order to include:

- Requiring the respondent to stay away from and refrain from engaging in unlawful violence in the workplace; and
- Ordering the respondent to pay the petitioner for property losses suffered as a direct result of the actions of the respondent.

820 § 275/30 is amended to:

- Require that an action for a workplace protection restraining order be commenced by filing a petition in any civil court;
- Permit the court to omit the workplace address from all documents filed with the court if the address is not currently known to the respondent; and
- Clarify that there is no right to trial by jury in any proceeding to obtain, modify, vacate or extend a workplace protection restraining order.

820 § 275/50 is enacted to:

- Set forth requirements and procedures for service of summons in actions for workplace protection restraining orders;
- Permit the court to issue a workplace protection restraining order by default; and
- Prohibit the imposition of any requirement that an employee who has been the victim of domestic violence by the respondent testify, participate, or appear in the process for the workplace restraining order.

820 § 275/60 is enacted to require that a court treat a petition for a workplace restraining order as an expedited proceeding and to prohibit the court from transferring or otherwise declining to decide all or part of the petition.

820 § 275/70 is enacted to set forth procedures and standards for obtaining an emergency order under the Workplace Violence Prevention Act.

820 § 275/80 is enacted to permit the court to order that the examination of an employee who is voluntarily testifying in a plenary workplace protection order hearing may take place in chambers if the court finds that the employee's testimony may result in serious emotional distress to the employee.

820 § 275/85 is enacted to:

- Set the duration for an emergency workplace protection restraining order as not less than 14 and not more than 21 days; and
- Set the duration of a plenary workplace protection restraining order as a fixed period of time not to exceed one year.

820 § 275/90 is enacted to set guidelines for the required contents of a workplace protection restraining order.

820 § 275/100 is enacted to set forth requirements and procedures for the modification of a workplace protection restraining order.

820 § 275/105 is enacted to permit courts to enforce workplace protection restraining orders through civil contempt proceedings.

820 § 275/110 is enacted to require employers seeking or obtaining workplace protection restraining orders to abide by all state and federal anti-discrimination laws.

820 § 275/120 is enacted to prohibit a court from entering a workplace protection restraining order that enjoins:

- Lawful monitoring of compliance with public or work safety laws, wage and hour requirements, or other statutory workplace rules;
- Picketing or other forms of lawful protest at the workplace that arise out of a bona fide labor dispute; and

- Engaging in concerted and protected activities as defined in applicable labor law.

PREVENTION AND TREATMENT:

20 § 105/4.04 is amended to define "policy on bullying" within the meaning of the statute addressing school bullying to include:

- The statutory bullying definition, which includes stalking, sexual violence, and physical violence;
- A statement that bullying is contrary to the law;
- Procedures for reporting, investigating, and addressing bullying;
- Interventions made to address bullying; and
- A statement prohibiting reprisal or retaliation against any person who reports bullying.

20 § 301/40-5 is amended to exclude any addict or alcoholic charged or convicted of the crime of stalking from eligibility to elect drug abuse treatment as an alternative to sentencing disposition in his or her case.

105 § 5/27-23.7 is amended to expand the definition of bullying to include "cyber bullying"; and through the use of technology or electronic communication using any signs, signals, writings, images, sounds, data, or intelligence, including the creation of a web page in which the creator assumes the identity of or knowingly impersonates another person; and the distribution or posting electronically of communication that places a student in reasonable fear of harm to his or her person or property, causes a substantial detriment to a student's physical or mental health, or substantially interferes with the student's academic performance, or the student's ability to benefit from the services, activities, or privileges provided by the school.

105 § 5/10-22.24b is amended to:

- Require school counseling services to include the development and implementation of programs for the prevention of violence and bullying; and

- Require school counselors to participate at least once every two years in training programs conducted by persons with expertise in domestic and sexual violence that include topics such as communicating with youth victims, connecting youth victims with services, implementing school district policies and procedures on confidentiality, and other issues impacting youth victims.

§ 1.1 of Chapter 430, Title 65 is enacted to define "clear and present danger" for a statute governing firearms identification cards as:

- Communicating a serious threat of physical violence against a reasonably identifiable victim;
- Posing a clear and imminent risk of serious physical injury to himself, herself, or another person; or
- Demonstrating threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior.

MISCELLANEOUS:

20 § 2630/5.2 is amended to add battery of an unborn child, domestic battery, and violations of stalking or civil no-contact orders to the list of offenses for which a court is barred from sealing records of arrest and/or conviction.

725 § 120/8.5 is amended to prohibit the Attorney General from releasing the names or any other personal identifying information of any person in the state's crime victim registry except under limited circumstances.

735 § 5/8-802 is amended to:

- Create an exception to the physician patient-privilege when a grand jury subpoena is issued to the physician; and
- Require the Attorney General, when a physician is subpoenaed in a criminal action where the charge is domestic battery, aggravated domestic battery, any sex offense, or where the patient is under 18, to petition the court for a discovery protective order limiting or deferring disclosures about the physician's testimony.

INDIANA

LEGISLATIVE SESSION:

Annual. The regular session convened on January 6, 2014, and adjourned on March 13, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§§ 35-38-9-6 and 35-47-4-7 are amended to clarify that the expunge ment for a crime of domestic violence does not restore a person's right to possess a firearm.

PREVENTION AND TREATMENT:

§ 5-2-1-9 is amended to require the state's law enforcement training board to include training on immigration visas available to victims of abuse under the Victims of Trafficking and Violence Protection Act (U-Visas) and on issues related to gender, domestic violence, and national origin in establishing minimum standards for cultural diversity awareness training for new recruits.

§ 5-2-8-1 is amended to expand the scope of mandatory training that county law enforcement agencies must provide to officers to include:

- Information on immigration visas available to victims of abuse under the Victims of Trafficking and Violence Protection Act (U-Visas); and
- Cultural diversity awareness that addresses issues related to race, gender, age, domestic violence, national origin, and physical and mental disabilities.

MISCELLANEOUS:

§ 34-60-1-1 is enacted to define a victim, for the purposes of a statute relating to victim advocates in civil proceedings, as an individual against whom an act of domestic or family violence, dating violence, sexual assault, stalking, or human and sexual trafficking has been committed or a family member of that individual, provided that the victim has not been accused of committing domestic or family violence, dating violence, sexual assault, stalking, or human and sexual trafficking.

§ 34-60-1-2 is enacted to define a victim advocate as an individual who volunteers with, works for, or is appointed by a victim service provider, including employees, appointees, or volunteers of domestic violence or sexual assault programs, rape crisis centers, battered women's shelters, transitional housing programs for domestic violence victims, or programs whose primary purpose is to provide services to victims of domestic violence.

§ 34-60-1-4 is enacted to clarify that a court may allow a victim advocate to attend a civil proceeding and sit and confer with the victim as necessary.

§ 16-19-13-7 is enacted to require the State Department of Health to conduct a study of crimes of domestic and sexual violence, including:

- Determining the extent to which crimes of domestic or sexual violence are underreported, including one study that uses professionals with expertise in analyzing communication and understanding the social norms and cultural pressures that affect whether a victim of sexual or domestic violence reports the crime;
- Identifying which crimes of domestic or sexual violence are underreported;
- Investigating differences between the reporting of crimes of domestic or sexual violence against adults and children, and whether the crimes were committed in urban, suburban, or rural areas;
- Investigating and identifying reasons why victims of unreported sexual or domestic violence do not report these crimes;
- Recommending best practices to improve reporting and connecting victims with appropriate therapeutic and other resources; and
- Studying the use of global imaging system technology to detect patterns of reported and unreported crimes of domestic or sexual violence and conducting follow-up investigations to study high and low reporting rate areas.

LEGISLATIVE SESSION:

Annual. The regular session convened on January 13, 2014, and adjourned on May 1, 2014.

FAMILIES AND CHILDREN:

§§ 235F.1-235F.8 are enacted to create a process for a vulnerable elder to file a petition seeking relief from elder abuse. Permissible relief under the statute includes:

- Orders requiring the defendant to vacate the residence of the vunerable elder;
- Orders restraining the defendant from abusing, harassing, intimidating, molesting or menacing the elder;
- A prohibition on the restrained party exercising control over property as a guardian *ad litem* (GAL), conservator, or attorney-in-fact;
- Requiring the defendant to return custody or control of funds to an elder victim; and
- Requiring the defendant to follow the instructions of the GAL, conservator, or attorney in-fact of a vulnerable elder.

§ 598.7 is amended to clarify that a court may not order a party to participate in mediation in dissolution or domestic relations cases involving elder abuse.

ORDERS FOR PROTECTION:

§§ 236.3, 236.4, and 236.5 are amended to permit petitioners to seek and courts to order exclusive control of pets or companion animals in temporary and final protection orders.

KANSAS

LEGISLATIVE SESSION:

Annual. The regular session convened on January 13, 2014, and adjourned on May 30, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 21-5417 is amended to define mistreatment of a dependent adult as:

- Taking the personal property or financial resources of a dependent adult for another's benefit by taking control, title, use, or management of the property or resources through undue influence, coercion, harassment, duress, deception, false representation, false pretense, without adequate consideration to the dependent adult, or through a violation of the Kansas Power of Attorney Act or the Kansas Uniform Trust Code; or
- Taking the personal property or financial resources of a dependent adult for another's benefit by taking control, title, use, or management of the property or resources through omission or deprivation of treatment, goods, or services necessary to maintain physical or mental health.

FAMILIES AND CHILDREN:

§ 23-3203 is amended to clarify that evidence of emotional or physical spousal abuse is a relevant factor that courts must consider in determining the issue of child custody.

KENTUCKY

LEGISLATIVE SESSION:

Annual. The regular session convened on January 7, 2014, and adjourned on April 15, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 403.761 is amended to permit the court to order the use of an alcohol monitoring device as a sanction for a substantial violation of a domestic violence order.

§ 529.170 is enacted to make a defendant's status as a victim of human trafficking an affirmative defense to any criminal offense that is not a violent crime.

ORDERS FOR PROTECTION:

§ 403.754 is enacted to permit a petitioner for an order of protection to apply for a temporary permit to carry a concealed deadly weapon through an expedited process.*

MISCELLANEOUS:

§ 209.032 is enacted to require companies that provide personal care to vulnerable adults to investigate whether a prospective employee, contractor, or volunteer has any substantiated findings of adult abuse, neglect, or exploitation.

§ 15A.0652 is enacted to require the Department of Juvenile Justice to promulgate regulations for the development and implementation of training programs for departmental staff on domestic violence, trauma, and family engagement.

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.

LOUISIANA

LEGISLATIVE SESSION:

Annual. The regular session convened on March 10, 2014, and adjourned on June 2, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 13:5304 is amended to prohibit a person accused of an offense of domestic battery punishable by imprisonment or hard labor from participation in a drug division probation program for the offense.

§ 14:2 is amended to designate domestic abuse aggravated assault as a "crime of violence" for the purposes of consideration of the offense in any other civil or criminal proceeding.

§ 14:35.3 is amended to:

- Define a "court-monitored domestic abuse intervention program" as:
  - Comprised of a minimum of 26 in-person sessions;
  - Following a model designed specifically for perpetrators of abuse;
  - One in which a participant's progress is monitored by the court; and
  - Operated by a provider with experience working directly with perpetrators and victims of abuse, facilitating batter intervention groups, and training on the causes and dynamics of domestic violence, the characteristics of batterers, victim safety, and sensitivity to victims;
- Replace the term "court approved domestic abuse prevention program" with the term "court-monitored domestic abuse intervention program" to describe one of the conditions that the court may impose upon a conviction for domestic abuse battery;
- Increase the maximum prison sentence for a second domestic abuse battery conviction from six months to one year; and
- Designate any crime of violence by one household member against another household member as an act of domestic abuse for the purposes of consideration in any civil or criminal proceeding.

§ 14:95.10 is enacted to:

- Prohibit a person convicted of domestic abuse battery from possessing a firearm or carrying a concealed weapon;
- Require that a person who possesses a firearm or carries a concealed weapon in violation of the statute be sentenced to imprisonment for not less than one year and not more than five years and fined not less than $500 and not more than $1,000;
- Provide that a person cannot be considered convicted of domestic abuse battery unless the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel, and was tried by a jury where required;
- Provide that a person is not considered convicted of domestic abuse battery if the conviction has been expunged, set aside, or is an offense for which the person has been pardoned, had any civil rights restored, unless the expungement, set-aside, or pardon prohibits the person from shipping, possessing, or receiving firearms;*
- Define firearm for the purposes of the statue as any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle designed to fire or capable of firing fixed cartridge ammunition, or from which a shot or projectile is discharged by an explosive; and
- Exempt a person who has not been convicted of domestic abuse for 10 years from the date of the completion of his or her sentence for that crime from the provisions of the statute.*

Article 334.2 of the Code of Criminal Procedure is amended to include domestic abuse, false imprisonment, statutorily defined crimes of violence, and the violation of protection orders in the list of offenses for which a court is barred from releasing a defendant on his or her own recognizance or the signature of another person.

Article 330.3 of the Code of Criminal Procedure, referred to as Gwen's Law, is enacted to impose the following conditions in cases in which a person is accused of a felony offense against a family or household member:

- Require that a contradictory bail hearing be held prior to setting bail;
- Require such hearing to be held within five days of the determination of probable cause;
- Require the court to perform an *ex parte* examination of the evidence against the defendant, in addition to considering any other evidence, at the bail hearing;
- Require the court in making its bail determination to consider the previous criminal record of the defendant, any threat or danger the defendant poses to the victim, the victim's family members, or the public;
- Require the court to perform a risk assessment of the defendant that considers factors including substance abuse, gun ownership, record of violence, employment status, prior threats of violence, forced sex, choking, and control of daily activities of the victim;
- Permit the court to hold a defendant without bail upon proof by clear and convincing evidence that the defendant might flee or that the defendant might pose a threat or danger to the victim; and
- Permit the court to require electronic monitoring of the defendant and restrict the defendant's movements.

Article 977 of the Code of Criminal Procedure is amended to prohibit the expungement of a misdemeanor conviction for domestic battery, unless the conviction was dismissed pursuant to a deferred sentence under Article 894(B) of the Code of Criminal Procedure.*

Article 978 of the Code of Criminal Procedure is amended to prohibit the expungement of a conviction of a felony offense if the person has been convicted of a crime of violence, unless an exception under Article 893(E) of the Code of Criminal Procedure applies.*

§ 14:79 is amended to:

- Permit a court to consider any crime of violence committed during the violation of a restraining order as an aggravating factor in sentencing; and
- Require law enforcement officers to issue a summons to any person found in violation of a protection order.

