

HOUSE BILL NO. 1897

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on _____)

(Patron Prior to Substitute--Delegate Bell)

A BILL to amend and reenact §§ 16.1-253.1, 16.1-279.1, 19.2-152.9, and 19.2-152.10 of the Code of Virginia, relating to protective orders; extensions and continuances; other monetary relief; penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-253.1, 16.1-279.1, 19.2-152.9, and 19.2-152.10 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-253.1. Preliminary protective orders in cases of family abuse; confidentiality.

A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period of time, subjected to family abuse, or the filing of a written motion requesting a hearing to extend a protective order pursuant to § 16.1-279.1 without alleging that the petitioner is or has been, within a reasonable period of time, subject to family abuse, the court may issue a preliminary protective order against an allegedly abusing person in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer or upon the filing of a written motion requesting a hearing to extend a protective order pursuant to § 16.1-279.1 without alleging that the petitioner is or has been, within a reasonable period of time, subject to family abuse. If an ex parte order is issued without an affidavit or a completed form as prescribed by subsection D of § 16.1-253.4 being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings. Immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred shall constitute good cause. Evidence that the petitioner has been subjected to family abuse within a reasonable time and evidence of immediate and present danger of family abuse may be

27 established by a showing that (i) the allegedly abusing person is incarcerated and is to be released from
28 incarceration within 30 days following the petition or has been released from incarceration within 30 days
29 prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and incarcerated
30 involved family abuse against the petitioner, and (iii) the allegedly abusing person has made threatening
31 contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of
32 family abuse.

33 A preliminary protective order may include any one or more of the following conditions to be
34 imposed on the allegedly abusing person:

- 35 1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property.
- 36 2. Prohibiting such contacts by the respondent with the petitioner or family or household members
37 of the petitioner as the court deems necessary for the health or safety of such persons.
- 38 3. Granting the petitioner possession of the premises occupied by the parties to the exclusion of
39 the allegedly abusing person; however, no such grant of possession shall affect title to any real or personal
40 property.
- 41 4. Enjoining the respondent from terminating any necessary utility service to a premises that the
42 petitioner has been granted possession of pursuant to subdivision 3 or, where appropriate, ordering the
43 respondent to restore utility services to such premises.
- 44 5. Granting the petitioner and, where appropriate, any other family or household member of the
45 petitioner, exclusive use and possession of a cellular telephone number or electronic device. The court
46 may enjoin the respondent from terminating a cellular telephone number or electronic device before the
47 expiration of the contract term with a third-party provider. The court may enjoin the respondent from
48 using a cellular telephone or other electronic device to locate the petitioner.
- 49 6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner
50 alone or jointly owned by the parties to the exclusion of the allegedly abusing person; however, no such
51 grant of possession or use shall affect title to the vehicle.

52 7. Requiring that the allegedly abusing person provide suitable alternative housing for the
53 petitioner and any other family or household member and, where appropriate, requiring the respondent to
54 pay deposits to connect or restore necessary utility services in the alternative housing provided.

55 8. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such
56 petitioner meets the definition of owner in § 3.2-6500.

57 9. Any other relief necessary for the protection of the petitioner and family or household members
58 of the petitioner.

59 B. The court shall forthwith, but in all cases no later than the end of the business day on which the
60 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the
61 respondent's identifying information and the name, date of birth, sex, and race of each protected person
62 provided to the court. A copy of a preliminary protective order containing any such identifying information
63 shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of
64 protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall
65 forthwith verify and enter any modification as necessary to the identifying information and other
66 appropriate information required by the Department of State Police into the Virginia Criminal Information
67 Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52
68 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-
69 264 and due return made to the court. However, if the order is issued by the circuit court, the clerk of the
70 circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying
71 information and the name, date of birth, sex, and race of each protected person provided to the court to
72 the primary law-enforcement agency providing service and entry of protective orders and upon receipt of
73 the order, the primary law-enforcement agency shall enter the name of the person subject to the order and
74 other appropriate information required by the Department of State Police into the Virginia Criminal
75 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et
76 seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as
77 provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service
78 and other appropriate information required by the Department of State Police into the Virginia Criminal

