2008 SESSION

ENROLLED

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VIRGINIA ACTS OF ASSEMBLY - CHAPTER

An Act to amend and reenact §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, 2 3 19.2-152.10, and 19.2-390 of the Code of Virginia, relating to protective orders; expiration; Virginia 4 Criminal Information Network.

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Approved

[H 753]

Be it enacted by the General Assembly of Virginia:

8 That §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, 19.2-152.10, and 1.

9 19.2-390 of the Code of Virginia are amended and reenacted as follows:

10 § 16.1-253. Preliminary protective order.

A. Upon the motion of any person or upon the court's own motion, the court may issue a preliminary 11 12 protective order, after a hearing, if necessary to protect a child's life, health, safety or normal 13 development pending the final determination of any matter before the court. The order may require a child's parents, guardian, legal custodian, other person standing in loco parentis or other family or 14 15 household member of the child to observe reasonable conditions of behavior for a specified length of time. These conditions shall include any one or more of the following: 16

1. To abstain from offensive conduct against the child, a family or household member of the child or 17 18 any person to whom custody of the child is awarded;

19 2. To cooperate in the provision of reasonable services or programs designed to protect the child's 20 life, health or normal development;

21 3. To allow persons named by the court to come into the child's home at reasonable times designated 22 by the court to visit the child or inspect the fitness of the home and to determine the physical or 23 emotional health of the child; 24

4. To allow visitation with the child by persons entitled thereto, as determined by the court;

25 5. To refrain from acts of commission or omission which tend to endanger the child's life, health or 26 normal development; or

27 6. To refrain from such contact with the child or family or household members of the child, as the 28 court may deem appropriate, including removal of such person from the residence of the child. 29 However, prior to the issuance by the court of an order removing such person from the residence of the 30 child, the petitioner must prove by a preponderance of the evidence that such person's probable future 31 conduct would constitute a danger to the life or health of such child, and that there are no less drastic 32 alternatives which could reasonably and adequately protect the child's life or health pending a final 33 determination on the petition.

34 B. A preliminary protective order may be issued ex parte upon motion of any person or the court's 35 own motion in any matter before the court, or upon petition. The motion or petition shall be supported by an affidavit or by sworn testimony in person before the judge or intake officer which establishes that 36 37 the child would be subjected to an imminent threat to life or health to the extent that delay for the 38 provision of an adversary hearing would be likely to result in serious or irremediable injury to the 39 child's life or health. If an ex parte order is issued without an affidavit being presented, the court, in its 40 order, shall state the basis upon which the order was entered, including a summary of the allegations 41 made and the court's findings. Following the issuance of an ex parte order the court shall provide an 42 adversary hearing to the affected parties within the shortest practicable time not to exceed five business 43 days after the issuance of the order.

44 C. Prior to the hearing required by this section, notice of the hearing shall be given at least 45 twenty four 24 hours in advance of the hearing to the guardian ad litem for the child, to the parents, guardian, legal custodian, or other person standing in loco parentis of the child, to any other family or 46 household member of the child to whom the protective order may be directed and to the child if he or 47 she is twelve 12 years of age or older. The notice provided herein shall include (i) the time, date and 48 49 place for the hearing and (ii) a specific statement of the factual circumstances which allegedly 50 necessitate the issuance of a preliminary protective order. 51

D. All parties to the hearing shall be informed of their right to counsel pursuant to § 16.1-266.

52 E. At the hearing the child, his or her parents, guardian, legal custodian or other person standing in 53 loco parentis and any other family or household member of the child to whom notice was given shall 54 have the right to confront and cross-examine all adverse witnesses and evidence and to present evidence 55 on their own behalf.

56 F. If a petition alleging abuse or neglect of a child has been filed, at the hearing pursuant to this HB753ER

57 section the court shall determine whether the allegations of abuse or neglect have been proven by a 58 preponderance of the evidence. Any finding of abuse or neglect shall be stated in the court order. 59 However, if, before such a finding is made, a person responsible for the care and custody of the child, 60 the child's guardian ad litem or the local department of social services objects to a finding being made 61 at the hearing, the court shall schedule an adjudicatory hearing to be held within thirty 30 days of the 62 date of the initial preliminary protective order hearing. The adjudicatory hearing shall be held to determine whether the allegations of abuse and neglect have been proven by a preponderance of the 63 64 evidence. Parties who are present at the hearing shall be given notice of the date set for the adjudicatory 65 hearing and parties who are not present shall be summoned as provided in § 16.1-263. The adjudicatory 66 hearing shall be held and an order may be entered, although a party to the hearing fails to appear and is 67 not represented by counsel, provided personal or substituted service was made on the person, or the court determines that such person cannot be found, after reasonable effort, or in the case of a person 68 69 who is without the Commonwealth, the person cannot be found or his post office address cannot be 70 ascertained after reasonable effort.

Any preliminary protective order issued shall remain in full force and effect pending the adjudicatory hearing.

