

AN ACT relating to assault of a family member or a member of an unmarried couple.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 508.032 is amended to read as follows:

- (1) If a person commits a third or subsequent offense of assault in the fourth degree under KRS 508.030 within five (5) years, **or commits assault in the fourth degree under KRS 508.030 and has two (2) or more prior convictions within the previous five (5) years for violations of KRS 508.010, 508.020, or 508.030,** and the relationship between the perpetrator and the victim in each of the offenses meets the definition of family member or member of an unmarried couple, as defined in KRS 403.720, then the person may be convicted of a Class D felony. If the Commonwealth desires to utilize the provisions of this section, the Commonwealth shall indict the defendant and the case shall be tried in the Circuit Court as a felony case. The jury, or judge if the trial is without a jury, may decline to assess a felony penalty in a case under this section and may convict the defendant of a misdemeanor. The victim in the second or subsequent offense is not required to be the same person who was assaulted in the prior offenses in order for the provisions of this section to apply.
- (2) In determining the five (5) year period under this section, the period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered by a court of competent jurisdiction.