

SENATE BILL NO. 1532

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary

on _____)

(Patron Prior to Substitute--Senator Deeds)

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 where the petitioner shows by clear and convincing evidence that a continuance is necessary to meet
91 the ends of justice or the respondent and for shows good cause shown, the court may continue the hearing.
92 The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the
93 clerk shall provide the petitioner with a copy of the order and information regarding the date and time of
94 service. The order shall further specify that either party may at any time file a motion with the court
95 requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence
96 on the docket of the court. Upon petitioner's motion to dissolve the preliminary protective order, a
97 dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is
98 held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court
99 shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

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

106 of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any
107 modification as necessary to the identifying information and other appropriate information required by the
108 Department of State Police into the Virginia Criminal Information Network as described above and the
109 order shall be served forthwith and due return made to the court.

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

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

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

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

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

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

125 **§ 16.1-279.1. Protective order in cases of family abuse.**

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

- 131 1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;

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

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

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

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

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

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

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

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

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

158 A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary
159 child support order for the support of any children of the petitioner whom the respondent has a legal
160 obligation to support. Such order shall terminate upon the determination of support pursuant to § 20-108.1.

161 B. 1. The protective order may be issued for a specified period of time up to a maximum of two
162 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
163 day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner
164 may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective
165 order shall be given precedence on the docket of the court. A written motion requesting a hearing to extend
166 the protective order shall be served as soon as possible on the respondent.

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

173 2. Upon the filing of a written motion requesting a hearing to extend the protective order, the court
174 may issue an ex parte preliminary protective order pursuant to § 16.1-253.1 until the extension hearing.
175 The ex parte preliminary protective order shall specify a date for the extension hearing, which shall be
176 held within 15 days of the issuance of the ex parte preliminary protective order and may be held after the
177 expiration of the protective order. If the respondent fails to appear at the extension hearing because the
178 respondent was not personally served, the court shall schedule a new date for the extension hearing and
179 may extend the ex parte preliminary protective order until such new date. The extended ex parte
180 preliminary protective order shall be served as soon as possible on the respondent. If the respondent was
181 personally served, where the petitioner shows by clear and convincing evidence that a continuance is
182 necessary to meet the ends of justice or the respondent shows good cause, the court may continue the
183 extension hearing and such ex parte preliminary protective order shall remain in effect until the extension
184 hearing.

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

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

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

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

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

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

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

237 H. As used in this section:

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

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

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

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

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

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

251 **§ 19.2-152.9. Preliminary protective orders.**

252 A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable
253 period of time, subjected to an act of violence, force, or threat, or (ii) a petition or warrant has been issued
254 for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act
255 of violence, force, or threat, or the filing of a written motion requesting a hearing to extend a protective
256 order pursuant to § 19.2-152.10 without alleging that the petitioner is or has been, within a reasonable
257 period of time, subject to an act of violence, force, or threat, or that a petition or warrant has been issued
258 for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act
259 of violence, force, or threat, the court may issue a preliminary protective order against the alleged
260 perpetrator in order to protect the health and safety of the petitioner or any family or household member
261 of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the
262 petition is supported by an affidavit or sworn testimony before the judge or intake officer or upon the
263 filing of a written motion requesting a hearing to extend a protective order pursuant to § 19.2-152.10. If
264 an ex parte order is issued without an affidavit or a completed form as prescribed by subsection D of §
265 19.2-152.8 being presented, the court, in its order, shall state the basis upon which the order was entered,

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

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

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

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

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

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

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

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

319 ex parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-
320 286.1 and 8.01-296.

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

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

333 D. At a full hearing on the petition, the court may issue a protective order pursuant to § 19.2-
334 152.10 if the court finds that the petitioner has proven the allegation that the petitioner is or has been,
335 within a reasonable period of time, subjected to an act of violence, force, or threat by a preponderance of
336 the evidence.

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

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

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

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

347 **§ 19.2-152.10. Protective order.**

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

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

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

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

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

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

370 The court may extend the protective order for a period not longer than two years to protect the
371 health and safety of the petitioner or persons who are family or household members of the petitioner at
372 the time the request for an extension is made. The extension of the protective order shall expire at 11:59
373 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.
374 Nothing herein shall limit the number of extensions that may be requested or issued.

375 2. Upon the filing of a written motion requesting a hearing to extend the protective order, the court
376 may issue an ex parte protective order pursuant to § 19.2-152.9 until the extension hearing. The ex parte
377 preliminary protective order shall specify a date for the extension hearing, which shall be held within 15
378 days of the issuance of the ex parte preliminary protective order and may be held after the expiration of
379 the protective order. If the respondent fails to appear at the extension hearing because the respondent was
380 not personally served, the court shall schedule a new date for the extension hearing and may extend the
381 ex parte protective order until such new date. The extended ex parte protective order shall be served as
382 soon as possible on the respondent. If the respondent was personally served, where the petitioner shows
383 by clear and convincing evidence that a continuance is necessary to meet the ends of justice or the
384 respondent shows good cause, the court may continue the extension hearing and such ex parte protective
385 order shall remain in effect until the extension hearing.

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

396 D. A copy of the protective order shall be served on the respondent and provided to the petitioner
397 as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith,
398 but in all cases no later than the end of the business day on which the order was issued, enter and transfer
399 electronically to the Virginia Criminal Information Network the respondent's identifying information and
400 the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith
401 forward the attested copy of the protective order and containing any such identifying information to the
402 primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of
403 the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any
404 modification as necessary to the identifying information and other appropriate information required by the
405 Department of State Police into the Virginia Criminal Information Network established and maintained
406 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served
407 forthwith upon the respondent and due return made to the court. Upon service, the agency making service
408 shall enter the date and time of service and other appropriate information required into the Virginia
409 Criminal Information Network and make due return to the court. If the order is later dissolved or modified,
410 a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary
411 law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the
412 order by the primary law-enforcement agency, the agency shall forthwith verify and enter any
413 modification as necessary to the identifying information and other appropriate information required by the
414 Department of State Police into the Virginia Criminal Information Network as described above and the
415 order shall be served forthwith and due return made to the court.

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

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

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

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

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

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

447 I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's
448 office, nor any employee of them, may disclose, except among themselves, the residential address,
449 telephone number, or place of employment of the person protected by the order or that of the family of

450 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court,
451 (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

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

453 K. As used in this section:

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

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

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

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

461 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
462 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
463 **appropriation is _____ for periods of imprisonment in state adult correctional facilities;**
464 **therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia**
465 **Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-**
466 **19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is _____ for**
467 **periods of commitment to the custody of the Department of Juvenile Justice.**

468 #