73 G. If at the preliminary protective order hearing held pursuant to this section the court makes a 74 finding of abuse or neglect and a preliminary protective order is issued, a dispositional hearing shall be 75 held pursuant to § 16.1-278.2. Upon receipt of the order by a local law-enforcement agency for service, 76 the agency shall enter the name of the person subject to the order and other appropriate information 77 required by the Department of State Police into the Virginia Criminal Information Network established 78 and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, 79 the The court may shall forthwith, but in all cases no later than the end of the business day on which 80 the order was issued, enter and transfer identifying information provided to the court electronically to the Virginia Criminal Information Network. A copy of the preliminary protective order and an addendum containing any such identifying information shall be forwarded forthwith to the primary 81 82 83 law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the 84 order and addendum by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required 85 by the Department of State Police into the Virginia Criminal Information Network established and 86 87 maintained by the Department of State Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and 88 the order shall be served as soon as possible forthwith on the allegedly abusing person in person as 89 provided in § 16.1-264, and upon service, the agency making service shall enter the date and time of 90 service into the Virginia Criminal Information Network and due return made to the court. However, if 91 the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested 92 copy of the order and an addendum containing identifying information to the primary law-enforcement 93 agency providing service and entry of protective orders and upon receipt of the order and addendum, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal 94 95 96 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et 97 seq.) of Title 52 and the order shall be served forthwith upon the allegedly abusing person in person as 98 provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of 99 service and other appropriate information required by the Department of State Police into the Virginia 100 Criminal Information Network and make due return to the court. The preliminary order shall specify a 101 date for the dispositional hearing. The dispositional hearing shall be scheduled at the time of the hearing 102 pursuant to this section, and shall be held within seventy five 75 days of this hearing. If an adjudicatory hearing is requested pursuant to subsection F, the dispositional hearing shall nonetheless be scheduled at 103 104 the hearing pursuant to this section. All parties present at the hearing shall be given notice of the date 105 and time scheduled for the dispositional hearing; parties who are not present shall be summoned to 106 appear as provided in § 16.1-263.

H. Nothing in this section enables the court to remove a child from the custody of his or her parents, guardian, legal custodian or other person standing in loco parentis, except as provided in § 16.1-278.2, and no order hereunder shall be entered against a person over whom the court does not have jurisdiction.

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

116 J. Violation of any order issued pursuant to this section shall constitute contempt of court.

117 K. Upon receipt of the order by a local law-enforcement agency for service, the agency shall enter

the name of the person subject to the order and other appropriate information required by the 118 119 Department of State Police into the Virginia Criminal Information Network established and maintained 120 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where feasible and practical, the 121 The court may shall forthwith, but in all cases no later than the end of the business day on which the 122 order was issued, enter and transfer identifying information provided to the court electronically to the 123 Virginia Criminal Information Network. A copy of the preliminary protective order and an addendum 124 containing any such identifying information shall be forwarded for this to the primary law-enforcement 125 agency responsible for service and entry of protective orders. Upon receipt of the order and addendum 126 by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as 127 necessary to the identifying information and other appropriate information required by the Department 128 of State Police into the Virginia Criminal Information Network established and maintained by the 129 Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served as soon as 130 possible forthwith on the allegedly abusing person in person as provided in § 16.1-264, and upon service, the agency making service shall enter the date and time of service into the Virginia Criminal 131 Information Network and due return made to the court. However, if the order is issued by the circuit 132 133 court, the clerk of the circuit court shall forthwith forward an attested copy of the order and an 134 addendum containing identifying information to the primary law-enforcement agency providing service 135 and entry of protective orders and upon receipt of the order and addendum, the primary 136 law-enforcement agency shall enter the name of the person subject to the order and other appropriate 137 information required by the Department of State Police into the Virginia Criminal Information Network 138 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and 139 the order shall be served forthwith on the allegedly abusing person in person as provided in **140** § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other 141 appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. The preliminary order shall specify a date for 142 143 the full hearing.

144 Upon receipt of the return of service or other proof of service pursuant to subsection C of 145 § 16.1-264, the clerk shall forward forthwith forward an attested copy of the preliminary protective order 146 to the local police department or sheriff's office which shall, upon receipt, enter into the Virginia 147 Criminal Information Network any other information required by the State Police that was not 148 previously entered, primary law-enforcement agency and the agency shall forthwith verify and enter any 149 modification as necessary into the Virginia Criminal Information Network as described above. If the 150 order is later dissolved or modified, a copy of the dissolution or modification order shall also be 151 attested, forwarded and entered in forthwith to the primary law-enforcement agency responsible for 152 service and entry of protective orders, and upon receipt of the order by the primary law-enforcement 153 agency, the agency shall forthwith verify and enter any modification as necessary to the identifying 154 information and other appropriate information required by the Department of State Police into the 155 Virginia Criminal Information Network as described above and the order shall be served forthwith and 156 due return made to the court. 157

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

158 M. If any identifying information in the addendum is determined to be incorrect by the entering 159 agency, the agency shall enter the corrected information into the Virginia Criminal Information 160 Network.

161 § 16.1-253.1. Preliminary protective orders in cases of family abuse; confidentiality.

162 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, the court may issue a preliminary protective order against an 163 164 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 165 166 cause shown when the petition is supported by an affidavit or sworn testimony before the judge or 167 intake officer. Immediate and present danger of family abuse or evidence sufficient to establish probable 168 cause that family abuse has recently occurred shall constitute good cause.

169 A preliminary protective order may include any one or more of the following conditions to be 170 imposed on the allegedly abusing person:

171 1. Prohibiting acts of family abuse.

172 2. Prohibiting such other contacts between the parties as the court deems appropriate.

173 3. Prohibiting such other contacts with the allegedly abused family or household member as the court 174 deems necessary to protect the safety of such persons.

175 4. Granting the petitioner possession of the premises occupied by the parties to the exclusion of the 176 allegedly abusing person; however, no such grant of possession shall affect title to any real or personal 177 property.