§ 14:95.10 is enacted to:

- Prohibit a person convicted of domestic abuse battery to possess a firearm or carry a concealed weapon; and
- Exclude persons convicted of domestic abuse whose convictions are expunged, set aside, or pardoned from this prohibition.*

§ 15:334.2 is amended to prohibit the court from releasing a defendant on recognizance if the defendant has been arrested for domestic abuse battery, domestic abuse aggravated assault, false imprisonment, any crime of violence, or violation of a protective order.

§ 46:2140 is amended to require a law enforcement officer to:

- Immediately arrest a person whom the officer reasonably believes has committed family or dating abuse in violation of a protection order;
- Use all reasonable means to prevent future abuse if the officer reasonably believes a person has committed family or dating abuse, but is not in violation of a protective order; and
- Presume that a person in violation of a protective order is the "predominant aggressor" for purposes of mandatory arrest rules.

FAMILIES AND CHILDREN:

Article 112 of the Civil Code is amended to require that when a spouse has not been at fault prior to the filing of a petition for divorce and the court determines that a party was the victim of domestic abuse by the other party during the marriage, the abused spouse be provided with a final periodic support or a lump sum award based on a list of relevant factors, including the existence, effect, and duration of any domestic abuse.

§ 9:327 is enacted to provide that in determining whether domestic abuse occurred during the marriage for the purposes of awarding spousal support:

- The court must consider any criminal convictions of the obligor spouse against the claimant spouse during the marriage;
- In the absence of a criminal conviction, the court may order an evaluation of both parties by a court-appointed mental health professional who is an expert in domestic abuse and who has no family, financial, or prior medical relationship with either party; and
- The evaluation may be used to assist the court in determining the existence and nature of the alleged domestic abuse.

§ 9:364 is amended to replace the term "treatment program" with "court-monitored domestic abuse intervention program" for the purposes of a statute addressing family violence in the context of child custody and visitation.

Article 103 of the Civil Code is amended to add the following grounds for granting a divorce:

- The other spouse has physically or sexually abused the spouse seeking divorce or the child of one of the spouses, regardless of whether the spouse was prosecuted for the act of abuse; and
- After a contradictory hearing or consent decree, a protective order or injunction has been issued against the other spouse to protect the spouse seeking a divorce or a child of one of the spouses from abuse.

ORDERS FOR PROTECTION:

Articles 1569 and 1570 of the Children's Code are amended to require the clerk of the court issuing *ex parte* temporary restraining orders and final protective orders to file the order on the day the order is issued and to transmit the order, by facsimile or direct electronic input, no later than the next business day after the order is filed to the Louisiana Protective Order Registry and the chief law enforcement officer of the parish where the person protected by the order resides.

Article 3603.1 of the Code of Civil Procedure is amended to prohibit a person seeking protection from abuse from being required to pay court costs or costs of service of a subpoena for the dissolution of a temporary restraining order or the dismissal of a petition for a preliminary or permanent injunction or protective order.

Article 3604 of the Code of Civil Procedure is amended to provide that in the event that a hearing for a protective order is delayed because of a declared state of emergency, any temporary restraining order issued in the matter will remain in place for five days after the conclusion of the state of emergency and the protective order hearing must be held no later than five days after the conclusion of the state of emergency.

Article 3606 of the Code of Civil Procedure is amended to provide that in the event that a hearing for a preliminary injunction is delayed due to a declared state of emergency, any temporary restraining order remains in effect for five days after the conclusion of the state of emergency and the preliminary injunction hearing must be held no later than five days after the conclusion of the state of emergency.

Article 3607.1 of the Code of Civil Procedure is amended to expand the scope of protection orders and injunctions to which requirements for immediate filing and registration apply to include those that protect victims of stalking.

Article 30 of the Louisiana Code of Civil Procedure is amended to require the clerk of the court ordering a peace bond to prevent domestic abuse or dating violence to file the order on the day it is issued and transmit the order, by facsimile or electronic input, no later than the next business day after the order is filed with the court to the Louisiana Protective Order Registry and the chief law enforcement officer of the parish where the protected person resides.

Article 327.1 of the Louisiana Code of Civil Procedure is amended to require the clerk of a court imposing bail restrictions for the purpose of preventing violent or threatening acts, contact or communication, or physical proximity to another person to file the protective order encompassing those restrictions and transmit the order, by facsimile or electronic input, no later than the next business day after the order is filed with the court to the Louisiana Protective Order Registry and the chief law enforcement officer of the parish where the protected person resides.

Article 335.1 of the Code of Criminal Procedure is amended to:

- Require that any abuse prevention order issued as part of a bail restriction be immediately forwarded to the clerk for filing no later than the next business day after the order is issued; and
- Require that the clerk of the issuing court transmit the order to the Louisiana Protective Order Registry and the chief law enforcement officer of the parish where the protected person resides by facsimile or direct electronic input no later than the next business day after the order is issued.

Article 335.2 of the Louisiana Code of Criminal Procedure is amended to require the clerk of the court imposing bail restrictions on a defendant accused of a stalking offense to file the protective order encompassing those restrictions and transmit the order, by facsimile or electronic input, no later than the next business day after the order is filed with the court to the Louisiana Protective Order Registry and the chief law enforcement officer of the parish where the protected person resides.

Article 871.1 of the Louisiana Code of Criminal Procedure is amended to require the clerk of the court issuing an abuse prevention order issued as part of a criminal sentence to file the order on the day it is issued and to transmit the order, by facsimile or electronic input, no later than the next business day after the order is filed with the court to the Louisiana Protective Order Registry and the chief law enforcement officer of the parish where the protected person resides.

§ 14:79 is amended to:

- Add stalking to the list of protection order violations for which law enforcement officers are required to use every reasonable means, including arrest, to enforce;
- Add "any crime of violence" to the list of offenses that trigger greater sanctions when committed in violation of a protective order; and
- Require law enforcement to issue a summons, at minimum, to a person in violation of a protective order or injunction.

§ 46:2135 is amended to require the clerk of a court issuing a temporary restraining order to file the order on the day it is issued and transmit the order, by facsimile or electronic input, no later than the next business day after the order is filed to the Louisiana Protective Order Registry and the chief law enforcement officer in the parish where the protected person resides.

§ 46:2136 is amended to require the clerk of the court that grants a protective order under this statute (which may include support and custody provisions and be issued on consent of the parties) to file the order on the day it is issued and to transmit the order, by facsimile or electronic input, no later than the next business day after the order is filed to the Louisiana Protective Order Registry and the chief law enforcement officer in the parish where the protected party resides.

§ 46:2136.2 is amended to add stalking protection orders to the list of protective orders that are included in the Louisiana Protective Order Registry.

§ 46:2136.3 is enacted to prohibit a person against whom a juvenile, civil, or criminal court has issued a permanent injunction or protection order against family violence, dating violence, harassment, or stalking from possessing a firearm for the duration of the injunction or protection order if:

- The permanent injunction or protective order includes a finding that the person represents a credible threat to the physical safety of a family or household member; and

- The permanent injunction or protective order informs the person subject to it that he or she is prohibited from possessing a firearm pursuant to federal and state law.

§ 46:2140 is amended to:

- Require a law enforcement officer responding to a domestic incident to arrest an abusing party immediately if the officer has reason to believe that party has abused a family or household member or dating partner in violation of any protective order;
- Require a law enforcement officer responding to a domestic incident to use all reasonable means immediately to prevent further abuse, including arresting the abusing party, if the officer has reason to believe that a family or household member or dating partner has been abused;
- Require that a law enforcement officer, in determining whether one party is the predominant aggressor in a domestic abuse or dating violence incident, consider the existence of any temporary or final protective order and presume the predominant aggressor is the person against whom the order was issued; and
- Require that a law enforcement officer arrest the predominant aggressor if the person's conduct is in violation of a temporary or final protective order.

§ 9:366 is amended to:

- Require the clerk of the court issuing abuse prevention orders in separation, divorce, child custody, and child visitation judgments where family violence has been found to immediately file the orders on the day they are issued; and
- Require the clerk of the issuing court to transmit the order to the Louisiana Protective Order Registry and the chief law enforcement officer of the parish where the protected person resides by facsimile or direct electronic input no later than the next business day after the order is issued.

§ 9:372 is amended to:

- Require the clerk of the court issuing an abuse prevention order prohibiting a spouse from physically or sexually abusing the other spouse or a child to file the order immediately on the day it is issued; and
- Require the clerk of the issuing court to transmit the order to the Louisiana Protective Order Registry and the chief law enforcement officer of the parish where the protected person resides by facsimile or direct electronic input no later than the next business day after the order is issued.

PREVENTION AND TREATMENT:

§§ 46:2145 - 46:2147 are enacted to create the Domestic Violence Prevention Commission, whose responsibilities include:

- Assisting state and local leaders in developing and coordinating domestic violence programs;
- Conducting a comprehensive review of all public and private domestic violence programs in the state to identify gaps in prevention;
- Developing a state needs assessment and a comprehensive and integrated service delivery approach that meets all of the needs of domestic violence victims;
- Establishing a method for transitioning domestic violence service providers toward evidence-based national best practices;
- Developing a plan that ensures state laws on domestic violence are properly implemented and provides training to law enforcement and the judiciary; and
- Developing a framework to collect and integrate data and to measure program outcomes.

§ 9:362 is amended to replace the term “treatment program” with the term “court-monitored domestic abuse intervention program” for the purposes of the Post-Separation Family Violence Relief Act and to define such as:

- Composed of a minimum of 26 in-person sessions;
- Following a model designed specifically for perpetrators of abuse;

- One in which a participant's progress is monitored by the court; and
- Operated by a provider with experience working directly with perpetrators and victims of abuse and facilitating batterer intervention groups, as well as training in the causes and dynamics of domestic violence, the characteristics of batterers, victim safety, and sensitivity to victims.

§ 17:81 is enacted to require the governing authority of each public school enrolling students in grades seven through 12 to:

- Provide training to school employees on dating violence that includes a definition of dating violence, warning signs, and instructions for reporting in the student codes of conduct; and
- Collect data on the incidents of dating violence reported to school employees and the actions school employees take to assist victims.

§ 46:1809 is enacted to implement Executive Order No. BJ-2014-14, which requires:

- The State Board of Regents to coordinate policies and best practices among public post-secondary education institutions to implement measures to address the reporting and prevention of sexual assault on campus, as well as the medical and mental health care needs of victims; and
- The Crime Victims Reparations Board to revise their rules and policies to eliminate provisions that impose some victim responsibility for the crime based on:
    - The manner in which the victim was dressed at the time of the assault;
    - Where the victim was prior to the assault;
    - The time of the assault;
    - Whether the victim was under the influence of alcohol or drugs;
    - Whether the victim had a previous sexual relationship with the offender;
    - Whether the victim was married to the offender;
    - Whether the victim was dating the offender;

- Whether the victim consented to prior sexual activity with the offender;
- The occupation of the victim;
- Whether the victim has a history of prior sexual assaults;
- Whether the victim has a criminal record;
- Whether the victim continued to live with the offender after the assault; and
- Whether the victim has a familial relationship with the offender.

MISCELLANEOUS:

Article 2315.8 of the Code of Civil Procedure is enacted to:

- Provide for civil liability for domestic abuse in which injuries are caused by a wanton and reckless disregard for the rights and safety of a family or household member or through acts resulting in serious bodily injury or severe emotional distress, regardless of whether the abuser was criminally prosecuted for the acts; and
- Permit the court to award court costs and attorney's fees to a defendant if the court determines that an action alleging domestic abuse is frivolous or fraudulent.*

§§ 46:2171 to 46:2174 is enacted to create the "Protection from Stalking Act," whose provisions include:

- A legislative declaration that:
  - There is a present and growing need to develop innovative strategies and services that will reduce and treat the trauma of stranger and acquaintance stalking;
  - Stalking allegations are not easily substantiated, which can leave victims without protection;
  - Orders of protection are a proven deterrent that can protect victims from further victimization; and
  - Many victims are forced to pursue civil orders of protection through an ordinary process in which they are often unrepresented, rather than through a shortened, summary proceeding;
- Granting the district court jurisdiction to hear civil matters under the statute;

- Making a victim who is stalked by a stranger or acquaintance eligible to receive all the services, benefits, and other forms of assistance that are available to crime victims; and
- Permitting a person working at a rape crisis center or battered women's shelter who has undergone at least 40 hours of training and provides advice, counseling, or assistance to victims to provide said assistance to victims of stalking.

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.

MAINE

LEGISLATIVE SESSION:

Annual. The regular session convened on January 8, 2014, and adjourned on April 17, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 1092 of Title 15 is amended to prohibit a bail commissioner from setting post-conviction bail for a defendant whose underlying offense was domestic violence or sexual assault.

§ 1094-B of Title 15 is enacted to create the crime of improper contact prior to the setting of pre-conviction bail, which occurs when a defendant arrested for a certain crimes against a family or household member, including stalking, domestic violence, kidnapping, violation of a protection order and sexual assault, has been notified by the county jail staff not to make direct or indirect contact with the victim and knowingly and intentionally makes such contact.

MARYLAND

LEGISLATIVE SESSION:

Annual. The regular session convened on January 8, 2014, and adjourned on April 7, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§§ 3-1508 of the Courts and Judicial Proceedings Law and 4-509 of the Family Law are amended to make a prior conviction for the violation of a protection order a prior offense for the purposes of enhanced sentencing for the misdemeanor crime of violating a protection order.

§ 3-601.1 of the Criminal Law is enacted to make it a crime to commit statutorily defined crimes of violence within the sight or hearing of a child who is at least two years of age.*

§ 11-403 of the Criminal Procedure Law is amended to require the court to permit a victim or a victim's representative to address the court, if practicable, prior to sentencing or disposition in a juvenile court proceeding, at the request of the victim or the victim's representative.

ORDERS FOR PROTECTION:

§ 4-506 of the Family Law is amended to expand the number of criminal cases eligible for the issuance of a final permanent protective order by:

- Including cases in which the defendant is convicted of second degree assault; and
- Replacing the requirement that defendants convicted of certain violent offenses serve their full sentence before a final protective order can be issued with the requirement that defendants must have served 12 months of their sentence before the court may issue a final permanent protective order.

