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HOUSE JOINT RESOLUTION NO. 672

Offered January 10, 2001

Prefiled January 10, 2001

Directing the Virginia State Crime Commission to study procedures involving protective orders.

Patrons—Moran and Van Landingham; Senators: Ticer and Whipple

Referred to Committee on Rules

WHEREAS, protective orders are used in cases of domestic violence to limit contact between the parties involved in physical abuse; and

WHEREAS, the purpose of a protective order is to protect the health and safety of persons who are being abused; and

WHEREAS, a preliminary protective order is valid for only 15 days after issuance and must be personally served on the respondent before it becomes effective; and

WHEREAS, in many cases, a law-enforcement officer is unable to locate the respondent in 15 days; and

WHEREAS, a solution may be to extend the time limits for law-enforcement officers to serve protective orders; and

WHEREAS, making such a change in the law must be carefully considered, and may necessitate revisions to current processes used by the courts in the issuance of protective orders; and

WHEREAS, a final protective order also must be personally served on a respondent following a court hearing; and

WHEREAS, an alleged abuser is given personal notice of this hearing, but often fails to appear for it; and

WHEREAS, it may be advisable to allow a law-enforcement officer to serve a final protective order by mail in some cases where the respondent has been given personal notice of, but failed to appear for, a final protective order hearing; and

WHEREAS, this issue must be considered carefully to ensure that the rights of all involved parties are protected; and

WHEREAS, some individuals violate protective orders several times, and yet no violation is classified as more serious than a Class 1 misdemeanor; and

WHEREAS, it may be appropriate to make individuals who are convicted of a third or subsequent violations of a protective order guilty of a felony, and thus subject them to more serious punishment; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study the following issues relating to protective orders: (1) whether to extend the time during which preliminary protective orders may be served, (2) whether to allow the service of final protective orders by mail when the respondent fails to appear at the hearing; and (3) whether to make the third or subsequent violations of a protective order a Class 6 felony.

All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 2002 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

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