178 5. Enjoining the respondent from terminating any necessary utility service to a premises that the petitioner has been granted possession of pursuant to subdivision 4 or, where appropriate, ordering the respondent to restore utility services to such premises.

181 6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner
182 alone or jointly owned by the parties to the exclusion of the allegedly abusing person; however, no such
183 grant of possession or use shall affect title to the vehicle.

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

187 8. Any other relief necessary for the protection of the petitioner and family or household members of188 the petitioner.

189 B. Upon receipt of the order by a local law-enforcement agency for service, the agency shall enter 190 the name of the person subject to the order and other appropriate information required by the 191 Department of State Police into the Virginia Criminal Information Network system established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the 192 The court may shall forthwith, but in all cases no later than the end of the business day on which the 193 194 order was issued, enter and transfer identifying information provided to the court electronically to the 195 Virginia Criminal Information Network system. A copy of a preliminary protective order and an 196 addendum containing any such identifying information shall be forwarded forthwith to the primary 197 law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the 198 order and addendum by the primary law-enforcement agency, the agency shall forthwith verify and enter 199 any modification as necessary to the identifying information and other appropriate information required 200 by the Department of State Police into the Virginia Criminal Information Network established and 201 maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be 202 served as soon as possible forthwith on the allegedly abusing person in person as provided in 203 § 16.1-264, and upon service, the agency making service shall enter the date and time of service into the 204 Virginia Criminal Information Network system and due return made to the court. However, if the order 205 is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of 206 the order and an addendum containing identifying information to the primary law-enforcement agency 207 providing service and entry of protective orders and upon receipt of the order and addendum, the 208 primary law-enforcement agency shall enter the name of the person subject to the order and other 209 appropriate information required by the Department of State Police into the Virginia Criminal 210 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et 211 seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as 212 provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of 213 service and other appropriate information required by the Department of State Police into the Virginia 214 Criminal Information Network and make due return to the court. The preliminary order shall specify a 215 date for the full hearing. The hearing shall be held within 15 days of the issuance of the preliminary 216 order. If the respondent fails to appear at this hearing because the respondent was not personally served, 217 the court may extend the protective order for a period not to exceed six months. The extended protective 218 order shall be served as soon as possible forthwith on the respondent. However, upon motion of the 219 respondent and for good cause shown, the court may continue the hearing. The preliminary order shall 220 remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the 221 petitioner with a copy of the order and information regarding the date and time of service. The order 222 shall further specify that either party may at any time file a motion with the court requesting a hearing 223 to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of 224 the court.

225 Upon receipt of the return of service or other proof of service pursuant to subsection C of 226 § 16.1-264, the clerk shall forward forthwith forward an attested copy of the preliminary protective order 227 to the local police department or sheriff's office which shall, upon receipt, enter primary 228 law-enforcement agency, and the agency shall forthwith verify and enter any modification as necessary 229 into the Virginia Criminal Information Network system any other information required by the State 230 Police which was not previously entered as described above. If the order is later dissolved or modified, 231 a copy of the dissolution or modification order shall also be attested, forwarded and entered in forthwith 232 to the primary law-enforcement agency responsible for service and entry of protective orders, and upon 233 receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter 234 any modification as necessary to the identifying information and other appropriate information required 235 by the Department of State Police into the Virginia Criminal Information Network system as described 236 above and the order shall be served forthwith and due return made to the court.

237 C. The preliminary order is effective upon personal service on the allegedly abusing person. Except238 as otherwise provided in § 16.1-253.2, a violation of the order shall constitute contempt of court.

239 D. At a full hearing on the petition, the court may issue a protective order pursuant to § 16.1-279.1 if

the court finds that the petitioner has proven the allegation of family abuse by a preponderance of theevidence.

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

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

H. If any identifying information in the addendum is determined to be incorrect by the entering
 agency, the agency shall enter the corrected information into the Virginia Criminal Information
 Network.

§ 16.1-253.4. Emergency protective orders authorized in certain cases; penalty.

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

A. Any judge of a circuit court, general district court, juvenile and domestic relations district court or
 magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in
 order to protect the health or safety of any person.

256 B. When a law-enforcement officer or an allegedly abused person asserts under oath to a judge or 257 magistrate, and on that assertion or other evidence the judge or magistrate (i) finds that a warrant for a 258 violation of § 18.2-57.2 has been issued or issues a warrant for violation of § 18.2-57.2 and finds that 259 there is probable danger of further acts of family abuse against a family or household member by the 260 respondent or (ii) finds that reasonable grounds exist to believe that the respondent has committed 261 family abuse and there is probable danger of a further such offense against a family or household 262 member by the respondent, the judge or magistrate shall issue an exparte emergency protective order, 263 except if the respondent is a minor, an emergency protective order shall not be required, imposing one 264 or more of the following conditions on the respondent:

1. Prohibiting acts of family abuse;

266 2. Prohibiting such contacts by the respondent with family or household members of the respondent267 as the judge or magistrate deems necessary to protect the safety of such persons; and

3. Granting the family or household member possession of the premises occupied by the parties tothe exclusion of the respondent; however, no such grant of possession shall affect title to any real orpersonal property.

When the judge or magistrate considers the issuance of an emergency protective order pursuant to clause (i) of this subsection, he shall presume that there is probable danger of further acts of family abuse against a family or household member by the respondent unless the presumption is rebutted by the allegedly abused person.