§§ 3-1505 of the Courts and Judicial Proceedings Law, 4-506 of the Family Law, and 4-507 of the Family Law are amended to lower the standard of proof for the issuance of certain protective orders from clear and convincing evidence to a preponderance of the evidence.

§§ 3-1506 of the Courts and Judicial Proceedings Law and 4-507 of the Family Law are amended to:

- Require the court to hold a hearing on a petition for the extension of a final peace order within 30 days after a motion requesting the extension is filed; and
- Extend the peace order until the hearing date if the original expiration date of the peace order is prior to the hearing date.

§§ 3-1510 of the Courts and Judicial Proceedings Law and 4-512 of the Family Law are amended to:

- Establish procedures for shielding the records of certain protection order proceedings from the public; and
- Prohibit the removal of information about peace order proceedings from the Maryland Domestic Violence Central Repository.

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.

MASSACHUSETTS

LEGISLATIVE SESSION:

Annual. The regular session convened on January 1, 2014 and adjourned on July 31, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 55 of Chapter 276 is amended to prohibit a court from dismissing criminal charges for any assault on family or household member, strangulation, or violation of a protective order pursuant to a satisfaction agreement between the parties.

§ 97D of Chapter 41 is amended to prohibit all reports and any communications between police officers and victims about rape, sexual assault, and abuse by a family or household member from being made public unless or until a suspect is arrested and arraigned for a criminal offense related to the reports or communications.*

§ 98F of Chapter 41 is amended to require police departments to maintain a separate log of any information concerning responses to reports of domestic violence, rape, or sexual assault and concerning the arrest of a person for assault, battery, or violation of a protection order where the victim is a family or household member, and to prohibit these logs from being made public.*

§ 13M of Chapter 265 is amended to:

- Establish a penalty of two and a half years in the house of corrections and/or a $5,000 fine for a first offense of assault and battery on a family or household member;
- Establish an enhanced penalty of up to five years in state prison for any subsequent offenses of assault and battery upon a household member;
- Remove relationship length and blood ties from the definition of a family or household member within the meaning of the statute; and
- Require the court to order a defendant convicted of assault and battery on a family or household member or granted a continuance without a finding to complete a certified batterer intervention program.

§15D of Chapter 265 is enacted to:

- Criminalize strangulation or suffocation;
- Establish enhanced penalties for certain circumstances, including when the victim is pregnant or suffers serious bodily injury; and
- Require a defendant convicted under the statute or as a condition of a continuance without a finding to complete a certified batterer intervention program.

§ 56A of Chapter 276 is enacted to require judges considering the release, discharge, or bail of a defendant charged with a crime against the person or property of another to inquire whether abuse was alleged to have occurred prior to or in conjunction with the charged crime, and where such abuse has been alleged, to make written findings of the abuse to be maintained in the statewide domestic violence recordkeeping system.

§§ 42A, 57, and 58 of Chapter 276 and are amended to:

- Prohibit the release on bail of a person charged with domestic violence earlier than six hours after his arrest;
- Permit the court to impose conditions on the release of a defendant;
- Require that the court considering bail for a defendant accused of domestic violence have access to all of the defendant's pending or prior criminal offenses, probation records, and police reports;
- Require the court to consider factors, including the defendant's history of mental illness; likelihood to threaten, intimidate, or injure a prospective witness; illegal drug dependency or distribution; and history of protective orders, prior to granting or modifying bail or imposing conditions;
- Require that a defendant released on bail for a domestic violence offense be provided with informational resources related to domestic violence, including a list of certified batterer intervention programs; and
- Require that reasonable attempts be made to notify the victim of the defendant's release.

§ 58B of Chapter 276 is amended to permit the court to impose a 90-day bail revocation and detention for violation of the conditions of release on bail for any defendant accused of a domestic violence offense, including violation of a protective order.

§ 58A of Chapter 276 is amended to:

- Require the clerk of the court to notify a defendant's probation officer of their the defendant's detention or pretrial release on domestic violence charges for certain crimes, including domestic abuse and violation of certain protection orders;
- Require the clerk of the court to record the detention or pretrial release of a defendant accused of certain domestic abuse crimes in the defendant's criminal record and the domestic violence record-keeping system;
- Increase the period of time that a defendant accused of certain domestic abuse crimes may be held without bail prior to trial from 90 days to 120 days;
- Require a defendant to make a good faith showing prior to being permitted to call the alleged victim or a family member of the alleged victim as a witness in a dangerousness hearing provided for in the statute;
- Require the court to admit hearsay evidence at a dangerousness hearing, including police reports;
- Permit the court to reopen a dangerousness hearing prior to trial if information that was not known at the time of the original hearing comes to light or there is a change of circumstances that has a material bearing on the safety of a person in the community; and
- Require that the court in all cases involving domestic violence offenses include a written victim safety determination in all of its decisions in dangerousness hearings.

§§ 20D and 42 of Chapter 276 are amended to require courts to impose bail and all other statutory conditions on a fugitive arrested for sexual and domestic violence offenses, including violations of the terms of protective orders, if such offenses were committed in Massachusetts.

§ 26 of Chapter 218 is amended to grant district and superior courts concurrent jurisdiction over crimes of strangulation and kidnapping.

ORDERS FOR PROTECTION:

§ 3 of Chapter 209A is amended to permit superior, district, or Boston municipal courts to include orders for custody and financial support in abuse prevention orders if there is a prior or pending custody or support order from probate and family court, provided such orders do not exceed 30 days and are forwarded immediately to the probate and family court.

§ 7 of Chapter 209A is amended to:

- Require law enforcement agencies to establish procedures to ensure that officers serving abuse prevention orders on defendants advise defendants of the contents of the order and the penalties for any violation and provide defendants with informational resources that include a list of certified batterer intervention programs; and
- Require the court to order a defendant to complete a batterer's intervention program as a condition of a continuance without a finding for the violation of an abuse prevention order.

PREVENTION AND TREATMENT:

§ 9B of Chapter 211B is enacted to require the chief justice of a trial court department to provide biannual training on domestic and sexual violence to all appropriate court personnel throughout the state, including judges, clerks, court officers, and guardians *ad litem*.

§ 33 of Chapter 12 is enacted to require biannual training on domestic and sexual violence for all district attorneys.

§ 116A of Chapter 6 is amended to:

- Require the municipal police training committee to establish a curriculum for the training of law enforcement officers in handling domestic and sexual violence complaints;
- Require that training faculty include experts on domestic and sexual violence and presenters who are on the staff of community-based domestic violence, rape, and sexual assault service providers; and
- Require the municipal police training committee to develop guidelines for law enforcement's response to domestic and sexual violence complaints.
- Require the municipal police training committee to develop guidelines for law enforcement's response to domestic and sexual violence complaints.

§ 112 of Chapter 264 is enacted to require the boards of registration for the professions of medicine, nursing, physician assistant, nursing home administration, social work, psychology, and allied mental health and human services to establish training and education on domestic violence and sexual violence as requirements for licensure, registration, and certification or renewal of licenses.

§ 52E of Chapter 149 is enacted to require employers who employ 50 or more employees to provide up to 15 days of leave for employees who are victims or have family members who are victims of abusive behavior to address issues directly related to the abusive behavior, including obtaining medical attention, counseling, legal assistance, housing, applying for a protection order, meeting with law enforcement, or attending court proceedings.

§ 18N of Chapter 6A is amended to create and establish protocols for a state domestic violence fatality review team.

§ 20 of Chapter 17 is enacted to establish a Domestic and Sexual Violence Prevention and Victim Assistance Fund to support innovative practices to prevent sexual and domestic violence and provide assistance to victims of domestic violence.

§ 8 of Chapter 258B is amended to require courts to impose a domestic violence prevention and victim assistance assessment of $50 for certain offenses, which is to be deposited in the Domestic and Sexual Violence Prevention Fund.

MISCELLANEOUS:

§ 167 of Chapter 6 is amended to make records of dangerousness hearings, regardless of the determination, part of the person's Criminal Offender Record Information.

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.

MICHIGAN

LEGISLATIVE SESSION:

Annual. The regular session convened on January 8, 2014, and adjourned on December 19, 2014.

FAMILIES AND CHILDREN:

§§ 722.1521 to 722.1532 are enacted as the Uniform Child Abduction Prevention Act to:

- Set forth risk factors relevant to a petition for the imposition of abduction prevention measures and risk factors relevant to the court's determination of a credible risk of abduction;
- Permit a party to a child custody proceeding to petition the court to impose abduction prevention measures, including travel restrictions, supervised visitation, and the posting of a bond;
- Permit a court to enter *ex parte* orders to prevent imminent abduction, including issuing a warrant to take custody of a child or directing law enforcement to locate and return the child; and
- Set forth the requirements and permissible provisions of a court order issued pursuant to a petition under the Act.

§ 722.27c is enacted to amend the Child Custody Act of 1970 to provide for the appointment of parenting coordinators in custody matters and to: *

- Require the court to consider any history of a coercive or violent relationship before appointing a parenting coordinator;
- Require that any order appointing a parenting coordinator include an acknowledgement that each party had the opportunity to consult with a domestic violence counselor;
- Require a court-appointed parenting coordinator to screen parties for domestic violence using a screening protocol provided by the state court administrative office;
- Prohibit a parenting coordinator from bringing the parties within proximity of each other where there is a history of a coercive or violent relationship between the parties, unless the parent at risk of violence requests such contact, and the parenting coordinator determines what steps can be taken to address concerns of coercion or violence;

- Prohibit parenting coordinators from recommending relief that is less protective than that in any other order related to the parties;
- Prohibit the parenting coordinator from testifying about statements of a child if the coordinator believes the disclosure would be damaging to the child;
- Permit the parenting coordinator to refrain from disclosing information that would compromise the safety of a party or a child;
- Require parenting coordinators to report reasonable suspicions of child abuse or neglect;
- Require the state court administrative office to develop standards for the qualification and training of parenting coordinators, including training on violent and coercive relationships; and
- Require parenting coordinators to complete this training within two years of the promulgation of the standards.

§ 691.1345 is enacted to include the following protections in the Uniform Collaborative Law Act (adopted by §§ 691.1331 to 691.1354):

- Require a lawyer practicing collaborative law to screen potential clients for a history of a coercive or violent relationship with the other prospective party, using a screening protocol for mediation from the state court administrative office;
- Require a lawyer practicing collaborative law to assess continuously whether their client has a history of a coercive or violent relationship with another party; and
- Prohibit a lawyer from beginning or continuing the collaborative law process in which the lawyer believes the client or prospective client has a history of a coercive or violent relationship with another party or prospective party, unless 1) the party or prospective party requests the collaborative process begin or continue and 2) the lawyer believes the safety of the party or prospective party can be protected adequately.

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.

MINNESOTA

LEGISLATIVE SESSION:

Annual. The regular session convened on February 25, 2014, and adjourned on May 21, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§§ 629.34 and 629.341 are amended to:

- Permit a police officer to arrest a suspect for non-felony domestic abuse if there is probable cause to believe the offense was committed within the preceding 72 hours, whether or not the offense was committed in the officer's presence; and
- Permit a police officer to arrest a suspect for a non-felony violation of a restraining or no-contact order not committed in the officer's presence, if there is reasonable cause to believe the person committed the offense.

§ 624.712 is amended to expand the definition of a crime of violence that triggers a ban on firearm possession to include felony convictions for the offenses of domestic assault and domestic assault by strangulation.

§ 609.2242 is amended to require and set forth procedures for the transfer of firearms for misdemeanor domestic assault convictions.

§ 609.749 is amended to require and set forth procedures for the transfer of firearms for stalking convictions.

§ 609A.02 is amended to prohibit the filing of petitions to seal criminal records of offenses involving domestic abuse, sexual assault, and the violation of protection or restraining orders.

§ 609.135 is amended to authorize judicial districts to allow the establishment of pilot projects to use global positioning system technology to monitor domestic abuse offenders.

§ 624.7144 is enacted to prohibit a person who has accepted the transfer of a firearm from an abusing party pursuant to the terms of a protection or restraining order from allowing the abusing party or offender to obtain possession of the transferred firearm.

§ 624.713 is enacted to add the following to the list of persons ineligible for firearms possession: persons convicted of domestic assault, convicted of stalking, who are respondents in orders for protection or domestic child abuse orders, or who are disqualified from possessing a firearm under United States Code, Title 18 section 922(g)(8) or (9).

FAMILIES AND CHILDREN:

§ 518.17 is amended to:

- Clarify that there is no presumption for or against joint custody except when domestic abuse has occurred between the parents, in which case there is a presumption against joint custody; and
- Clarify that disagreement between parents over the question of joint custody does not alone constitute the inability of parents to cooperate in the rearing of their children.

ORDERS FOR PROTECTION:

§§ 260C.201 and 518B.01 are amended to require that in cases where orders of protection that restrain an abusing party from child abuse, stalking, harassment, or assault of a family or household member are issued:

- The order prohibits the abusing party from possessing firearms;
- The abusing party is required to transfer any firearms in the abusing party's possession to a licensed firearms dealer, law enforcement agency or third party;
- The abusing party is required to file a proof of the transfer of the firearms, which is sealed by the court; and
- The court is required to order a local law enforcement agency to take immediate possession of an abusing party's firearms when the court determines by a preponderance of evidence that an abusing party poses an imminent risk of causing another person substantial bodily harm.

PREVENTION AND TREATMENT:

§ 629.342 is amended to:

- Add a statewide domestic violence coalition to the list of entities with which the Bureau of Criminal Apprehension and the Board of Peace Officers Standards and Training must consult in updating the written policy for arrest procedures in domestic abuse incidents; and
- Require the Minnesota Commissioner of Public Safety to develop recommendations for a statewide data collection plan on victims of domestic abuse.

MISCELLANEOUS:

§§ 13.84 and 611A.06 are amended to allow victims of offenders convicted of qualified domestic violence related crimes to receive the zip-code and city of the offender's location upon the offender's release from incarceration.

§ 268.095 is amended to:

- Clarify that a person who quits a job due to domestic violence, sexual assault, or stalking is eligible for unemployment benefits; and
- Clarify that conduct that was a consequence of an unemployment applicant or the employee's immediate family member being a victim of domestic abuse, sexual assault, or stalking does not constitute employment misconduct for the purposes of qualifying for unemployment benefits.