79 Information Network and make due return to the court. The preliminary order shall specify a date for the
80 full hearing. The hearing shall be held within 15 days of the issuance of the preliminary order, unless the
81 hearing has been continued pursuant to this subsection or court is closed pursuant to § 16.1-69.35 or 17.1-
82 207 and such closure prevents the hearing from being held within such time period, in which case the
83 hearing shall be held on the next day not a Saturday, Sunday, legal holiday, or day on which the court is
84 lawfully closed. If such court is closed pursuant to § 16.1-69.35 or 17.1-207, the preliminary protective
85 order shall remain in full force and effect until it is dissolved by such court, until another preliminary
86 protective order is entered, or until a protective order is entered. If the respondent fails to appear at this
87 hearing because the respondent was not personally served, or if personally served was incarcerated and
88 not transported to the hearing, the court may extend the protective order for a period not to exceed six
89 months. The extended protective order shall be served forthwith on the respondent. However, upon motion
90 of the petitioner or respondent and for good cause shown, the court may continue the hearing. The
91 preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk
92 shall provide the petitioner with a copy of the order and information regarding the date and time of service.
93 The order shall further specify that either party may at any time file a motion with the court requesting a
94 hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket
95 of the court. Upon petitioner's motion to dissolve the preliminary protective order, a dissolution order may
96 be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard
97 by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of
98 such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

99 Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-
100 264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the primary
101 law-enforcement agency, and the agency shall forthwith verify and enter any modification as necessary
102 into the Virginia Criminal Information Network as described above. If the order is later dissolved or
103 modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the
104 primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt
105 of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any

106 modification as necessary to the identifying information and other appropriate information required by the
107 Department of State Police into the Virginia Criminal Information Network as described above and the
108 order shall be served forthwith and due return made to the court.

109 C. The preliminary order is effective upon personal service on the allegedly abusing person. Except
110 as otherwise provided in § 16.1-253.2, a violation of the order shall constitute contempt of court.

111 D. At a full hearing on the petition, the court may issue a protective order pursuant to § 16.1-279.1
112 if the court finds that the petitioner has proven the allegation of family abuse by a preponderance of the
113 evidence.

114 E. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's
115 office, nor any employee of them, may disclose, except among themselves, the residential address,
116 telephone number, or place of employment of the person protected by the order or that of the family of
117 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court,
118 (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

119 F. As used in this section, "copy" includes a facsimile copy.

120 G. No fee shall be charged for filing or serving any petition or order pursuant to this section.

121 H. Upon issuance of a preliminary protective order, the clerk of the court shall make available to
122 the petitioner information that is published by the Department of Criminal Justice Services for victims of
123 domestic violence or for petitioners in protective order cases.

124 **§ 16.1-279.1. Protective order in cases of family abuse.**

125 A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated
126 respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the
127 court may issue a protective order to protect the health and safety of the petitioner and family or household
128 members of the petitioner. A protective order issued under this section may include any one or more of
129 the following conditions to be imposed on the respondent:

- 130 1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
- 131 2. Prohibiting such contacts by the respondent with the petitioner or family or household members
132 of the petitioner as the court deems necessary for the health or safety of such persons;

133 3. Granting the petitioner possession of the residence occupied by the parties to the exclusion of
134 the respondent; however, no such grant of possession shall affect title to any real or personal property;

135 4. Enjoining the respondent from terminating any necessary utility service to the residence to
136 which the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the
137 respondent to restore utility services to that residence;

138 5. Granting the petitioner and, where appropriate, any other family or household member of the
139 petitioner, exclusive use and possession of a cellular telephone number or electronic device. The court
140 may enjoin the respondent from terminating a cellular telephone number or electronic device before the
141 expiration of the contract term with a third-party provider. The court may enjoin the respondent from
142 using a cellular telephone or other electronic device to locate the petitioner;

143 6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner
144 alone or jointly owned by the parties to the exclusion of the respondent and enjoining the respondent from
145 terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent to
146 maintain the insurance, registration, and taxes, as appropriate; however, no such grant of possession or
147 use shall affect title to the vehicle;

148 7. Requiring that the respondent provide suitable alternative housing for the petitioner and, if
149 appropriate, any other family or household member and where appropriate, requiring the respondent to
150 pay deposits to connect or restore necessary utility services in the alternative housing provided;

151 8. Ordering the respondent to participate in treatment, counseling or other programs as the court
152 deems appropriate;

153 9. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such
154 petitioner meets the definition of owner in § 3.2-6500; and

155 10. Any other relief necessary for the protection of the petitioner and family or household members
156 of the petitioner, including a provision for temporary custody or visitation of a minor child.