275 C. An emergency protective order issued pursuant to this section shall expire seventy-two hours after 276 at the end of the third day following issuance. If the expiration of the seventy two hour period occurs at 277 a time that the court is not in session, the emergency protective order shall be extended until 5 p.m. the 278 end of the next business day that the juvenile and domestic relations district court is in session. When 279 issuing an emergency protective order under this section, the judge or magistrate shall provide the 280 protected person or the law-enforcement officer seeking the emergency protective order with the form 281 for use in filing petitions pursuant to § 16.1-253.1 and written information regarding protective orders 282 that shall include the telephone numbers of domestic violence agencies and legal referral sources on a 283 form prepared by the Supreme Court. If these forms are provided to a law-enforcement officer, the 284 officer may provide these forms to the protected person when giving the emergency protective order to 285 the protected person. The respondent may at any time file a motion with the court requesting a hearing 286 to dissolve or modify the order issued hereunder. The hearing on the motion shall be given precedence 287 on the docket of the court.

288 D. A law-enforcement officer may request an emergency protective order pursuant to this section 289 and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant 290 to § 16.1-253.1 or § 16.1-279.1, may request the extension of an emergency protective order for an 291 additional period of time not to exceed seventy two hours three days after expiration of the original 292 order. The request for an emergency protective order or extension of an order may be made orally, in 293 person or by electronic means, and the judge of a circuit court, general district court, or juvenile and 294 domestic relations district court or a magistrate may issue an oral emergency protective order. An oral 295 emergency protective order issued pursuant to this section shall be reduced to writing, by the 296 law-enforcement officer requesting the order or the magistrate on a preprinted form approved and 297 provided by the Supreme Court of Virginia. The completed form shall include a statement of the 298 grounds for the order asserted by the officer or the allegedly abused person.

E. Upon receipt of the order by a local law-enforcement agency for service, the agency shall enter the name of the person subject to the order and other appropriate information required by the 301 Department of State Police into the Virginia Criminal Information Network system established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the 302 The court or magistrate may shall forthwith, but in all cases no later than the end of the business day 303 304 on which the order was issued, enter and transfer identifying information provided to the court or 305 *magistrate* electronically to the Virginia Criminal Information Network system. A copy of an emergency 306 protective order issued pursuant to this section and an addendum containing any such identifying 307 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service 308 and entry of protective orders. Upon receipt of the order and addendum by the primary 309 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the 310 identifying information and other appropriate information required by the Department of State Police 311 into the Virginia Criminal Information Network established and maintained by the Department pursuant 312 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent as 313 soon as possible, and upon service, the agency making service shall enter the date and time of service into the Virginia Criminal Information Network system and due return made to the court. However, if 314 315 the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested 316 copy of the order and an addendum containing identifying information to the primary law-enforcement 317 agency providing service and entry of protective orders and upon receipt of the order and addendum, 318 the primary law-enforcement agency shall enter the name of the person subject to the order and other 319 appropriate information required by the Department of State Police into the Virginia Criminal Network 320 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and 321 the order shall be served forthwith on the respondent. Upon service, the agency making service shall 322 enter the date and time of service and other appropriate information required by the Department of 323 State Police into the Virginia Criminal Information Network and make due return to the court. One 324 copy of the order shall be given to the allegedly abused person when it is issued, and one copy shall be 325 filed with the written report required by § 19.2-81.3 C. The judge or magistrate who issues an oral order 326 pursuant to an electronic request by a law-enforcement officer shall verify the written order to determine 327 whether the officer who reduced it to writing accurately transcribed the contents of the oral order. The 328 original copy shall be filed with the clerk of the juvenile and domestic relations district court within five 329 business days of the issuance of the order. If the order is later dissolved or modified, a copy of the 330 dissolution or modification order shall also be attested, forwarded and entered in the system forthwith to 331 the primary law-enforcement agency responsible for service and entry of protective orders, and upon 332 receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter 333 any modification as necessary to the identifying information and other appropriate information required 334 by the Department of State Police into the Virginia Criminal Information Network as described above 335 and the order shall be served forthwith and due return made to the court. Upon request, the clerk shall provide the allegedly abused person with information regarding the date and time of service. 336

337 F. The availability of an emergency protective order shall not be affected by the fact that the family 338 or household member left the premises to avoid the danger of family abuse by the respondent.

339 G. The issuance of an emergency protective order shall not be considered evidence of any 340 wrongdoing by the respondent.

341 H. As used in this section, a "law-enforcement officer" means any (i) full-time or part-time employee 342 of a police department or sheriff's office which is part of or administered by the Commonwealth or any 343 political subdivision thereof and who is responsible for the prevention and detection of crime and the 344 enforcement of the penal, traffic or highway laws of the Commonwealth and (ii) member of an auxiliary 345 police force established pursuant to subsection B of § 15.2-1731. Part-time employees are compensated 346 officers who are not full-time employees as defined by the employing police department or sheriff's 347 office.

348 I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's 349 office, nor any employee of them, may disclose, except among themselves, the residential address, 350 telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme 351 352 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause. 353

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

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

355 L. If any identifying information in the addendum is determined to be incorrect by the entering 356 agency, the agency shall enter the corrected information into the Virginia Criminal Information 357 Network.