§ 181.9413 is amended to permit an employee to use sick leave as "safety leave" for the purpose of receiving assistance for sexual assault, domestic abuse, or stalking for the employee or a close relative.

§ 504B.206 is amended to:

- Permit a tenant to terminate a residential lease if the tenant or another authorized occupant fears imminent violence after being subjected to criminal sexual conduct or stalking (domestic abuse was a qualifying victimization before 2014 session);
- Require a tenant terminating his or her lease due to fears of imminent violence to provide written notice of such to the landlord;
- Prohibit the landlord from requiring the victim to disclose the perpetrator's name as a precondition to terminating the lease;
- Prohibit the landlord from disclosing the location or address to which the tenant relocates and the status of the tenant as a victim of violence;
- Eliminate the requirement that victims pay an additional month's rent to break the lease; and
- Allow victims to a use statements from domestic violence and sexual assault advocates or statements from other qualified third parties (e.g., healthcare or court officials), to prove the need to break a lease.

§ 13.045 is amended to permit Safe at Home program (address confidentiality program) participants to purchase property in a way that protects their identity data.

MISSISSIPPI

LEGISLATIVE SESSION:

The regular session convened on January 7, 2014, and adjourned on April 3, 2014.

The first special session convened on April 2, 2014, and adjourned the same day. The second special session convened on May 8, 2014, and adjourned the same day.

CRIMINAL PENALTIES AND PROCEDURES:

§ 97-3-7 is amended to:

- Create the offense of simple domestic violence: third, a felony, which is committed when a person commits simple domestic violence and has two prior convictions in any jurisdiction for simple or aggravated domestic violence, whether against the same or another victim, and is punishable by not less than five and not more than 10 years of imprisonment;
- Create the offense of aggravated domestic violence: third, a felony, which is committed when a person commits aggravated domestic violence and has two prior convictions for simple or aggravated domestic violence in any jurisdiction, and is punishable by not less than 10 and not more than 20 years of imprisonment;
- Set the minimum sentence for a fourth or subsequent conviction for domestic violence as 15 years and the maximum sentence as 20 years;
- Require the court to consider the commission of a fourth or subsequent offense of domestic violence in the physical presence or hearing of a child under 16 who is living in the residence of the victim or perpetrator as an aggravating factor in sentencing upon conviction for a fourth or subsequent offense of domestic violence;
- Permit the court to issue a criminal protective order prohibiting the defendant from any contact with the victim upon a conviction for simple domestic violence, simple domestic violence: third, aggravated domestic violence, aggravated domestic violence: third, and, a fourth or subsequent offense of domestic violence.

- Permit the court to include any of the following conditions in the protective order, in addition to limiting the defendant's contact with the victim;
  - Granting the victim possession of the residence or household to the exclusion of defendant;
  - Awarding temporary custody or establishing temporary visitation rights with regard to any minor children in common between the victim and defendant;
  - Ordering the defendant to pay support to the victim and any minor children;
  - Ordering the defendant to pay the abused person compensation for losses suffered as a direct result of the abuse;
  - Prohibiting the defendant from transferring, encumbering, or otherwise disposing of property mutually owned or leased by the parties, except when in the ordinary course of business; and
  - Ordering counseling or professional medical treatment for the defendant, including counseling or treatment designed to bring about the cessation of the domestic abuse.
- Prohibit the court from issuing a criminal protection order under this section if the victim or the victim's legal representative objects to its issuance unless the court finds the order of protection is necessary for the safety and well-being of a minor child or incompetent adult;* and
- Make the knowing violation of any provision of a criminal protection order issued under this section a misdemeanor punishable by a fine of not more than $500 or imprisonment of not more than six months, or both.

§ 99-3-7 is amended to:

- Require a law enforcement officer to arrest a suspect where there is probable cause to believe that the suspect has committed felony domestic violence; and

- Require a law enforcement officer investigating a complaint of felony domestic violence who finds probable cause that such an offense occurred within the past 24 hours to file an affidavit on behalf of the victim of the crime, regardless of whether an arrest is made within the 24-hour period.

ORDERS FOR PROTECTION:

§ 93-21-15 is amended to allow a temporary domestic abuse protection order to exceed the statutory 30-day duration and extend the order for a maximum of one year if the petitioner and respondent do not have children in common.

PREVENTION AND TREATMENT:

§§ 93-21-119, 93-21-121, and 93-21-123 are enacted to establish the Mississippi Office Against Interpersonal Violence, responsible for administering state and federal funds, including grants, for domestic violence services.

§ 93-21-101 is amended to:

- Define "interpersonal violence" for the purposes of a statute governing domestic violence shelters to mean any behavior between family members and intimate partners or acquaintances and strangers that causes physical, psychological, or sexual harm and includes the crimes of domestic violence, stalking, sexual assault, trafficking, or child abuse;
- Define "batterer intervention program" for the purposes of a statute governing domestic violence shelters to mean a program that focuses on behavior modification for perpetrators of domestic violence in an effort to prevent domestic violence, but not a program whose focus is anger management or marriage counseling; and
- Require that a batterer intervention program, within the meaning of the statute, document its cooperation with a domestic violence program.

§ 93-21-103 is amended to authorize the Office Against Interpersonal Violence to oversee shelters, the distribution of state funds for domestic violence services, and promulgate administrative rules necessary to carry out these duties.

§ 93-21-109 is amended to:

- Create civil liability of $10,000 for an employee, contractor, volunteer, or agent of a domestic violence shelter who discloses confidential information that may identify a victim or makes observations or comments about the identity or condition of a person admitted or receiving services at a domestic violence shelter;
- Establish a privilege in civil proceedings against testimony, disclosure, or surrender of any documents, files, or other records regarding a victim of domestic violence or sexual assault for employees, contractors, volunteers, or agents of a domestic violence shelter; and
- Establish an *in camera* court review process for shelter materials requested by a defendant.

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.

MISSOURI

LEGISLATIVE SESSION:

Annual. The regular session convened on January 8, 2014, and adjourned on May 16, 2014.

CRIMINAL PENALTIES AND PROCEDURES:*

§ 565.002 is amended to define "domestic victim" for the purposes of a criminal assault statute as a household or family member as defined in § 455.010, including any child who is a member of the household or family.

§ 545.940 is and amended to add domestic assault to the offenses for which a prosecutor may file a motion seeking testing of the defendant for sexually transmitted diseases.

§ 565.076 is enacted to create the offense of domestic assault in the fourth degree, a Class A misdemeanor for a first offense and a Class E felony for the second or subsequent offense. The offense is defined as engaging in the following conduct against a domestic victim:

- Attempting to cause or recklessly causing physical injury, physical pain, or illness to a domestic victim;
- With criminal negligence causing physical injury by means of a deadly weapon or dangerous instrument;
- Purposely placing a domestic victim in apprehension of immediate physical injury by any means;
- Recklessly engaging in conduct that creates a substantial risk of death or serious physical injury to a domestic victim;
- Knowingly causing physical contact with a domestic victim knowing the victim will regard the contact as offensive; or
- Knowingly attempting to cause or causing the isolation of a domestic victim by unreasonably and substantially restricting or limiting the victim's access to other persons, telecommunication devices, or transportation for the purpose of isolation.

* The legislature completed a comprehensive revision of the Missouri Criminal Code in 2014, which realigned and clarified existing criminal laws. Only substantive changes to the criminal law are included here. The changes to the Criminal Code take effect on January 1, 2017.

§ 565.079 is amended to:

- Require the court to sentence a person found to be a prior assault offender** to the sentence for the offense that is one step higher than the offense for which the person was found guilty; and
- Require the court to sentence a person found to be a persistent assault offender to the sentence for the offense that is two steps higher than the offense for which the person was found guilty, up to a Class A felony.

§§ 565.090 and 565.091 are enacted to restructure the crime of harassment as follows:

- Harassment in the first degree is defined as any act engaged in, without good cause, with the purpose to cause emotional distress to another person, and which actually causes that person to suffer emotional distress; and
- Harassment in the second degree is defined as any act engaged in, without good cause, with the purpose to cause emotional distress to another person.

§ 565.225 is amended to:

- Replace the term "harasses" with the term "disturbs" in the statute's definitions;
- Define "disturbs" as engaging in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed; and
- Replace the offense of aggravated stalking with the offense of stalking in the first degree, designate the offense a Class E felony, and provide that the penalty for a second or subsequent conviction increase to that for a Class D felony.

** Enhanced penalties for prior and persistent domestic assault offenders already exist.

§ 565.227 is enacted to:

- Replace the offense of stalking with the offense of stalking in the second degree, a Class A misdemeanor for a first offense and a Class E felony for a subsequent offense; and
- Permit a law enforcement officer to arrest a person on probable cause for stalking in the second degree, without a warrant.

§ 565.240 is amended to define the offense of unlawful posting of certain information over the internet as knowingly posting a person's name, home address, Social Security number, or telephone number, intending to cause great bodily harm or death, or threatening to cause great bodily harm or death.

§ 595.223 is amended to provide that no prosecutor, law enforcement officer, or government official shall require a victim of a sexual offense, domestic assault, or stalking to submit to a polygraph test or a psychological stress evaluator exam as a condition for proceeding with a criminal investigation of such an offense.

§ 595.226 is amended to:

- Require that information in a court record that could be used to identify or locate a victim of a sexual offense, domestic assault, or stalking be redacted;
- Require the court to provide the victim reasonable notice and the right to respond prior to permitting a person or entity with a legitimate interest access to any redacted identifying information;
- Permit the court to allow public disclosure of the defendant's identifying information, which could also be used to identify or locate the victim of any criminal sex offense, domestic assault or stalking;* and
- Permit the victim facing public disclosure of a defendant's identifying information to provide a statement regarding any wishes as to the disclosure and requiring the court to consider the victim's welfare and safety in determining whether to permit disclosure.

FAMILIES AND CHILDREN:

§ 431.056 is amended to clarify the definition of a "qualified minor," whom the law provides may live independently, enter specified contracts, and obtain specified services to include homeless 16- and 17-year-olds who are victims of domestic violence, stalking, and sexual assault.

ORDERS FOR PROTECTION:

§ 455.007 is amended to narrow the application of the public interest exception to the doctrine of mootness to the appeal of expired orders of protection by eliminating the requirement that the person against whom the protection order was issued be subject to significant collateral consequences by the order's mere existence in order for the exception to apply.

MISCELLANEOUS:

§ 488.607 is amended to increase the amount that may be added to the costs of any criminal case to fund domestic violence shelters in the jurisdiction, from two dollars to four dollars per case.

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.

NEBRASKA

LEGISLATIVE SESSION:

Annual. The regular session convened on January 8, 2014, and adjourned on April 17, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 28-311.08 is amended to:

- Make a criminal offense the photographing, recording, or broadcasting of an image of another person's intimate area without the person's knowledge and consent when the intimate area would not be generally visible to the general public; and
- Define "intimate area" as the naked or undergarment-clad genitalia, pubic area, buttocks, or female breast.

NEW HAMPSHIRE

LEGISLATIVE SESSION:

Annual. The regular session convened on January 8, 2014, and adjourned on June 13, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 631:2-b is enacted to create the crime of domestic violence, a Class A misdemeanor or a Class B felony, if the person uses or threatens to use a deadly weapon, defined as when a person commits any of the following against a family or household member or intimate partner:

- Purposely or knowingly causes bodily injury or unprivileged physical contact against another by use of physical force;
- Recklessly causes bodily injury to another by use of physical force;
- Negligently causes bodily injury to another by means of a deadly weapon;
- Uses or attempts to use physical force, or by physical conduct threatens to use a deadly weapon for the purpose of placing another in fear of imminent bodily injury;
- Threatens to use a deadly weapon against another person for the purpose of terrorizing that person;
- Coerces or forces another to submit to sexual contact by using physical force or physical violence;
- Threatens to use physical force or physical violence to cause another to submit to sexual contact and the victim believes the actor has the present ability to execute the threat;
- Threatens to use a deadly weapon to cause another to submit to sexual contact and the victim believes the actor has the present ability to carry out the threat;
- Confines another unlawfully by means of physical force or the threatened use of a deadly weapon, so as to interfere substantially with his or her physical movement;
- Knowingly violates a term of a protective order issued by means of the use or attempted use of physical force or the threatened use of a deadly weapon; or

- Uses physical force or the threatened use of a deadly weapon against another to block that person's access to any cell phone, telephone, or electronic communication device with the purpose of preventing, obstructing, or interfering with a report of any criminal offense or a request for emergency assistance.

§ 631:1 is amended to add a domestic violence designation when a person is convicted of first degree assault of an intimate partner or family or household member.

§ 631:2 is amended to add a domestic violence designation when a person is convicted of second degree assault of an intimate partner or family or household member.

§ 631:3 is amended to add a domestic violence designation when a person is convicted of reckless conduct against an intimate partner or family or household member.

§ 632-A:2 is amended to add a domestic violence designation when a person is convicted of aggravated felonious sexual assault of an intimate partner or family or household member.

§ 632-A:3 is amended to add a domestic violence designation when a person is convicted of felonious sexual assault of an intimate partner or family or household member.

§ 632-A:4 is amended to add a domestic violence designation when a person is convicted of sexual assault of an intimate partner or family or household member.

§ 633:1 is amended to add a domestic violence designation when a person is convicted of kidnapping an intimate partner or family or household member.

§ 633:3-a is amended to add a domestic violence designation when a person is convicted of stalking an intimate partner or family or household member.

FAMILIES AND CHILDREN:

§ 461-A:4, which governs parenting time orders, is amended to permit the court to require that visitation take place in a supervised visitation center with a metal detector and trained security personnel onsite.

ORDERS FOR PROTECTION:

§ 173-B:1 is amended to add cruelty to animals as conduct that constitutes abuse that can result in issuance of a protection order or other relief.

§§ 173-B:4 and173-B:5 are amended to:

- Provide for relief in a temporary or permanent protection order regarding any pets; and
- Permit a court to order in a temporary or permanent protection order that visitation be supervised in a center with a metal detector and trained security personnel on site.

MISCELLANEOUS:

§ 275:71 is enacted to prohibit employment discrimination on the basis that the employee is a victim of domestic violence, harassment, sexual assault, or stalking.

§ 2 of 2014 N.H. Laws Ch. 208, the bill that enacted § 275:71, establishes a committee to study the protection of employees from domestic violence and report to the legislature by November 1, 2014.