157 A1. If a protective order is issued pursuant to subsection A, ~~the~~

158 1. The court may also issue a temporary child support order for the support of any children of the
159 petitioner whom the respondent has a legal obligation to support. Such order shall terminate upon the
160 determination of support pursuant to § 20-108.1.

161 2. The court may also award other monetary relief or financial support to the petitioner for the
162 protection of the petitioner and any other family or household member of the petitioner.

163 B. 1. The protective order may be issued for a specified period of time up to a maximum of two
164 years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last
165 day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner
166 may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective
167 order shall be given precedence on the docket of the court. A written motion requesting a hearing to extend
168 the protective order shall be served as soon as possible on the respondent.

169 If the petitioner was a family or household member of the respondent at the time the initial
170 protective order was issued, the court may extend the protective order for a period not longer than two
171 years to protect the health and safety of the petitioner or persons who are family or household members
172 of the petitioner at the time the request for an extension is made. The extension of the protective order
173 shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period
174 if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

175 2. Upon the filing of a written motion requesting a hearing to extend the protective order, the court
176 may issue an ex parte preliminary protective order pursuant to § 16.1-253.1 until the extension hearing.
177 The preliminary protective order shall specify a date for the extension hearing. If the respondent fails to
178 appear at the extension hearing because the respondent was not personally served, the court shall schedule
179 a new date for the extension hearing and may extend the ex parte preliminary protective order until such
180 new date. The extended ex parte preliminary protective order shall be served as soon as possible on the
181 respondent. If the respondent was personally served, upon motion of the petitioner or respondent and for
182 good cause shown, the court may continue the extension hearing and such ex parte preliminary protective
183 order shall remain in effect until the extension hearing.

184 C. A copy of the protective order shall be served on the respondent and provided to the petitioner
185 as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith,
186 but in all cases no later than the end of the business day on which the order was issued, enter and transfer
187 electronically to the Virginia Criminal Information Network the respondent's identifying information and
188 the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith
189 forward the attested copy of the protective order containing any such identifying information to the
190 primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of
191 the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any
192 modification as necessary to the identifying information and other appropriate information required by the
193 Department of State Police into the Virginia Criminal Information Network established and maintained
194 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served
195 forthwith upon the respondent and due return made to the court. Upon service, the agency making service
196 shall enter the date and time of service and other appropriate information required by the Department of
197 State Police into the Virginia Criminal Information Network and make due return to the court. If the order
198 is later dissolved or modified, a copy of the dissolution or modification order shall also be attested,
199 forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective
200 orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith
201 verify and enter any modification as necessary to the identifying information and other appropriate
202 information required by the Department of State Police into the Virginia Criminal Information Network
203 as described above and the order shall be served forthwith and due return made to the court.

204 D. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this
205 section shall constitute contempt of court.

206 E. The court may assess costs and ~~attorneys'~~ attorney fees against either party regardless of whether
207 an order of protection has been issued as a result of a full hearing.

208 F. Any judgment, order or decree, whether permanent or temporary, issued by a court of
209 appropriate jurisdiction in another state, the United States or any of its territories, possessions or
210 Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose

211 of preventing violent or threatening acts or harassment against or contact or communication with or
212 physical proximity to another person, including any of the conditions specified in subsection A, shall be
213 accorded full faith and credit and enforced in the Commonwealth as if it were an order of the
214 Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing
215 jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such
216 person's due process rights and consistent with federal law. A person entitled to protection under such a
217 foreign order may file the order in any juvenile and domestic relations district court by filing with the
218 court an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an
219 attested copy of the order to the primary law-enforcement agency responsible for service and entry of
220 protective orders which shall, upon receipt, enter the name of the person subject to the order and other
221 appropriate information required by the Department of State Police into the Virginia Criminal Information
222 Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title
223 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information
224 Network.

225 Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy
226 available of any foreign order filed with that court. A law-enforcement officer may, in the performance of
227 his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been
228 provided to him by any source and may also rely upon the statement of any person protected by the order
229 that the order remains in effect.

