

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-57.2 of the Code of Virginia, relating to assault and battery*
3 *against a family or household member.*

4 [H 656]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-57.2 of the Code of Virginia is amended and reenacted as follows:**

8 § 18.2-57.2. Assault and battery against a family or household member; penalty.

9 A. Any person who commits an assault and battery against a family or household member shall be
10 guilty of a Class 1 misdemeanor.11 B. On a third or subsequent conviction for assault and battery against a family or household member,
12 where it is alleged in the warrant, information, or indictment on which a person is convicted, that (i)
13 such person has been previously convicted twice of assault and battery against a family or household
14 member, or of a similar offense under the law of any other jurisdiction, within ~~ten~~ 20 years of the third
15 or subsequent offense, and (ii) each such assault and battery occurred on different dates, such person
16 shall be guilty of a Class 6 felony.17 C. Whenever a warrant for a violation of this section is issued, the magistrate shall issue an
18 emergency protective order as authorized by § 16.1-253.4, except if the defendant is a minor, an
19 emergency protective order shall not be required.

20 D. The definition of "family or household member" in § 16.1-228 applies to this section.

21 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
22 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
23 **be determined for periods of imprisonment in state adult correctional facilities and is \$0 for**
24 **periods of commitment to the custody of the Department of Juvenile Justice.**

ENROLLED

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