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

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359 A. In cases of family abuse, the court may issue a protective order to protect the health and safety of the petitioner and family or household members of the petitioner. A protective order issued under this 360 361 section may include any one or more of the following conditions to be imposed on the respondent:

362 1. Prohibiting acts of family abuse;

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

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

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

370 5. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner
371 alone or jointly owned by the parties to the exclusion of the respondent; however, no such grant of
372 possession or use shall affect title to the vehicle;

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

376 7. Ordering the respondent to participate in treatment, counseling or other programs as the court377 deems appropriate; and

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

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

384 B. The protective order may be issued for a specified period; however, unless otherwise authorized 385 by law, a protective order may not be issued under this section for a period longer than two years. The 386 protective order shall expire at the end of the last day identified for the two-year period and if no date 387 is identified, it shall expire at the end of the two years following the date of issuance. A copy of the 388 protective order shall be served on the respondent and provided to the petitioner as soon as possible. The clerk shall, upon receipt, forward forthwith an attested copy of the order to the local police 389 390 department or sheriff's office which shall, upon receipt, enter the name of the person subject to the order 391 and other appropriate information required by the Department of State Police into the Virginia Criminal 392 Information Network system established and maintained by the Department pursuant to Chapter 2 393 (§ 52-12 et seq.) of Title 52. Where practical, the The court may shall forthwith, but in all cases no 394 later than the end of the business day on which the order was issued, enter and transfer identifying 395 information provided to the court electronically to the Virginia Criminal Information Network system 396 and shall forthwith forward the attested copy of the protective order and an addendum containing any 397 such identifying information to the primary law-enforcement agency responsible for service and entry of 398 protective orders. Upon receipt of the order and addendum by the primary law-enforcement agency, the 399 agency shall forthwith verify and enter any modification as necessary to the identifying information and 400 other appropriate information required by the Department of State Police into the Virginia Criminal 401 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et 402 seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to 403 the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall **404** forthwith forward an attested copy of the order and an addendum containing identifying information to 405 the primary law-enforcement agency providing service and entry of protective orders and upon receipt 406 of the order and addendum, the primary law-enforcement agency shall enter the name of the person 407 subject to the order and other appropriate information required by the Department of State Police into 408 the Virginia Criminal Information Network established and maintained by the Department pursuant to 409 Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent. 410 Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network 411 412 and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution 413 or modification order shall also be attested, forwarded and entered in the system as described above 414 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify 415 416 and enter any modification as necessary to the identifying information and other appropriate 417 information required by the Department of State Police into the Virginia Criminal Information Network 418 as described above and the order shall be served forthwith and due return made to the court.

419 C. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this 420 section shall constitute contempt of court.

421 D. The court may assess costs and attorneys' fees against either party regardless of whether an order 422 of protection has been issued as a result of a full hearing.

423 E. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate 424 jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, 425 the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing 426 violent or threatening acts or harassment against or contact or communication with or physical proximity 427 to another person, including any of the conditions specified in subsection A, shall be accorded full faith 428 and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided 429 reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person 430 against whom the order is sought to be enforced sufficient to protect such person's due process rights 431 and consistent with federal law. A person entitled to protection under such a foreign order may file the 432 order in any juvenile and domestic relations district court by filing with the court an attested or 433 exemplified copy of the order. Upon such a filing, the clerk shall forward forthwith forward an attested 434 copy of the order to the local police department or sheriff's office primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the 435 436 person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network system established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information 437 438 439 electronically to the Virginia Criminal Information Network system.

440 Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy 441 available of any foreign order filed with that court. A law-enforcement officer may, in the performance 442 of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been 443 provided to him by any source and may also rely upon the statement of any person protected by the 444 order that the order remains in effect.

445 F. Either party may at any time file a written motion with the court requesting a hearing to dissolve 446 or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on 447 the docket of the court. 448

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

H. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's 449 450 office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of 451 452 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause. 453 454

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

455 J. If any identifying information in the addendum is determined to be incorrect by the entering 456 agency, the agency shall enter the corrected information into the Virginia Criminal Information 457 Network. 458

§ 19.2-152.8. Emergency protective orders authorized in cases of stalking and acts of violence.

459 A. Any judge of a circuit court, general district court, juvenile and domestic relations district court or 460 magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in 461 order to protect the health or safety of any person.

462 B. When a law-enforcement officer, an allegedly stalked person or an alleged victim of a criminal 463 offense resulting in a serious bodily injury to the alleged victim asserts under oath to a judge or 464 magistrate that such person is being or has been subjected to stalking or a criminal offense resulting in a 465 serious bodily injury to the alleged victim and on that assertion or other evidence the judge or 466 magistrate finds that (i) there is probable danger of a further such offense being committed by the 467 respondent against the alleged victim and (ii) a warrant for the arrest of the respondent has been issued, 468 the judge or magistrate shall issue an ex parte emergency protective order imposing one or more of the 469 following conditions on the respondent: 470

1. Prohibiting acts of violence or acts of stalking in violation of § 18.2-60.3;

471 2. Prohibiting such contacts by the respondent with the alleged victim of such crime or such person's 472 family or household members as the judge or magistrate deems necessary to protect the safety of such 473 persons; and

474 3. Such other conditions as the judge or magistrate deems necessary to prevent acts of stalking, or 475 criminal offenses resulting in injury to person or property, or communication or other contact of any 476 kind by the respondent.

477 C. An emergency protective order issued pursuant to this section shall expire 72 hours after at the 478 end of the third day following issuance. If the expiration of the 72-hour period occurs at a time that the 479 court is not in session, the emergency protective order shall be extended until 5 p.m. the end of the next 480 business day that the court which issued the order is in session. The respondent may at any time file a **481** motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion 482 shall be given precedence on the docket of the court.