230 G. Either party may at any time file a written motion with the court requesting a hearing to dissolve
231 or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on
232 the docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order may
233 be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard
234 by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of
235 such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

236 H. As used in this section:

237 "Copy" includes a facsimile copy; ~~and,~~

238 "Protective order" includes an initial, modified or extended protective order.

239 I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's
240 office, nor any employee of them, may disclose, except among themselves, the residential address,
241 telephone number, or place of employment of the person protected by the order or that of the family of
242 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court,
243 (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

244 J. No fee shall be charged for filing or serving any petition or order pursuant to this section.

245 K. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner
246 information that is published by the Department of Criminal Justice Services for victims of domestic
247 violence or for petitioners in protective order cases.

248 L. An appeal of a protective order issued pursuant to this section shall be given expedited review
249 by the Court of Appeals.

250 **§ 19.2-152.9. Preliminary protective orders.**

251 A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable
252 period of time, subjected to an act of violence, force, or threat, or (ii) a petition or warrant has been issued
253 for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act
254 of violence, force, or threat, or the filing of a written motion requesting a hearing to extend a protective
255 order pursuant to § 19.2-152.10 without alleging that the petitioner is or has been, within a reasonable
256 period of time, subject to an act of violence, force, or threat, or that a petition or warrant has been issued
257 for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act
258 of violence, force, or threat, the court may issue a preliminary protective order against the alleged
259 perpetrator in order to protect the health and safety of the petitioner or any family or household member
260 of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the
261 petition is supported by an affidavit or sworn testimony before the judge or intake officer or upon the
262 filing of a written motion requesting a hearing to extend a protective order pursuant to § 19.2-152.10. If
263 an ex parte order is issued without an affidavit or a completed form as prescribed by subsection D of §
264 19.2-152.8 being presented, the court, in its order, shall state the basis upon which the order was entered,

265 including a summary of the allegations made and the court's findings. Immediate and present danger of
266 any act of violence, force, or threat or evidence sufficient to establish probable cause that an act of
267 violence, force, or threat has recently occurred shall constitute good cause.

268 A preliminary protective order may include any one or more of the following conditions to be
269 imposed on the respondent:

270 1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to
271 person or property;

272 2. Prohibiting such other contacts by the respondent with the petitioner or the petitioner's family
273 or household members as the court deems necessary for the health and safety of such persons;

274 3. Such other conditions as the court deems necessary to prevent (i) acts of violence, force, or
275 threat, (ii) criminal offenses that may result in injury to person or property, or (iii) communication or other
276 contact of any kind by the respondent; and

277 4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such
278 petitioner meets the definition of owner in § 3.2-6500.

279 B. The court shall forthwith, but in all cases no later than the end of the business day on which the
280 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the
281 respondent's identifying information and the name, date of birth, sex, and race of each protected person
282 provided to the court. A copy of a preliminary protective order containing any such identifying information
283 shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of
284 protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall
285 forthwith verify and enter any modification as necessary to the identifying information and other
286 appropriate information required by the Department of State Police into the Virginia Criminal Information
287 Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52
288 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264, and
289 due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit
290 court shall forthwith forward an attested copy of the order containing the respondent's identifying
291 information and the name, date of birth, sex, and race of each protected person provided to the court to

292 the primary law-enforcement agency providing service and entry of protective orders and upon receipt of
293 the order, the primary law-enforcement agency shall enter the name of the person subject to the order and
294 other appropriate information required by the Department of State Police into the Virginia Criminal
295 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et
296 seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided
297 in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other
298 appropriate information required by the Department of State Police into the Virginia Criminal Information
299 Network and make due return to the court. The preliminary order shall specify a date for the full hearing.
300 The hearing shall be held within 15 days of the issuance of the preliminary order, unless the hearing has
301 been continued pursuant to this subsection or the court is closed pursuant to § 16.1-69.35 or 17.1-207 and
302 such closure prevents the hearing from being held within such time period, in which case the hearing shall
303 be held on the next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.
304 If such court is closed pursuant to § 16.1-69.35 or 17.1-207, the preliminary protective order shall remain
305 in full force and effect until it is dissolved by such court, until another preliminary protective order is
306 entered, or until a protective order is entered. If the respondent fails to appear at this hearing because the
307 respondent was not personally served, the court may extend the protective order for a period not to exceed
308 six months. The extended protective order shall be served as soon as possible on the respondent. However,
309 upon motion of the petitioner or respondent and for good cause shown, the court may continue the hearing.
310 The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the
311 clerk shall provide the petitioner with a copy of the order and information regarding the date and time of
312 service. The order shall further specify that either party may at any time file a motion with the court
313 requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence
314 on the docket of the court. Upon petitioner's motion to dissolve the preliminary protective order, a
315 dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is
316 held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court
317 shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