NEW JERSEY

LEGISLATIVE SESSION:

Annual. The regular session convened on January 14, 2014, and met throughout the year. The Special Session convened on July 31, 2014, and adjourned on August 4, 2014.

FAMILIES AND CHILDREN:

§§ 2A: 23D-1 to 2A:23D-18 are enacted as the "New Jersey Family Collaborative Law Act" to authorize the practice of collaborative law as a dispute resolution process in family law. The Act contains the following provisions related to domestic violence:*

- § 2A:23D-7 provides that a family collaborative law process is terminated when either party is subject to or obtains a temporary or final restraining order against domestic violence; and
- § 2A:23D-15 creates exceptions to the attorney-client privilege, including communication sought, obtained, or used to threaten or plan to inflict bodily injury or a crime, and a disclosure of suspected domestic violence or suspected child abuse.

MISCELLANEOUS:

§ 47:1A-1.1 is amended to add an exception to the definition of "government records," which must be public, providing that any written request by a crime victim for a record to which the victim is entitled is not a "government record," therefore allowing such requests to remain confidential.

§ 47:1A-5 is amended to provide that no fee is to be charged to crime victims for copies of records that they are entitled to access.

§ 52:4B-36.2 is amended to prohibit charging crime victims any fee to obtain a copy of their own records, including but not limited to a police report, a domestic violence offense report, and a temporary or permanent restraining order.

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.

NEW MEXICO

LEGISLATIVE SESSION:

Annual. The regular session began on January 21, 2014, and adjourned on February 20, 2014.

FAMILIES AND CHILDREN:

§§ 40-10D-1 to 40-10D-10 are enacted as the "Deployed Parents Custody and Visitation Act":

- § 40-10D-4 requires, whenever parents do not reside together, that the deployed parent notify the other parent within seven days of receiving a deployment order and each parent file a plan for custodial responsibility with the court.
- § 40-10D-4 further requires that communications are to proceed through the court when a parent's address is confidential by court order.
- § 40-10D-5 requires any person granted custodial authority during a parent's deployment to notify the deployed parent, or the court in the case of a court order providing that the address is confidential, of any change of address.
- § 40-10D-6 provides that a parent's history of past or likelihood of future deployment may not in itself be considered in determining custodial responsibility.
- § 40-10D-7 permits parents to enter into a temporary agreement regarding custodial responsibility for a child during deployment requires and that such agreements must be in writing, signed by both parents, and any nonparent who is granted custodial responsibility under the agreement.
- § 40-10D-8 provides that any temporary agreement terminates upon the deploying parent's return from deployment.
- § 40-10D-9 provides for an expedited hearing upon any motion to grant custodial responsibility before the deploying parent deploys.

NEW YORK

LEGISLATIVE SESSION:

Annual. The regular session began on January 8, 2014, and adjourned on June 23, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 120.45 of the Penal Law is amended to clarify that "following" for the purposes of a statute defining stalking in the fourth degree includes the unauthorized tracking of a person by a global positioning system or other device.

§ 240.30 of the Penal Law is amended to:

- Revise the definition of aggravated harassment in the second degree to remove the reference to the telegraph as a tool of harassment and to add computer or any other electronic means of communication; and
- Define harassment as:
  - Communicating a threat to cause physical harm to a person, a member of the person's family or household, or the person's property, with the intent to harass and the knowledge that the communication will cause the person reasonably to fear harm for the physical safety of the person, family, or property;
  - Making a telephone call with the intent to harass or threaten another person with no purpose of legitimate communication;
  - Striking, shoving, kicking or otherwise subjecting a person to physical contact with the intent to harass, annoy, threaten, or alarm another person because of a belief or perception about such a person's race, color, national origin, ancestry, gender, religion, religious practice, disability, or sexual orientation; and
  - Striking, shoving, kicking, or otherwise subjecting another person to physical contact and causing physical injury to a person with the intent to harass, annoy, threaten, or alarm another person.

ORDERS FOR PROTECTION:

§ 212 of the Judiciary Law is amended to extend the expiration date of a statute that permits a court to allow referees to hear protection order matters from September 1, 2014, to September 1, 2016.

MISCELLANEOUS:

§ 296-c of the Executive Law is enacted to prohibit discrimination in the employment of interns on several grounds, including status as a domestic violence victim.

§ 2992 of the Public Health Law is amended to permit a health care provider or others close to an incapacitated patient to petition to have an agent of the patient removed if the agent is the subject of an order for protection, or has been arrested or charged for a criminal act against the patient that caused the patient's incapacity, or substantially injured or impaired the health of the patient.

§ 2994-r of the Public Health Law is amended to provide that a court of competent jurisdiction may remove a surrogate that is the subject of a protection order or has been arrested or charged for a criminal act against the patient.

NORTH CAROLINA

LEGISLATIVE SESSION:

Annual. The regular session convened on May 14, 2014, and adjourned on August 20, 2014.

FAMILIES AND CHILDREN:

§ 50A-385 is amended to provide that a temporary agreement for custodial responsibility during a parent's deployment terminates 60 days from the date the deploying parent gives notice that he or she has returned from deployment to the other parent, unless earlier terminated by court order or the deploying parent's death.

§ 50A-388 is amended to provide that a temporary order for custodial responsibility terminates, absent agreement otherwise, 60 days from the date the deploying parent gives notice of having returned from deployment to the other parent or the nonparent granted custodial responsibility, or upon the deploying parent's death.

§ 110-136.3 is amended to provide that a child support order need not include the residence and mailing address of the custodial parent if there is an existing order making the custodial parent's address confidential.

MISCELLANEOUS:

§ 143B-901 is amended to provide that the Department of Public Safety, rather than the Attorney General's Office, is responsible for tracking and reporting on domestic violence-related homicides.

LEGISLATIVE SESSION:

Biennial. The regular session began on January 7, 2013, and adjourned on December 31, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 2937.02 is amended to require the court conducting the preliminary hearing after the arrest of a defendant on charges of rape or sexual battery to inform the defendant that a conviction will result in the loss of any parental rights as to a child conceived as a result of the act, including the right to consent to an adoption and the right to inherit.

§ 2903.21 is amended to modify the definition of aggravated menacing to clarify that a victim's belief that the offender will cause serious physical harm to the victim, the victim's family, or the victim's property may be based on words or conduct by the offender that are directed at or identify the victim's employer or an organization to which the victim belongs.

§ 2903.211 is amended to modify the definition of menacing by stalking to:

- Clarify that a victim's belief that the offender will cause physical harm or mental distress to the victim may be based on words or conduct by the offender that are directed at or identify the victim's employer or an organization to which the victim belongs; and
- Redefine "pattern of conduct" to include two or more actions or incidents directed at one or more persons employed by or belonging to the same corporation, association, or organization.

§ 2903.22 is amended to modify the definition of menacing to clarify that a victim's belief that the offender will cause physical harm to the victim, the victim's family, or the victim's property may be based on words or conduct by the offender that are directed at or identify the victim's employer or an organization to which the victim belongs.

ORDERS FOR PROTECTION:

§ 2151.34 is amended to:

- Permit a court to include a companion animal to be included in a protection order against a minor; and
- Prohibit a government unit from charging a fee to the petitioner for the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order or witness subpoena; the respondent may be charged with such fees.

§§ 2903.213 and 2903.214, which concern protection orders issued as a condition of pretrial release for certain criminal offenses, are amended to:

- Permit a court to include a companion animal in the protection order; and
- Prohibit a government unit from charging a fee to the petitioner for the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order or witness subpoena; the respondent may be charged with such fees.

§ 2919.26, which allows a victim or specified others to petition the court for a protection order as a condition of pretrial release for defendants charged with certain criminal offenses, is amended to:

- Permit the court to include a companion animal in the protection order; and
- Prohibit a government unit from charging a fee to the petitioner for the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order or witness subpoena; the respondent may be charged with such fees.

§ 3113.31, which concerns protection orders against domestic violence, is amended to:

- Permit a court to include a companion animal to be included in a protection order; and
- Prohibit a government unit from charging a fee to the petitioner for the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order or witness subpoena; the respondent may be charged with such fees.

§ 2903.215 is enacted to provide that an organization that employs two or more alleged victims of any form of menacing may file a motion for a protection order on behalf of the organization if the offender's words or conduct are directed at the organization.

§ 2919.272 is amended to prohibit a government unit from charging a fee to the petitioner for the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order issued by another state, or a witness subpoena; the respondent may be charged with such fees.

MISCELLANEOUS:

§ 2921.22 is amended to add licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, and marriage and family therapist to the list of professionals who are required to note in the patient's records when the professional believes the patient has been the victim of domestic violence and the basis for such belief.

OKLAHOMA

LEGISLATIVE SESSION:

Annual. The regular session convened on February 3, 2014, and adjourned on May 23, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 644 of Title 21 is amended to:

- Provide that a plea of guilty or nolo contendere, or a finding of guilt for certain offenses, including any assault, battery, domestic abuse, or domestic assault crime, constitutes a prior conviction for the purposes of sentence enhancement for multiple convictions; and
- Provide that such convictions are relevant to determining the sentence for subsequent convictions for a period of 10 years following the completion of the sentence or court-imposed probationary term.

§ 644.1 of Title 21 is amended to:

- Clarify that a "prior pattern of physical abuse" within the meaning of the statute includes the current incident before the court; and
- Extend the period of time during which the court must determine whether a "prior pattern of physical abuse" has been shown, from six months to 12 months prior to the case.

§ 142A-3 of Title 21 is amended to:

- Require that the first law enforcement officer to interview a victim in the investigation of a domestic violence crime complete a lethality assessment with the victim;
- Require that the lethality assessment form that the officer uses include questions about the offender's prior threats to use a weapon against the victim or children, attempts to strangle the victim, prior separation of the victim and the offender, and prior suicide threats by the offender; and
- Require the officer to refer the victim to shelters, domestic violence intervention programs, and other social services based on their responses to the lethality assessment.

FAMILIES AND CHILDREN:

§ 101 of Title 43 is amended to require that when a person seeks a divorce based on incompatibility and the interest of a child under 18 is involved, the adult parties must attend an educational program concerning the impact of divorce on children.

§ 107.2 of Title 43 is amended to set forth requirements for the parental education program for parents divorcing based on incompatibility:

- Topics must include short- and long-term effects on child well-being, reconciliation, effects of family violence, potential child behaviors and emotions during and after the divorce, communication strategies to reduce conflict and facilitate co-parenting, and area resources;
- The parties must pay a fee for the class between $15 and $60;
- The program must be completed before a final decree will issue;
- The court may waive attendance for good cause shown; and
- The Administrative Office of the Courts is to gather data on the numbers of divorce actions dismissed following participation in the program, the number of programs completed, and the number of program participants.

§ 111.3 of Title 43 is amended to:

- Require that any court order for visitation must contain a provision stating that "the custodial parent has a duty to facilitate visitation of a minor child with the noncustodial parent";* and
- Require the adoption of a form motion for enforcement of visitation rights.

MISCELLANEOUS:

§ 2-210 of Title 40 is amended to modify the language regarding evidence to support an unemployment compensation claimant's assertion to have separated from employment due to domestic violence from "any reasonable or confidential documentation" to "any reasonable evidence."

§ 1750.3 of Title 59 is amended to make actions that present a danger to a family or household member or involve a crime against a minor grounds for the suspension of the license of any person licensed under the Oklahoma Security Guard and Private Investigator Act.

§ 3311 of Title 70 is amended to provide that a person currently participating in a deferred sentence for, among other offenses, a crime of domestic violence is not eligible for employment as a peace officer.

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.

PENNSYLVANIA

LEGISLATIVE SESSION:

Annual. The regular session began on January 7, 2014, and adjourned on November 12, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 3131 of Title 18 is enacted to prohibit the unlawful dissemination of an intimate image, defined as when a person, with intent to harass, annoy, or alarm a current or former sexual or intimate partner, disseminates a visual depiction of the current or former sexual or intimate partner in a state of nudity or engaged in sexual conduct.

FAMILIES AND CHILDREN:

§§ 5201 to 5212 of Title 23 are enacted as the Uniform Child Abduction Act, which includes these key provisions:

- Defining a "child custody proceeding" as one in which legal custody, physical custody, or visitation with respect to a child is at issue, including a proceeding for protection from domestic violence;
- Providing that a prosecutor may seek a warrant to take physical custody of a child to prevent abduction;
- Requiring that the contents of a petition for abduction prevention measures include a statement of whether either party has filed a prior action to prevent abduction or domestic violence and whether either party has been arrested for a crime related to domestic violence, stalking, or child abuse and neglect;
- Setting forth factors for the court to consider in determining whether a credible risk of abduction is present, including:
    - Any previous abduction or attempt;
    - Threats of abduction;
    - Activities that may indicate a planned abduction, including abandoning employment, selling a primary residence, terminating a lease, closing bank accounts, applying for a passport or visa, or seeking the child's birth certificate or other records;
    - Any domestic violence, stalking, or child abuse or neglect;
    - Refusal to follow a custody order;
    - Engaging in forgery or presenting misleading or false evidence to obtain government-issued documents;

  - Use of multiple names to mislead or defraud; or
  - Engaging in any other action considered by the court to be relevant to the risk of abduction;
- Requiring the court to consider any evidence that the respondent believed in good faith that removing the child was necessary to avoid imminent harm to the child or respondent;
- Requiring the court to consider the following factors in determining whether there is a credible risk of abduction:
  - The child's age;
  - Potential harm to the child from an abduction;
  - Legal and practical difficulties of obtaining the child's return if abducted; and
  - The reasons for a potential abduction, including evidence of domestic violence, stalking, or child abuse or neglect;
- Permitting the court to impose restrictions on travel, the child's passport, custody and visitation or to issue an arrest warrant or other direction to law enforcement to prevent imminent abduction;
- Permitting the court to issue a warrant to take physical custody of a child;
- Permitting the court to order a search of relevant databases to determine if either party has a history of domestic violence, stalking, or child abuse or neglect; and
- Providing that an abduction prevention order remain in effect until the time stated in the order, the child is emancipated, the child turns 18, or the order is modified or revoked.

MISCELLANEOUS:

§ 8316.1 of Title 42 is enacted to create a civil damages remedy for unlawful dissemination of an intimate image.