483 D. A law-enforcement officer may request an emergency protective order pursuant to this section

484 orally, in person or by electronic means, and the judge of a circuit court, general district court, or
485 juvenile and domestic relations district court or a magistrate may issue an oral emergency protective
486 order. An oral emergency protective order issued pursuant to this section shall be reduced to writing, by
487 the law-enforcement officer requesting the order or the magistrate, on a preprinted form approved and
488 provided by the Supreme Court of Virginia. The completed form shall include a statement of the
489 grounds for the order asserted by the officer or the alleged victim of such crime.

490 E. Upon receipt of the order by a local law-enforcement agency for service, the agency shall enter 491 the name of the person subject to the order and other appropriate information required by the 492 Department of State Police into the Virginia Criminal Information Network system established and 493 maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the 494 The court or magistrate may shall forthwith, but in all cases no later than the end of the business day 495 on which the order was issued, enter and transfer identifying information provided to the court or 496 *magistrate* electronically to the Virginia Criminal Information Network system. A copy of an emergency 497 protective order issued pursuant to this section and an addendum containing any such identifying **498** information shall be forwarded forthwith to the primary law-enforcement agency responsible for service 499 and entry of protective orders. Upon receipt of the order and addendum by the primary 500 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the 501 identifying information and other appropriate information required by the Department of State Police 502 into the Virginia Criminal Information Network established and maintained by the Department pursuant 503 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent as 504 soon as possible, and upon service, the agency making service shall enter the date and time of service into the Virginia Criminal Information Network system and due return made to the court. However, if 505 506 the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested 507 copy of the order and an addendum containing identifying information to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order and addendum, 508 the primary law-enforcement agency shall enter the name of the person subject to the order and other 509 appropriate information required by the Department of State Police into the Virginia Criminal 510 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et 511 512 seq.) of Title 52 and the order shall be served forthwith upon the respondent. Upon service, the agency 513 making service shall enter the date and time of service and other appropriate information required into 514 the Virginia Criminal Information Network and make due return to the court. One copy of the order 515 shall be given to the alleged victim of such crime. The judge or magistrate who issues an oral order 516 pursuant to an electronic request by a law-enforcement officer shall verify the written order to determine 517 whether the officer who reduced it to writing accurately transcribed the contents of the oral order. The 518 original copy shall be filed with the clerk of the appropriate district court within five business days of 519 the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded and entered in the system as described above 520 521 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, 522 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate 523 524 information required by the Department of State Police into the Virginia Criminal Information Network 525 as described above and the order shall be served forthwith and due return made to the court. Upon 526 request, the clerk shall provide the alleged victim of such crime with information regarding the date and 527 time of service.

528 F. The issuance of an emergency protective order shall not be considered evidence of any 529 wrongdoing by the respondent.

G. As used in this section, a "law-enforcement officer" means any (i) person who is a full-time or part-time employee of a police department or sheriff's office which is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth and (ii) member of an auxiliary police force established pursuant to subsection B of § 15.2-1731. Part-time employees are compensated officers who are not full-time employees as defined by the employing police **536** department or sheriff's office.

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

- 542 I. As used in this section, "copy" includes a facsimile copy.
- 543 J. No fee shall be charged for filing or serving any petition pursuant to this section.
- 544 K. If any identifying information in the addendum is determined to be incorrect by the entering

545 agency, the agency shall enter the corrected information into the Virginia Criminal Information 546 Network. 547

§ 19.2-152.9. Preliminary protective orders in cases of stalking and acts of violence.

548 A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable 549 period of time, subjected to stalking or a criminal offense resulting in a serious bodily injury to the 550 petitioner, and (ii) a warrant has been issued for the arrest of the alleged perpetrator of such act or acts, 551 the court may issue a preliminary protective order against the alleged perpetrator in order to protect the 552 health and safety of the petitioner or any family or household member of the petitioner. The order may 553 be issued in an exparte proceeding upon good cause shown when the petition is supported by an 554 affidavit or sworn testimony before the judge or intake officer. Immediate and present danger of stalking 555 or another criminal offense that may result in a serious bodily injury to the petitioner or evidence 556 sufficient to establish probable cause that stalking or a criminal offense resulting in a serious bodily 557 injury to the petitioner has recently occurred shall constitute good cause.

558 A preliminary protective order may include any one or more of the following conditions to be 559 imposed on the respondent:

560 1. Prohibiting criminal offenses that may result in injury to person or property or acts of stalking in 561 violation of § 18.2-60.3;

562 2. Prohibiting such other contacts by the respondent with the petitioner or the petitioner's family or 563 household members as the court deems necessary for the health and safety of such persons; and

564 3. Such other conditions as the court deems necessary to prevent acts of stalking, criminal offenses 565 that may result in injury to person or property, or communication or other contact of any kind by the 566 respondent.