318 Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-
319 264, the clerk shall forthwith forward an attested copy of the preliminary protective order to primary law-
320 enforcement agency and the agency shall forthwith verify and enter any modification as necessary into
321 the Virginia Criminal Information Network as described above. If the order is later dissolved or modified,
322 a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary
323 law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the
324 order by the primary law-enforcement agency, the agency shall forthwith verify and enter any
325 modification as necessary to the identifying information and other appropriate information required by the
326 Department of State Police into the Virginia Criminal Information Network as described above and the
327 order shall be served forthwith and due return made to the court.

328 C. The preliminary order is effective upon personal service on the alleged perpetrator. Except as
329 otherwise provided, a violation of the order shall constitute contempt of court.

330 D. At a full hearing on the petition, the court may issue a protective order pursuant to § 19.2-
331 152.10 if the court finds that the petitioner has proven the allegation that the petitioner is or has been,
332 within a reasonable period of time, subjected to an act of violence, force, or threat by a preponderance of
333 the evidence.

334 E. No fees shall be charged for filing or serving petitions pursuant to this section.

335 F. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's
336 office, nor any employee of them, may disclose, except among themselves, the residential address,
337 telephone number, or place of employment of the person protected by the order or that of the family of
338 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court,
339 (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

340 G. As used in this section, "copy" includes a facsimile copy.

341 H. Upon issuance of a preliminary protective order, the clerk of the court shall make available to
342 the petitioner information that is published by the Department of Criminal Justice Services for victims of
343 domestic violence or for petitioners in protective order cases.

344 **§ 19.2-152.10. Protective order.**

345 A. The court may issue a protective order pursuant to this chapter to protect the health and safety
346 of the petitioner and family or household members of a petitioner upon (i) the issuance of a petition or
347 warrant for, or a conviction of, any criminal offense resulting from the commission of an act of violence,
348 force, or threat or (ii) a hearing held pursuant to subsection D of § 19.2-152.9. A protective order issued
349 under this section may include any one or more of the following conditions to be imposed on the
350 respondent:

351 1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to
352 person or property;

353 2. Prohibiting such contacts by the respondent with the petitioner or family or household members
354 of the petitioner as the court deems necessary for the health or safety of such persons;

355 3. Any other relief necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses
356 that may result in injury to person or property, or (iii) communication or other contact of any kind by the
357 respondent; and

358 4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such
359 petitioner meets the definition of owner in § 3.2-6500.

360 B. 1. Except as provided in subsection C, the protective order may be issued for a specified period
361 of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day
362 specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the
363 expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the
364 order. Proceedings to extend a protective order shall be given precedence on the docket of the court. A
365 written motion requesting a hearing to extend the protective order shall be served as soon as possible on
366 the respondent.

367 The court may extend the protective order for a period not longer than two years to protect the
368 health and safety of the petitioner or persons who are family or household members of the petitioner at
369 the time the request for an extension is made. The extension of the protective order shall expire at 11:59
370 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified.
371 Nothing herein shall limit the number of extensions that may be requested or issued.

372 2. Upon the filing of a written motion requesting a hearing to extend the protective order, the court
373 may issue an ex parte protective order pursuant to § 19.2-152.9 until the extension hearing. The
374 preliminary protective order shall specify a date for the extension hearing. If the respondent fails to appear
375 at the extension hearing because the respondent was not personally served, the court shall schedule a new
376 date for the extension hearing and may extend the ex parte protective order until such new date. The
377 extended ex parte protective order shall be served as soon as possible on the respondent. If the respondent
378 was personally served, upon motion of the petitioner or respondent and for good cause shown, the court
379 may continue the extension hearing and such protective order shall remain in effect until the extension
380 hearing.