§ 304 of Title 53 is enacted to prohibit any municipality from penalizing a resident, tenant or landlord for contacting police or emergency assistance on behalf of a victim of abuse.

§ 1417 of Title 66 is amended to exempt victims under any court order that provides evidence of domestic violence against the victim from rules governing cash deposits for service, credit checks, payment arrangements, termination, and nonpayment for customers or applicants of public utilities.

§ 505.1 of Title 68 is amended to provide that a landlord that has notice of a protection from abuse order for a tenant or a tenant's immediate family is prohibited from disposing of personal property left in the premises for 30 days.

PUERTO RICO

LEGISLATIVE SESSION:

Legislative sessions are four years in length. The current regular session convened on January 13th, 2013, and will adjourn on January 1, 2017.

CRIMINAL PENALTIES AND PROCEDURES:

§§ 3.1-3.5 of Act No. 54 of August 15, 1989, known as the Prevention and Intervention in Domestic Violence Act, is amended to extend the law's protections to all couples, regardless of marital status, sexual orientation, or gender identity.

Note: This legislation was enacted in 2013.

RHODE ISLAND

LEGISLATIVE SESSION:

Annual. The regular session began on January 7, 2014, and adjourned on June 23, 2014.

ORDERS FOR PROTECTION:

§ 12-29-3 is amended to require that a law enforcement officer responding to a domestic violence incident must inform a victim who is not married to the perpetrator, but who has been in a dating or engagement relationship with the perpetrator within the past year, of the option for seeking a protection order.

SOUTH CAROLINA

LEGISLATIVE SESSION:

Annual. The regular session began on January 14, 2014, and adjourned on June 5, 2014.

ORDERS FOR PROTECTION:

§ 20-4-60 is amended to allow a protection order to prohibit harm or harassment against pets belonging to the petitioner, a family or household member, or the respondent (where the petitioner has a demonstrated interest in the pet) and to provide for temporary possession of the parties' pets.

MISCELLANEOUS:

§ 43-35-240 is enacted, as part of a new statutory scheme for guardians *ad litem* (GAL) for vulnerable adults, to prohibit a person who has been convicted of certain crimes, including criminal domestic violence, from being appointed as a GAL for a vulnerable adult.

§ 59-40-111 is enacted to provide that a charter school may be designated as an Alternative Education Campus (AEC) if its student population consists of at least 85% "high-risk youth," whose definition includes, among other things, having a documented history of domestic violence in the immediate family.

SOUTH DAKOTA

LEGISLATIVE SESSION:

Annual. The regular session convened on January 14, 2014, and adjourned on March 31, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 25-10-36.1 is enacted to permit a law enforcement officer responding to a domestic abuse complaint to delay the arrest of the victim on an outstanding warrant for 72 hours if the victim is 1) not liable for arrest in the domestic abuse incident, 2) the outstanding warrant is for a nonviolent misdemeanor offense, and 3) the victim is the custodial parent or immediate caregiver of a minor child.

FAMILIES AND CHILDREN:

§ 25-4A-21 is enacted to require a court, upon application by either parent in a custody dispute, to consider granting joint physical custody.*

§ 25-4A-22 is enacted to provide that a court finding that a parent has a history of committing domestic abuse creates a rebuttable presumption that joint physical custody is not in the child's best interest.

§ 25-4A-23 is enacted to provide that a court may order a custody evaluation or home study prior to ruling on a contested request for joint physical custody.

§ 25-4A-24 is enacted to:

- Set forth factors, in addition to the traditional best interest factors, to be considered by the court when determining whether to grant a contested request for joint physical custody, which include:
    - Whether either parent has denied the other contact without just cause;
    - Whether either parent has "intentionally alienated or interfered with the other's parental relationship with the child; and

  - Whether the safety of the child, other children, or the other parent will be jeopardized by an award of joint physical custody;* and
- Provide that facts supporting an application of the presumption against joint custody due to domestic abuse constitute just cause for denying contact.

§ 25-4A-25 is enacted to provide that if the parents agree on joint physical custody, the additional factors in § 25-4A-24 need not be considered.*

§ 25-4A-26 is enacted to state that nothing in the foregoing provisions creates a presumption of joint physical custody and that the child's best interest control.

§ 25-4A-27 is enacted to provide that the enactment of §§ 25-4A-21 to 25-4A-27 does not constitute changed circumstances that warrant a modification of existing orders, but the statute will govern any modification proceedings otherwise properly before the court.

Chapter 25-4B is enacted as the "Uniform Deployed Parents Custody and Visitation Act," which includes the following key provisions:

- § 25-4B-103 is enacted to authorize a court to charge an attorney's fees and costs against a party who acts in bad faith or intentionally fails to comply with the Act or a court order issued under the Act.
- § 25-4B-105 is enacted to:
  - Require a deployed parent to notify the other parent within seven days of receiving an official order to deploy or as soon as possible;
  - Require that each parent in this instance file a plan for custodial responsibility with the court; and
  - Require that if a parent's address is confidential by court order, all communications proceed through the court, which shall maintain the parent's confidentiality.

- § 25-4B-106 is enacted to require any person granted custodial authority during deployment to notify the deployed parent, or the court in the case of a court order providing that the address is confidential, of any change of address;
- § 25-4B-107 is enacted to provide that, upon the deployed parent's return, that parent's history of past or likelihood of future deployment may not in itself be considered in determining custodial responsibility, but if either the deployed parent or the child exhibits "a substantial and material change in circumstances that adversely affects the service member's ability to care adequately for the child, the best interests of the child shall be determinative;"
- § 25-4B-204 is enacted to permit a deployed parent to delegate all or part of custodial responsibility to a non-parent, by power of attorney, provided no other parent possesses custodial responsibility;
- § 25-4B-205 is enacted to require an agreement for custodial responsibility during deployment to be filed with any court that has issued a custody or child support order regarding the child;
- §§ 25-4B-301 to 25-4B-311 are enacted to set forth procedure and requirements for courts to follow when a parent is deployed and there is no agreement on the deployed parent's proposed grant of custodial responsibility to a non-parent family member or person with whom the child has a close and substantial relationship; and
- §§ 25-4B-401 to 25-4B-404 are enacted to set forth procedures for the termination of an agreement or order for custodial responsibility, including the provision that when the parties have not filed an agreement to terminate the temporary custody plan, the agreement is terminated 60 days after notice of the deployed parent's return.

SOUTH DAKOTA

ORDERS FOR PROTECTION:

§ 25-10-3.1 is enacted to declare the individuals in the following types of "relationships" eligible for a protection order: 1) spouse or former spouse, 2) significant romantic relationship, 3) has or is expecting a child with the abusing party, 4) parent and child, and 5) siblings.

§ 25-10-3.2 is enacted to require a court to consider a list of factors for determining whether a relationship is a "significant romantic relationship," including its length, the frequency of interaction, and the characteristics and type of relationship.

§§ 22-19a-8.1 and 25-10-3.3 are enacted to permit a court hearing a petition for a protection order alleging stalking or physical injury to exercise its discretion to hear the matter as one alleging domestic abuse if the allegations do not support the existence of stalking or physical injury, but do support the existence of domestic abuse.

§ 25-10-3 is amended to require that if any other case is pending between the parties, a petition for a protection order must be made to the judge presiding over the pending case, unless good cause is shown for assigning the protection order petition to a different judge.

§ 25-10-5 is amended to change the description of the protected party in a protection order from "a family or household member" to "the person to whom relief is being granted" and the "abusing party" to the "restrained person."

§ 25-10-12.1 is amended to change the term "domestic violence" to "domestic abuse" in the statute, to make references to types of foreign protection orders consistent, and to clarify the requirement that a respondent must have been afforded a reasonable notice and an opportunity to be heard in the issuing jurisdiction in order for a foreign protection order to be enforceable in South Dakota.

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.

TENNESSEE

LEGISLATIVE SESSION:

Annual. The regular session convened on January 14, 2014, and adjourned April 17, 2014.

CRIMINAL PENALTIES AND PROCEDURES::

§ 39-13-111 is amended to modify provisions governing the sentencing of persons convicted of domestic assault as follows:

- To add "consecutive" to the 30- and 90-day periods in § 39-13-111(c)(2) and (3); and
- To require that a person convicted of domestic assault serve at least the minimum sentence day for day and serve the difference between the time served and the maximum sentence on supervised probation.

§ 40-6-205 is amended to revise the provisions governing issuance of an arrest warrant or criminal summons when the affiant in support of such issuance is not a law enforcement officer as follows:

- If at least one of the multiple affiants is a law enforcement officer, the magistrate shall issue an arrest warrant unless the officer requests a summons;
- If the offense is a misdemeanor, a criminal summons is presumptively issued unless the magistrate finds an arrest warrant necessary to prevent immediate danger to a victim of domestic abuse, sexual assault, or stalking; and
- If the offense is a felony, the magistrate shall presumptively issue neither a warrant nor a summons, unless the magistrate finds an arrest warrant necessary to prevent immediate danger to a victim of domestic abuse, sexual assault, or stalking.

FAMILIES AND CHILDREN:

§ 36-4-106 is amended to provide that a parent seeking to relocate with a minor child must obtain the other parent's consent or a court order if the distance is more than 50 miles, reduced from the former provision of 100 miles.*

§ 36-6-101 is amended to revise the list of rights a parent has while a child is in the custody of the other parent to:*

- Require that the parent exercising parenting time provide the other parent with a telephone number where the child can be reached and the days and times that the child may be reached;
- Require that all letters packages and other materials sent to the child from the other parent be delivered promptly and not destroyed or defaced;
- Require that the parent exercising parenting time provide the other parent notice as soon as practicable, but within 24 hours, of any injury to the child;
- Require the parent who has arranged for the treatment or healthcare for the child to provide the name, address, telephone number, and other contact information for the physician or healthcare provider to the other parent;
- Prohibit any person who receives a parent's mailing address for the purpose of providing the child's records from disclosing the requesting parent's address to the other parent or a third party;
- Require that the parent who enrolls the child in any extracurricular, athletic, church, or other activity in which parent participation or observation is appropriate to provide the other parent with the contact information for the person scheduling the activity;
- Require the parent exercising parenting time to provide reasonable notice in the event that the parent leaves the state with the child or children for more than 48 hours, including the itinerary, planned dates of departure and return, intended destinations, and mode of travel; and
- Provide that a parent's access and participation in the child's education must be legal and must not interfere with the child's education schedule.

§ 36-6-106 is amended to revise the list of factors courts must consider in determining child custody:*

- To include:
  - The strength, nature, and stability of the child's relationship with each parent, including whether one parent has performed the majority of parenting responsibilities relating to the daily needs of the child;
  - Each parent's past and potential for future performance of parenting responsibilities, including the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the child and both of the parents, which the court must determine by consideration of the likelihood that each parent will honor court ordered parenting arrangements and rights, as well as any history of a parent denying parenting time to the other in violation of a court order;
  - Refusal of a parent to attend a court ordered parent education seminar, which the court may consider as a lack of good faith effort in the proceedings;
  - The emotional and developmental needs of the child;
  - The moral, physical and emotional fitness of each parent, which may be explored through the court-ordered disclosure of mental health information of a party;
  - Evidence of physical or emotional abuse to the child, the other parent or any other person, and the requirement that the court refer any child abuse issues to the juvenile court; and
  - Each parent's employment schedule.
- To delete the requirement that the court consider all evidence of allegations of child abuse or child sexual abuse and determine by a preponderance of the evidence whether the abuse has occurred; and
- To delete the requirement that where there is a finding of child abuse or child sex abuse against one parent that the court not weigh the other parent's relocation to flee the abusing parent against the relocating parent.

§ 36-6-108 is amended to delete a separate set of factors for the court to consider on a petition for relocation and instead incorporate the general best interest factors in § 36-6-106, which does not include the following factors that were in the former version:

- Extent to which visitation rights have been allowed and exercised;
- Stability of the family unit of the parents; and
- Home, school, and community record of the child.

§ 36-6-404, governing parenting plans, is amended to delete a separate set of factors for the court to consider when evaluating proposed permanent parenting plans and instead incorporate the general best interest factors in § 36-6-106, which does not include "the parent's ability to instruct, inspire, and encourage the child to prepare for a life of service, and to compete successfully in the society that the child faces as an adult."

Chapter 36-7 is enacted as the "Uniform Deployed Parents Custody and Visitation Act", the key provisions of which include:

- § 36-7-103 is enacted to authorize an attorney's fees and costs against a party who acts in bad faith or intentionally fails to comply with the Act or a court order issued under the Act.*
- § 36-7-105 is enacted to:
  - Require the deployed parent to notify the other parent within seven days of receiving an official order to deploy or as soon as possible;
  - Require each parent to file a plan for custodial responsibility with the court; and
  - Require that, if a parent's address is confidential by court order, communications proceed through the court and that the court maintain the confidentiality of the address.
- § 36-7-106 is enacted to require any person granted custodial authority during deployment to notify the deployed parent, or the court in the case of a court order providing that the address is confidential, of any change of address.

- § 36-7-107 is enacted to provide that, upon the deployed parent's return, the parent's history of past or likelihood of future deployment may not in itself be considered in determining custodial responsibility, but if either the deployed parent or the child exhibits "a substantial and material change in circumstances that adversely affects the service member's ability to adequately care for the child, the best interests of the child shall be determinative."
- § 36-7-204 is enacted to permit the deployed parent to grant custodial responsibility to a non-parent if no other parent possesses custodial responsibility.
- § 36-7-205 is enacted to require an agreement for custodial responsibility during deployment to be filed with any court that has issued a custody or child support order regarding the child.
- §§ 36-7-301 to 36-7-310 are enacted to:
  - Set forth procedures and criteria for when no agreement is reached and when the deployed parent seeks to grant custodial responsibility to a non-parent family member or person with whom the child has a close and substantial relationship;
  - Provide that such delegation to a non-parent is limited to the time granted to the deployed parent under a permanent custody order or the time the deployed parent "habitually cared" for the child; and
  - Provide that any determination to assign custodial responsibility must be in the child's best interest.
- § 36-7-401 is enacted to terminate an order for custodial responsibility upon the deployed parent's return, and custody shall revert to the previous custody order.

§ 36-4-121 is amended to provide that, in a dissolution action, if an order of protection has been issued, the court finds domestic abuse, or there has been a criminal conviction involving domestic abuse in the marriage, a debt for a batterer's intervention or rehabilitation program is to be attributed to the abuser only.