567 B. Upon receipt of the order by a local law-enforcement agency for service, the agency shall enter 568 the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network system established and 569 maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the 570 The court may shall forthwith, but in all cases no later than the end of the business day on which the 571 572 order was issued, enter and transfer identifying information provided to the court electronically to the 573 Virginia Criminal Information Network system. A copy of a preliminary protective order and an 574 addendum containing any such identifying information shall be forwarded forthwith to the primary 575 law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the 576 order and addendum by the primary law-enforcement agency, the agency shall forthwith verify and enter 577 any modification as necessary to the identifying information and other appropriate information required 578 by the Department of State Police into the Virginia Criminal Information Network established and 579 maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be 580 served forthwith as soon as possible on the alleged stalker in person as provided in § 16.1-264, and upon service, the agency making service shall enter the date and time of service into the Virginia criminal 581 582 information network system due return made to the court. However, if the order is issued by the circuit 583 court, the clerk of the circuit court shall forthwith forward an attested copy of the order and an 584 addendum containing identifying information to the primary law-enforcement agency providing service 585 and entry of protective orders and upon receipt of the order and addendum, the primary 586 law-enforcement agency shall enter the name of the person subject to the order and other appropriate 587 information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and 588 589 the order shall be served forthwith on the alleged stalker in person as provided in § 16.1-264. Upon 590 service, the agency making service shall enter the date and time of service and other appropriate 591 information required by the Department of State Police into the Virginia Criminal Information Network 592 and make due return to the court. The preliminary order shall specify a date for the full hearing. The 593 hearing shall be held within 15 days of the issuance of the preliminary order. However, upon motion of 594 the respondent and for good cause shown, the court may continue the hearing. The preliminary order 595 shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the 596 petitioner with a copy of the order and information regarding the date and time of service. The order 597 shall further specify that either party may at any time file a motion with the court requesting a hearing **598** to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of 599 the court.

600 Upon receipt of the return of service or other proof of service pursuant to subsection C of 601 § 16.1-264, the clerk shall forward forthwith forward an attested copy of the preliminary protective order 602 to the local police department or sheriff's office which shall, upon receipt, enter primary 603 law-enforcement agency and the agency shall forthwith verify and enter any modification as necessary into the Virginia Criminal Information Network system any other information required by the State 604 Police which was not previously entered as described above. If the order is later dissolved or modified, 605

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606 a copy of the dissolution or modification order shall also be attested, forwarded and entered forthwith to

607 the primary law-enforcement agency responsible for service and entry of protective orders, and upon 608 receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter

any modification as necessary to the identifying information and other appropriate information required 609

610 by the Department of State Police into the Virginia Criminal Information Network system as described

above and the order shall be served forthwith and due return made to the court. 611

612 C. The preliminary order is effective upon personal service on the alleged perpetrator. Except as 613 otherwise provided in § 16.1-253.2, a violation of the order shall constitute contempt of court.

D. At a full hearing on the petition, the court may issue a protective order pursuant to § 19.2-152.10 614 615 if the court finds that the petitioner has proven the allegation of a criminal offense resulting in a serious 616 bodily injury to the petitioner or stalking by a preponderance of the evidence.

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

618 F. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's 619 office, nor any employee of them, may disclose, except among themselves, the residential address, 620 telephone number, or place of employment of the person protected by the order or that of the family of 621 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme 622 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

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

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624 H. If any identifying information in the addendum is determined to be incorrect by the entering 625 agency, the agency shall enter the corrected information into the Virginia Criminal Information 626 Network. 627

§ 19.2-152.10. Protective order in cases of stalking and acts of violence.

628 A. The court may issue a protective order pursuant to this chapter to protect the health and safety of 629 the petitioner and family or household members of a petitioner upon (i) the issuance of a warrant for a criminal offense resulting in a serious bodily injury to the petitioner, or a violation of § 18.2-60.3, (ii) a 630 hearing held pursuant to subsection D of § 19.2-152.9, or (iii) a conviction for a criminal offense 631 632 resulting in a serious bodily injury to the petitioner, or a violation of § 18.2-60.3. A protective order 633 issued under this section may include any one or more of the following conditions to be imposed on the 634 respondent:

635 1. Prohibiting criminal offenses that may result in injury to person or property, or acts of stalking in 636 violation of § 18.2-60.3;

637 2. Prohibiting such contacts by the respondent with the petitioner or family or household members of 638 the petitioner as the court deems necessary for the health or safety of such persons; and

639 3. Any other relief necessary to prevent criminal offenses that may result in injury to person or 640 property, or acts of stalking, communication or other contact of any kind by the respondent.

641 B. The protective order may be issued for a specified period; however, unless otherwise authorized 642 by law, a protective order may not be issued under this section for a period longer than two years. The 643 protective order shall expire at the end of the last day identified for the two-year period and if no date 644 is identified, it shall expire at the end of the two years following the date of issuance. A copy of the 645 protective order shall be served on the respondent and provided to the petitioner as soon as possible. **646** The clerk shall upon receipt forward forthwith an attested copy of the order to the local police department or sheriff's office which shall, upon receipt, enter the name of the person subject to the order 647 and other appropriate information required by the Department of State Police into the Virginia Criminal **648** 649 Information Network system established and maintained by the Department pursuant to Chapter 2 650 (§ 52-12 et seq.) of Title 52. Where practical, the The court may shall forthwith, but in all cases no 651 later than the end of the business day on which the order was issued, enter and transfer identifying information provided to the court electronically to the Virginia Criminal Information Network system 652 653 and shall forthwith forward the attested copy of the protective order and an addendum containing any 654 such identifying information to the primary law-enforcement agency responsible for service and entry of 655 protective orders. Upon receipt of the order and addendum by the primary law-enforcement agency, the 656 agency shall forthwith verify and enter any modification as necessary to the identifying information and 657 other appropriate information required by the Department of State Police into the Virginia Criminal 658 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to 659 660 the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order and an addendum containing identifying information to 661 662 the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order and addendum, the primary law-enforcement agency shall enter the name of the person 663 664 subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to 665 Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the respondent. Upon 666

service, the agency making service shall enter the date and time of service and other appropriate 667 668 information required into the Virginia Criminal Information Network and make due return to the court. 669 If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be 670 attested, forwarded and entered into the system as described above forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the 671 672 order by the primary law-enforcement agency, the agency shall forthwith verify and enter any 673 modification as necessary to the identifying information and other appropriate information required by 674 the Department of State Police into the Virginia Criminal Information Network as described above and 675 the order shall be served forthwith and due return made to the court.

