

Domestic Violence
Act 2019-252
***Effective May 23, 2019**

- Removes the definition section and places the definitions into the individual statutes to avoid confusion, and to provide ease of use of code sections for citizens, law enforcement and parties affected. It also solves the discrepancies between victim status in DV 1,2, & 3 and DV SS, et seq. This creates consistency between all the DV crimes. PFA victim definitions remain the same.
- It adds "step-parent" and "step-child" to the personal relationships sought to be protected under the domestic violence act.
- It also further clarifies “in the presence of a child” and provides for special verdict as to the enhancement.
- Sets the legal standard for a warrantless arrest as “probable cause” to make it consistent with the rest of the criminal code. Also, case law states that the current standard of “reasonable cause” is to be interpreted as probable cause. Changes time frame of “as expeditiously as possible” to 48 hours for warrantless arrests as well. (§15-10-3)
- It sets out the procedures for bail in the event of an arrest for DV offenses. (§15-13-190)
- If a Protection from Abuse (PFA) is sought for a child, the new law deletes the requirement that there must be a witness to the act which forms the basis for relief. Adds that a Court Appointed Guardian *Ad Litem* may also file for a PFA on behalf the child they represent. (§30-5-5)
- Makes the 3rd or subsequent conviction of a violation of a PFA a felony (similar to DV 3rd). (§13A-6-142(b))
- In determining a DV 3rd felony status, prior convictions now include previous conviction for DV 1,2, SS, or DV conviction are included. Also, priors can include other out of state crimes with convictions if similar to our statutes. This means in looking at other crimes, don’t have to necessarily look for the specific words - “Domestic Violence” rather, crimes that are substantially similar.