ORDERS FOR PROTECTION:

§ 36-3-609 is amended to effect service for a protection order outside of the county where it was issued by authorizing the clerk of the county where the order was issued to transmit the order by facsimile or other electronic transmission to the sheriff of the appropriate county for service.

§ 38-6-124 is enacted to:

- Direct the Tennessee bureau of investigation to survey law enforcement entities in the state to determine the best method of interfacing multiple computer databases to allow accessibility by police officers on patrol to serve outstanding warrants, orders of protection, and restraining orders; and
- Require that a report on the results be submitted to the legislature.

MISCELLANEOUS:

§ 4-29-235(a)(23) is repealed to remove the domestic violence state coordinating council from the list of governmental entities set to terminate on June 30, 2014.

§ 4-29-239 is amended to add the domestic violence state coordinating council to the list of governmental entities set to terminate on June 30, 2018.

§ 38-12-103 is amended to:

- Revise the membership of the domestic violence coordinating council by reducing the number of members from 25 to 23, removing one judge, one person appointed by the coalition, and the probation and parole officer, and adding the director of the Tennessee Bureau of Investigation and vacating, effective July 1, 2014, the entire existing membership as of June 30, 2014;*
- To provide for new members to be appointed in accordance with the amendments;
- To provide for staggered terms by altering the initial terms of specified members and thereafter to provide for four-year terms;

- To remove the coalition's authority to appoint up to nine additional members to the council; and
- To remove the council's authority to develop its own policies to fill vacancies and instead to provide that vacancies must be filled according to the statutory procedure.

§ 38-12-105 is amended to rename the "Tennessee task force against domestic violence" the "Tennessee Coalition to End Sexual and Domestic Violence."

§ 38-12-111 is amended to provide that the domestic violence coordinating council has authority to develop policies for the operation and functioning of the council.

§ 38-12-104 is enacted to add a requirement that the domestic violence coordinating council must provide an annual report on its activities to the Tennessee department of finance and administration office of criminal justice programs, the governor, the chief clerks of the state senate and house of representatives.

§ 63-11-203 is amended to add "parent coordination" as an activity falling within the scope of the practice of psychologists, when performed by a psychologist, and thus subject to regulation.*

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.

UTAH

LEGISLATIVE SESSION:

Annual. The regular session convened on January 27, 2014, and adjourned on March 13, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 77-7-20 is amended to require that law enforcement officers issuing a citation for a misdemeanor or infraction include whether the offense is a domestic violence offense.

FAMILIES AND CHILDREN:

§ 30-3-11.4 is amended to:*

- Require divorcing parents to attend a mandatory orientation before any temporary orders will be heard or granted, except for temporary restraining orders; and
- Provide for a discounted fee ($15 rather than $30) if the orientation is completed early.

§ 30-3-32 is amended to:

- Describe a parent as one who "experiences domestic or family violence" rather than one who "is the victim;" and
- Define "supervised parent-time" as parent-time that requires the noncustodial parent to be accompanied by an individual approved by the court.

§ 30-3-34.5 is enacted to:

- Declare it the policy of the state that divorcing parents have unrestricted and unsupervised access to their children;*
- Permit courts to order supervised parent time when necessary to protect a child and no less restrictive means is reasonably available and the child would be subject to physical or emotional harm or child abuse if left unsupervised with the noncustodial parent;
- Require the court to give preference to persons that the parties suggest to supervise visitation, including relatives, if it finds the persons are willing and capable of protecting the child from physical or emotional harm or child abuse;

- Permit the court to:
  - Require the noncustodial parent to seek the services of a professional visitation supervisor if the court is unable to authorize a person to supervise the visitation; and
  - Require the court to consider whether the cost of professional visitation services is likely to deter the parent from exercising parent time and whether the requirement for supervised parent-time should expire after a set period of time.
- Require the court to include in its order specific goals and expectations for the noncustodial parent to accomplish before unsupervised parent time is granted and to schedule one or more follow up hearings.

§ 30-3-37 is amended to set forth separate procedures and considerations for children under the age of five and children aged five to 18 when a court modifies visitation following the relocation of a parent.

§ 78A-2-301 is amended to impose a $100 filing fee for any petition or counter-petition to modify a domestic relations order other than a protective order or stalking injunction.*

§ 78A-6-105 is amended to expand the statutory definition of child abuse to include the child's natural parent intentionally, knowingly, or recklessly causing the other parent's death.

§ 78A-6-302 is amended to make a natural parent intentionally, knowingly, or recklessly causing the other parent's death grounds for removal of a child from the home.

§ 78A-6-312 is amended to impose the presumption that reunification services should not be provided in instances in which a natural parent intentionally, knowingly, or recklessly causes the other parent's death.

§ 78A-6-314 is amended to provide that a child's natural parent intentionally, knowingly, or recklessly causing the other parent's death is prima facie evidence in a permanency hearing that the return of a

minor to that parent would create a substantial risk of detriment to the minor.

§ 78B-6-110.5 is enacted to set forth requirements regarding notice to possible birth fathers when a child is relinquished for adoption by the birth mother and neither the birth mother nor either adoptive parent has resided in Utah for at least 90 days. This includes a mandate that the declaration a birth mother is required to file with the court listing each potential birth father also state whether the birth mother has ever been involved in a domestic violence matter with each potential birth father.*

§ 78A-2-705 is renumbered from § 78A-2-228 and amended to permit the parties to stipulate to assignment of a specific private attorney guardian *ad litem* and to prescribe procedures for appointment, withdrawal, or termination.

ORDERS FOR PROTECTION:

§ 78A-2-703 is renumbered from § 78A-2-227.1 and amended to provide that the court may appoint an attorney guardian *ad litem* to represent the best interests of a minor in a protection order proceeding when the parents are indigent and a private attorney guardian ad litem is not reasonably available.*

§ 78B-7-405 is amended to provide that a dating violence protection order issued after notice and a hearing is effective for 180 days from issuance of the order, not from filing of the petition.

MISCELLANEOUS:

§§ 20A-2-104, 20A-2-108, 20A-2-308, 20A-6-105, 63G-2-202, 63G-2-301, and 63G-2-302 are amended to:

- Permit a voter who believes that disclosure of the public portions of the voter registration form would put the voter or the voter's family at risk to apply to have the entire record classified as private; and
- Provide that a protection order or a police report may be considered as evidence in any such application.

§ 35A-3-117 is enacted to authorize the Department of Workforce Services to administer services for refugees, including services for victims of domestic violence.

§ 35A-11-201 is enacted to create the Women in the Economy Commission and provide for its membership, including one individual from a non-profit domestic violence organization.

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.

VERMONT

LEGISLATIVE SESSION:

Annual. The regular session began on January 7, 2014, and adjourned on May 10, 2014.

ORDERS FOR PROTECTION:

§ 2307 of Title 20 is enacted to provide procedures for the surrender of firearms pursuant to a relief from abuse order, including:

- Permitting a law enforcement agency or federally licensed firearm dealer to receive surrendered firearms;
- Permitting another person to receive surrendered firearms unless the court finds that relinquishment to the other person will not adequately protect the victim's safety;
- Providing for civil contempt remedies if the person holding the firearms permits access to the person who relinquished them or any other unauthorized person;
- Providing for fees to be charged for storage and allowing the holder to sell the firearm in satisfaction of the fees if not paid;
- Permitting the firearms to be released upon expiration of the protection order and payment of any fees; and
- Making any law enforcement agency immune from liability for any damage or deterioration of surrendered firearms unless caused by recklessness, gross negligence, or intentional misconduct.

VIRGINIA

LEGISLATIVE SESSION:

Annual. The regular session began on January 8, 2014, and adjourned on March 10, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 18.2-57.2 is amended to add unlawful wounding and strangulation to the list of prior offenses that can increase the crime of assault and battery against a family or household member to a Class 6 felony.

§ 19.2-11.2 is amended to add manufacture, sale, or possession of a controlled substance and any violent felony to the list of offenses for which witnesses for the criminal prosecution may request that their residential address, telephone number, place of employment or that of their family not be disclosed by law enforcement, counsel, the court, the Department of Corrections, or any employee of these entities

FAMILIES AND CHILDREN:

§§ 16.1-241 and 20-124.1 are amended to add step-grandparents to the definition of "person with a legitimate interest" in proceedings regarding the custody of a child.*

ORDERS FOR PROTECTION:

§§ 16.1-253, 16.1-253.1,16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 are amended to allow the court to grant relief regarding a companion animal in preliminary, emergency, family abuse, civil, and criminal protection orders.

§ 16.1-253.4 is amended to provide that violation of a protection order under this section is contempt of court.

§§ 16.1-253.4 and 19.2-81.3 are amended to expand the definition of "law enforcement officer" for the purpose of statutes governing protective orders and arrest without warrant for violation of a protective order to include a "special conservator of the peace who meets the certification requirements for a law enforcement officer."

§ 16.1-279.1 is amended to expand the relief a court may provide in a protective order in a family abuse case to include:

- Prohibiting the respondent from terminating insurance, registration, or taxes on a motor vehicle owned by the petitioner alone or by the parties jointly; and
- Directing the respondent to maintain the insurance, registration, and taxes as appropriate.

MISCELLANEOUS:

§ 2.2-515.2 is amended to:

- Permit victims of stalking to apply for a confidential address through the state's address confidentiality program; and
- Permit the address confidentiality program to revoke a participant's certification if the participant obtains a name change and fails to notify the Attorney General's Office.

§ 19.2-368.9 is amended to increase the limit on emergency victim of crime awards through the Criminal Injuries Compensation Fund from $2,000 to $3,000.

§ 19.2-368.11:1 is amended to increase the limit on awards from the Criminal Injuries Compensation Fund for mental health counseling for survivors of crime victims from $2,500 to $3,500, and for reasonable and necessary moving expenses incurred by survivors or victims from $1,000 to $2,000.

§§ 16.1-309.1 and 19.-11.01 are amended to make victims of certain delinquent acts (assault and battery, stalking, violation of a protective order, sexual battery, or attempted sexual battery) eligible to request that they be informed of charges brought against a juvenile, the findings of the court, and the disposition of the case.

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.

WASHINGTON

LEGISLATIVE SESSION:

Annual. The regular session convened on January 13, 2014, and adjourned on March 13, 2014.

ORDERS FOR PROTECTION:

§ 9.41.040 is amended to:

- Define "intimate partner" as a spouse, domestic partner, former spouse, former domestic partner, a person with whom the restrained person has a child in common, or a person with whom the restrained person has cohabited or is cohabitating as part of a dating relationship; and
- Modify the definition of unlawful possession of a firearm in the second degree to include owning, possessing, or being in control of a firearm during any period the person is subject to a protective order that meets the following criteria:
    - Issued after a hearing for which the respondent had actual notice and the opportunity to participate;
    - Restrains the person from harassing, stalking, or threatening an intimate partner or child of the respondent or intimate partner or from engaging in other conduct that would place the intimate partner in reasonable fear of bodily injury to the partner or child;
    - Contains a finding that the person represents a credible threat to the physical safety of the intimate partner or child; and
    - Explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury.

§ 9.41.800 is amended to mandate that a court require a restrained party in certain protection orders to surrender any firearm, dangerous weapon, and concealed pistol license in his or her possession and prohibit the restrained party from obtaining or possessing a firearm, dangerous weapon, or concealed pistol license.

WEST VIRGINIA

LEGISLATIVE SESSION:

Annual. The regular session convened on January 8, 2014, and adjourned on March 8, 2014.

DEFINITIONS:

§ 61-2-28 is amended to:

- Modify the definition of domestic battery to include physical contact with force capable of causing physical pain or injury; and
- Modify the definition of domestic assault to include the attempt to use force capable of causing physical pain or injury that places a family or household member in reasonable apprehension of immediately suffering physical pain or injury.

MISCELLANEOUS:

§ 16-5C-21 is enacted to prohibit nursing homes from employing individuals convicted of certain crimes, including rape, sexual assault, felony domestic battery, or felony domestic assault, unless the state grants a variance.

§ 61-7-4 is amended to:

- Require that a person seeking a state license to carry a concealed weapon verify in the written application that they are not prohibited under any state or federal law, including 18 U.S.C. § 922(g) or (n), from receiving, possessing, or transporting a firearm; and
- Require the county sheriff to verify, through the National Instant Criminal Background Check System, that the information available does not indicate that receipt or possession of a firearm by the applicant would be in violation of state or federal law, including 18 U.S.C. § 922(g) or (n).

WISCONSIN

LEGISLATIVE SESSION:

Annual. The regular session began on January 14, 2014, and adjourned on June 4, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 322.1201 is enacted to:

- Create the offense of stalking in the state's Code of Military Justice;
- Make stalking punishable in a court-martial; and
- Define stalking as:
  - Wrongfully engaging in a course of conduct directed at a specific person that would reasonably cause fear of death or bodily harm when the offender has or should have knowledge that the specific person will be placed in reasonable fear of death or bodily injury; and
  - Committing acts that induce reasonable fear in the specific person.

ORDERS FOR PROTECTION:

§ 165.63 is enacted to require the department of justice to provide to a judge, court commissioner, or law enforcement agency or officer, upon request, information regarding individuals ordered by any protection order not to possess a firearm and any cancellation of such an order.

§ 801.58 is amended to provide that when a request for substitution is filed against the judge who entered a temporary protection order, the order continues in effect until the newly assigned judge can hold a hearing on the matter.

§ 813.12 is amended to:

- Require the person serving a domestic abuse protection order to:
  - Provide the respondent notice of the requirements and penalties under the specified law;
  - Explain the requirements regarding firearms, including the procedure for surrender of firearms and when the respondent must appear at a hearing to surrender firearms; and
  - Provide the respondent with a firearm possession form;
- Provide that the clerk, rather than the petitioner, must give notice to the respondent of any extension of a protection order under § 813.12(4)(c)(2);
- Prohibit a judge or court commissioner from extending a temporary order of protection in lieu of ruling on the issuance of an injunction;
- Require the court to use information obtained from the department of justice about individuals barred from possessing firearms in any protection orders and the cancellation of any such orders in determining whether the subject of a protection order is prohibited from possessing firearms; and
- Permit the extension of a protection order for up to 10 years if the court finds by a preponderance of the evidence a substantial risk of first-degree homicide or sexual assault against the petitioner.