381 C. Upon conviction for an act of violence as defined in § 19.2-297.1 and upon the request of the
382 victim or of the attorney for the Commonwealth on behalf of the victim, the court may issue a protective
383 order to the victim pursuant to this chapter to protect the health and safety of the victim. The protective
384 order may be issued for any reasonable period of time, including up to the lifetime of the defendant, that
385 the court deems necessary to protect the health and safety of the victim. The protective order shall expire
386 at 11:59 p.m. on the last day specified in the protective order, if any. Upon a conviction for violation of a
387 protective order issued pursuant to this subsection, the court that issued the original protective order may
388 extend the protective order as the court deems necessary to protect the health and safety of the victim. The
389 extension of the protective order shall expire at 11:59 p.m. on the last day specified, if any. Nothing herein
390 shall limit the number of extensions that may be issued.

391 D. A copy of the protective order shall be served on the respondent and provided to the petitioner
392 as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith,
393 but in all cases no later than the end of the business day on which the order was issued, enter and transfer
394 electronically to the Virginia Criminal Information Network the respondent's identifying information and
395 the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith
396 forward the attested copy of the protective order and containing any such identifying information to the
397 primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of
398 the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any

399 modification as necessary to the identifying information and other appropriate information required by the
400 Department of State Police into the Virginia Criminal Information Network established and maintained
401 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served
402 forthwith upon the respondent and due return made to the court. Upon service, the agency making service
403 shall enter the date and time of service and other appropriate information required into the Virginia
404 Criminal Information Network and make due return to the court. If the order is later dissolved or modified,
405 a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary
406 law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the
407 order by the primary law-enforcement agency, the agency shall forthwith verify and enter any
408 modification as necessary to the identifying information and other appropriate information required by the
409 Department of State Police into the Virginia Criminal Information Network as described above and the
410 order shall be served forthwith and due return made to the court.

411 E. Except as otherwise provided, a violation of a protective order issued under this section shall
412 constitute contempt of court.

413 F. The court may assess costs and ~~attorneys'~~ attorney fees against either party regardless of whether
414 an order of protection has been issued as a result of a full hearing.

415 G. Any judgment, order or decree, whether permanent or temporary, issued by a court of
416 appropriate jurisdiction in another state, the United States or any of its territories, possessions or
417 Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose
418 of preventing violent or threatening acts or harassment against or contact or communication with or
419 physical proximity to another person, including any of the conditions specified in subsection A, shall be
420 accorded full faith and credit and enforced in the Commonwealth as if it were an order of the
421 Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing
422 jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such
423 person's due process rights and consistent with federal law. A person entitled to protection under such a
424 foreign order may file the order in any appropriate district court by filing with the court, an attested or
425 exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of

426 the order to the primary law-enforcement agency responsible for service and entry of protective orders
427 which shall, upon receipt, enter the name of the person subject to the order and other appropriate
428 information required by the Department of State Police into the Virginia Criminal Information Network
429 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where
430 practical, the court may transfer information electronically to the Virginia Criminal Information Network.

431 Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy
432 available of any foreign order filed with that court. A law-enforcement officer may, in the performance of
433 his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been
434 provided to him by any source and may also rely upon the statement of any person protected by the order
435 that the order remains in effect.

436 H. Either party may at any time file a written motion with the court requesting a hearing to dissolve
437 or modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on
438 the docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order may
439 be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard
440 by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of
441 such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

442 I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's
443 office, nor any employee of them, may disclose, except among themselves, the residential address,
444 telephone number, or place of employment of the person protected by the order or that of the family of
445 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court,
446 (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

447 J. No fees shall be charged for filing or serving petitions pursuant to this section.

448 K. As used in this section:

449 "Copy" includes a facsimile copy; ~~and,~~

450 "Protective order" includes an initial, modified or extended protective order.

451 L. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner
452 information that is published by the Department of Criminal Justice Services for victims of domestic
453 violence or for petitioners in protective order cases.

454 M. An appeal of a protective order issued pursuant to this section shall be given expedited review
455 by the Court of Appeals.

456 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
457 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
458 **appropriation is _____ for periods of imprisonment in state adult correctional facilities;**
459 **therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia**
460 **Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-**
461 **19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is _____ for**
462 **periods of commitment to the custody of the Department of Juvenile Justice.**

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