

2003 SESSION

INTRODUCED

025907984

HOUSE BILL NO. 408

Offered January 9, 2002

Prefiled January 8, 2002

A BILL to amend and reenact § 16.1-253.2 of the Code of Virginia, relating to violation of protective orders; penalty.

Patrons—Weatherholtz and Landes

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-253.2 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-253.2. Violation of provisions of protective orders; penalty.

A. In addition to any other penalty provided by law, any person who violates any provision of a protective order issued pursuant to §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, 16.1-279.1 or subsection B of § 20-103, which prohibits such person from going or remaining upon land, buildings or premises or from further acts of family abuse, or which prohibits contacts between the respondent and the respondent's family or household member as the court deems appropriate shall be guilty of a Class 1 misdemeanor. Upon conviction, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended.

B. *On a third or subsequent conviction for violating any provision of a protective order issued pursuant to §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, 16.1-279.1 or subsection B of § 20-103, as provided in subsection A, where it is alleged in the warrant, information, or indictment on which a person is convicted, that (i) such person has been previously convicted twice of violating any such provision of such protective order, or of a similar offense under the law of any other jurisdiction, and (ii) each such violation occurred on different dates, such person shall be guilty of a Class 6 felony. The penalty upon conviction shall include a mandatory, minimum term of confinement of at least one year, which shall not be suspended, in whole or in part.*

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$1,173,300 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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