§ 813.125 is amended to:

- Require the person serving a domestic abuse protection order to:
  - Provide the respondent notice of the requirements and penalties under the specified law;
  - Explain the requirements regarding firearms, including the procedure for surrender of firearms and when the respondent must appear at a hearing to surrender firearms; and
  - Provide the respondent with a firearm possession form.
- Permit an extension of a protection order for up to 10 years if the court finds by a preponderance of the evidence a substantial risk of first-degree homicide or sexual assault against the petitioner.

§ 813.126 is amended to provide that when a request is made for a hearing de novo of a court commissioner's issuance of a protection order, the commissioner's order remains in place until the judge in the de novo hearing issues a final order.

§ 813.1285 is enacted to:

- Set forth a detailed procedure for:
  - Determining when a respondent subject to a protection order is prohibited from possessing firearms, including providing for a hearing for such purpose;
  - Surrendering of any such firearms; and
  - Seeking return of any such firearms;
- Incorporate, renumber, and amend § 813.12 (4m)(am) to:
  - Require that a receipt for a surrendered firearm include the date of surrender; and
  - Require that the respondent receive two copies of the receipt, one of which the respondent must file with the clerk of the court within 48 hours of the order to surrender; and
- Incorporate, renumber, and amend § 813.12(4m)(b) to require a respondent seeking the return of firearms to file a petition seeking such relief.

MISCELLANEOUS:

§ 165.85 is amended to:

- Provide that the law enforcement standards board may decertify a law enforcement officer who is convicted of any felony offense or misdemeanor domestic violence;
- Add domestic violence investigations to the list of topics to be covered in law enforcement officer training; and
- Provide that a person convicted of any crime of domestic violence may not be trained as a law enforcement officer unless the person has been granted an absolute and unconditional pardon for the crime.

§ 786.37 is amended to require the clerk of the court to ensure that petitions for a name change remain confidential when the petitioner requests such and to permit the court to require the petitioner to publish notice of the impending name change if the petitioner is unable to show the publication could endanger the petitioner.

§ 968.075 is amended to:

- Require that a law enforcement officer with reasonable grounds to believe that a person is committing or has committed domestic abuse provide referral and legal information to the victim regarding available resources and protection orders; and
- Require each district attorney to submit an annual report to the department of justice on the number of law enforcement responses to a domestic abuse incident that did not result in an arrest.

LEGISLATIVE SESSION:

Annual. The regular session convened on February 10, 2014, and adjourned on March 6, 2014.

CRIMINAL PENALTIES AND PROCEDURES:

§ 6-1-104 is amended to add the newly created offenses of domestic assault and domestic battery to the list of offenses that can be used to establish a pattern of gang activity.

§ 6-2-510 is enacted to:

- Create the misdemeanor offense of domestic assault;
- Define the offense as the unlawful attempt to cause bodily injury to another household member when the person has the present ability to cause such injury; and
- Provide for enhanced penalties for subsequent offenses.

§ 6-2-511 is enacted to:

- Create the offense of domestic battery;
- Define the offense as knowingly or recklessly causing bodily injury to another household member by use of physical force;
- Provide that the first and second offenses are misdemeanors and enhance penalties for a second offense; and
- Provide that subsequent offenses are felonies.

§ 6-3-307 is enacted to create the criminal offense of unlawful entry into an occupied structure, defined as entering or remaining, without authority, in an occupied structure and committing or attempting to commit battery or domestic battery.

§ 7-6-102 is amended to add the newly created offenses of domestic assault and domestic battery to the list of "serious crimes" that could result in the defendant's disqualification from possessing firearms under federal law, regardless of a judge's determination that incarceration for the state offense is not appropriate.

§ 7-13-301 is amended to add domestic assault and domestic battery to the list of crimes for which a judge may defer entry of a judgment of guilt or conviction and place the defendant on probation for no more than five years.*

§ 7-13-1105 is amended to permit the court to place a person guilty of domestic assault or domestic battery in an intensive supervision program.

§ 7-13-1502 is amended to provide that records related to a conviction for felony domestic battery are not subject to expungement.

§ 7-20-102 is amended to permit a peace officer who has probable cause to believe a domestic assault or domestic battery has occurred within the preceding 24 hours or is occurring, may arrest the violator without a warrant, whether or not the offense was committed in the officer's presence.

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.

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Toll Free: (800) 525-1978
Hotline: (800) 799-7233
Fax: (512) 794-1199
Website: www.tcfv.org

Utah Domestic Violence Council
205 North 400 West
Salt Lake City, Utah 84103
Phone: (801) 521-5544
Hotline: (800) 897-5465
Fax: (801) 521-5548
Website: www.udvc.org

Vermont Network Against Domestic and Sexual Violence
PO Box 405
Montpelier, Vermont 05601
Phone: (802) 223-1302
Hotline: (800) 228-7395
TTY: (802) 223-1115
Fax: (802) 223- 6943
Email: vtnetwork@vtnetwork.org
Website: www.vtnetwork.org

Virginia Sexual and Domestic Violence Action Alliance
The Corporate Center
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Richmond, Virginia 23230
Phone: (804) 377-0335
Hotline/TTY: (800) 838-8238
Fax: (804) 377-0339
Email: info@vsdvalliance.org
Website: www.vsdvalliance.org

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Olympia Office
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Olympia, Washington 98501
Phone: (360) 586-1022
TTY: (360) 585-1029
Fax: (360) 586-1024
Email: wscadv@wscadv.org
Website: www.wscadv.org
Seattle Office
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Seattle, Washington 98101
Phone: (206) 389-2515
TTY: (206) 389-2900
Fax: (206) 389-2520
Email: wscadv@wscadv.org

Wyoming Coalition Against Domestic Violence and Sexual Assault
710 E. Garfield St , Suite 218
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PO Box 236
Laramie, Wyoming 82073
Phone: (307) 755-5481
Hotline: (800) 990-3877
Legal Line: (307) 755-0992
Fax: (307) 755-5482
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Website: www.wyomingdvsa.org

Women's Coalition of St. Croix
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E-mail: info@wcstx.org
Website: www.wcstx.com

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5004 Elk River Rd. S.
Elkview, West Virginia 25071
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Little Rock, Arkansas 72201
House:(501) 682-6211 (In session)
House:(501) 682-7771 (Out of session)
Senate:(501) 682-2902 (In session)
Senate:(501) 682-6107 (Out of session)
Website: www.arkleg.state.ar.us

California Office of the Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California 95814
House: (916) 319-2856
Website: www.legislature.ca.gov

California Office of the Secretary of the Senate
State Capitol, Room 3044
Sacramento, California 95814
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Website: http://secretary.senate.ca.gov/

Colorado Legislative Council
State Capitol, Room 029
Denver, Colorado 80203
House: (303) 866-3521
Senate: (303) 866-3855
Website: www.colorado.gov

Connecticut Law and Legislative Reference Unit
State Library, Room L212
231 Capitol Ave.
Hartford, Connecticut 06106
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Senate: (860) 757-6539
Website: www.cslib.org

Delaware Division of Research, Legislative Council
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411 Legislative Ave.
PO Box 1401
Dover, Delaware 19903
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Senate: (302) 739-3895
Website: www.legis.delaware.gov

District of Columbia Office of the Secretary, Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Ave., NW, Suite 5
Washington, District of Columbia 20004
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Website: www.dccouncil.washington.dc.us

Florida Division of Legislative Information Services
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Tallahassee, Florida 32399
House: (850) 488-4371
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Email: leg.info@leg.state.fl.us
Website: www.leg.state.fl.us

Georgia Office of the Clerk of the House of Representatives
State Capitol, Room 309
Atlanta, Georgia 30334
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Georgia Office of the Secretary of the Senate
State Capitol, Room 353
Atlanta, Georgia 30334
House: (404) 656-5040
Senate: (404) 656-5043
Website: www.senate.ga.gov

Hawaii Legislative Reference Bureau
State Capitol, Room 005
Honolulu, Hawaii 96813
House: (808) 587-0690
Senate: (808) 587-0699
Email: lrb@capitol.hawaii.gov
Website: www.capitol.hawaii.gov

Idaho Legislative Reference Library Legislative Services Office
Capitol Annex, 514 W. Jefferson St.
PO Box 83720
Boise, Idaho 83720
House: (208) 334-2475
Senate: (208) 334-2125
Email: lsoweb@lso.idaho.gov
Website: www.legislature.idaho.gov

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Indiana House of Representatives Legislative Services Agency
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Indianapolis, Indiana 46204
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Website: www.in.gov/legislative

Indiana State Senate Legislative Services Agency
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Indianapolis, Indiana 46204
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Website: www.in.gov/legislative

Iowa Legislative Information Office
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Des Moines, Iowa 50319
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Website: www.legis.iowa.gov

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Kentucky Legislative Research Commission
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700 Capitol Ave.
Frankfort, Kentucky 40601
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Louisiana State Library
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701 N. Fourth St.
PO Box 131
Baton Rouge, Louisiana 70802
House: (225) 342-4914
Senate: (225) 342-2791
Email: laref1@slol.lib.la.us
Website: www.state.lib.la.us

Maine Law and Legislative Reference Library
State House, Room 202
43 State House Station
Augusta, Maine 04333
House: (207) 287-1600
Senate: (207) 287-6467
Website: www.maine.gov/legis

Maryland Department of Legislative Services
Department of Legislative Services
90 State Cir.
Annapolis, Maryland 21401
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Boston, Massachusetts 02133
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Website: www.mass.gov/legis
Massachusetts Office of the
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State House, Room 335
Boston, Massachusetts 02133
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Michigan Secretary of the Senate
State Capitol, Room S5
PO Box 30036
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Website: www.michiganlegislature.org

Minnesota House Public Information Office
State Office Building, Room 175
St. Paul, Minnesota 55155
House: (651) 296-2146
Senate: (651) 297-8135
Website: www.house.leg.state.mn.us

Minnesota Senate Information Office
State Capitol, Room 231
75 Dr. Martin Luther King, Jr. Blvd.
St. Paul, Minnesota 55155
House: (651) 296-0504
Toll-Free: (888) 234-1112
Senate: (651) 296-6511
Website: www.senate.leg.state.mn.us

Minnesota Legislative Reference Library
State Office Building, Room 645
100 Dr. Martin Luther King, Jr. Blvd.
St. Paul, Minnesota 55155
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Website: www.leg.state.mn.us

Mississippi Clerk of the House
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http://www.legislature.ms.gov/Pages/default.aspx

Missouri Legislative Library, Committee on Legislative Research
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Jefferson City, Missouri 65101
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Nevada Legislative Council Bureau Research Library
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333 E. Fifth St.
Carson City, Nevada 89701
(Mailing address: Research Library, 401 S. Carson St.)
House: (775) 684-6827
Senate: (775) 684-6420
Website: www.leg.state.nv.us

New Hampshire Reference and Information Services
New Hampshire State Library
20 Park St.
Concord, New Hampshire 03301
House: (603) 271-2239
Senate: (603) 271-2205
Website: www.gencourt.state.nh.us

New Jersey Legislative Information and Bill Room
State House Annex, Room 50
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Trenton, New Jersey 08625
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Senate: (609) 777-2440
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Website: www.njleg.state.nj.us

New Mexico Legislative Council Service
State Capitol, Room 411
Santa Fe, New Mexico 87501
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New York Assembly Public Information Office
Legislative Office Building, Room 202
Albany, New York 12248
House: (518) 455-4218
Senate: (518) 455-5175
Website: http://assembly.state.ny.us

New York Office of the Secretary of the Senate
State Capitol, Room 321
Albany, New York 12247
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Senate: (518) 426-6890
Website: www.senate.state.ny.us

North Carolina Legislative Services Office
State Legislative Building, Room 2129
16 W. Jones St.
Raleigh, North Carolina 27601
House: (919) 733-7044
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Bismarck, North Dakota 58505
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Website: www.legis.nd.gov

Ohio Office of the Clerk State House
Columbus, Ohio 43215
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Senate: (614) 644-8744
Website: www.house.state.oh.us

Oklahoma Law and Legislative Reference Division
Oklahoma Department of Libraries
State Capitol, Room B-8
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House: (405) 522-3212
Senate: (405) 521-2753
Email:lawreference@altn.odl.state.ok.us
Website: www.odl.state.ok.us

Oregon Administrator's Office, Legislative Administration Committee
State Capitol, Room 140-A
900 Court St., NE
Salem, Oregon 97301
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Senate: (503) 986-1684
Email: scott.burgess@state.or.us
Website: www.leg.state.or.us

Pennsylvania Library, Legislative Reference Bureau
Main Capitol Building, Room 641
Harrisburg, Pennsylvania 17120
House: (717) 787-4223
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Website: www.legis.state.pa.us

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San Juan, Puerto Rico 00902
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Rhode Island Legislative Reference, State Library
State House, Room 208
Providence, Rhode Island 02903
House: (401) 222-2473
Senate: (401) 222-3034
Email: statelibrary@sec.state.ri.us
Website: www.state.ri.us

South Carolina Legislative Council
1000 Assembly St., Room 434
PO Box 11489
Columbia, South Carolina 29211
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Senate: (803) 212-4501
Website: www.scstatehouse.gov

South Dakota Legislative Research Council
State Capitol, Third Floor
500 E. Capitol Ave.
Pierre, South Dakota 57501
House: (605) 773-3251
Senate: (605) 773-4576
Website: http://legis.state.sd.us/

Tennessee Office of Legislative Information Services
Rachel Jackson Building, First Floor
320 Sixth Ave. N.
Nashville, Tennessee 37243
House: (615) 741-3511
Website: www.capitol.tn.gov

Texas Legislative Reference Library
State Capitol, Room 2N.3
1100 Congress Ave.
PO Box 12488
Austin, Texas 78711
House: (512) 463-1252
Senate: (512) 475-4626
Website: www.capitol.state.tx.us

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Salt Lake City, Utah 84114
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Senate: (801) 538-1712
Website: www.le.utah.gov

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State House, First Floor Annex
115 State St., Drawer 33
Montpelier, Vermont 05633
House: (802) 828-2231
Senate: (802) 828-2424
Website: www.leg.state.vt.us

Virginia Legislative Information Office
State Capitol, First Floor
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Richmond, Virginia 23218
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Senate: (804) 786-3215
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Website: www.leg.wa.gov

Washington Legislative Information Center
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Wisconsin Legislative Reference Bureau
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Senate: (608) 266-5648
Website: www.legis.state.wi.us

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