676 C. Except as otherwise provided, a violation of a protective order issued under this section shall 677 constitute contempt of court.

678 D. The court may assess costs and attorneys' fees against either party regardless of whether an order

679 of protection has been issued as a result of a full hearing. **680** E. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate 681 jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, 682 the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity 683 **684** to another person, including any of the conditions specified in subsection A, shall be accorded full faith 685 and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided **686** reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person **687** against whom the order is sought to be enforced sufficient to protect such person's due process rights 688 and consistent with federal law. A person entitled to protection under such a foreign order may file the 689 order in any appropriate district court by filing with the court, an attested or exemplified copy of the 690 order. Upon such a filing, the clerk shall forward forthwith forward an attested copy of the order to the local police department or sheriff's office primary law-enforcement agency responsible for service and 691 entry of protective orders which shall, upon receipt, enter the name of the person subject to the order 692 and other appropriate information required by the Department of State Police into the Virginia Criminal 693 **694** Information Network system established and maintained by the Department pursuant to Chapter 2 695 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the 696 Virginia Criminal Information Network.

697 Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy **698** available of any foreign order filed with that court. A law-enforcement officer may, in the performance 699 of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been 700 provided to him by any source and may also rely upon the statement of any person protected by the 701 order that the order remains in effect.

702 F. Either party may at any time file a written motion with the court requesting a hearing to dissolve 703 or modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on 704 the docket of the court.

705 G. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's 706 office, nor any employee of them, may disclose, except among themselves, the residential address, 707 telephone number, or place of employment of the person protected by the order or that of the family of 708 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme 709 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause. 710

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

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

712 J. If any identifying information in the addendum is determined to be incorrect by the entering 713 agency, the agency shall enter the corrected information into the Virginia Criminal Information 714 Network.

715 § 19.2-390. Reports to be made by local law-enforcement officers, conservators of the peace, clerks 716 of court, Secretary of the Commonwealth and Corrections officials to State Police; material submitted by 717 other agencies.

718 A. I. Every state official or agency having the power to arrest, the sheriffs of counties, the police officials of cities and towns, and any other local law-enforcement officer or conservator of the peace 719 720 having the power to arrest for a felony shall make a report to the Central Criminal Records Exchange, 721 on forms provided by it, of any arrest, including those arrests involving the taking into custody of, or 722 service of process upon, any person on charges resulting from an indictment, presentment or 723 information, the arrest on capias or warrant for failure to appear, and the service of a warrant for 724 another jurisdiction, on any of the following charges:

725 a. Treason;

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726 b. Any felony;

727 c. Any offense punishable as a misdemeanor under Title 54.1; or

d. Any misdemeanor punishable by confinement in jail (i) under Title 18.2 or 19.2, except an arrest for a violation of § 18.2-119, Article 2 (§ 18.2-415 et seq.) of Chapter 9 of Title 18.2, or any similar ordinance of any county, city or town, or (ii) under § 20-61.

731 The reports shall contain such information as is required by the Exchange and shall be accompanied 732 by fingerprints of the individual arrested. Effective January 1, 2006, the corresponding photograph of the 733 individual arrested shall accompany the report. Fingerprint cards prepared by a law-enforcement agency 734 for inclusion in a national criminal justice file shall be forwarded to the Exchange for transmittal to the 735 appropriate bureau. Nothing in this section shall preclude each local law-enforcement agency from 736 maintaining its own separate photographic database.

737 2. For persons arrested and released on summonses in accordance with § 19.2-74, such report shall 738 not be required until (i) a conviction is entered and no appeal is noted or if an appeal is noted, the 739 conviction is upheld upon appeal or the person convicted withdraws his appeal; (ii) the court dismisses 740 the proceeding pursuant to § 18.2-251; or (iii) an acquittal by reason of insanity pursuant to § 19.2-182.2 741 is entered. Upon such conviction or acquittal, the court shall remand the individual to the custody of the 742 office of the chief law-enforcement officer of the county or city. It shall be the duty of the chief 743 law-enforcement officer, or his designee who may be the arresting officer, to ensure that such report is 744 completed after a determination of guilt or acquittal by reason of insanity. The court shall require the 745 officer to complete the report immediately following the person's conviction or acquittal, and the 746 individual shall be discharged from custody forthwith, unless the court has imposed a jail sentence to be 747 served by him or ordered him committed to the custody of the Commissioner of the Department of 748 Mental Health, Mental Retardation and Substance Abuse Services.

749 B. Within 72 hours following the receipt of (i) a warrant or capias for the arrest of any person on a 750 charge of a felony or (ii) a Governor's warrant of arrest of a person issued pursuant to § 19.2-92, the 751 law-enforcement agency which received the warrant shall enter the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the 752 753 Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant 754 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the National Crime Information Center (NCIC), 755 maintained by the Federal Bureau of Investigation. The report shall include the person's name, date of 756 birth, social security number and such other known information which the State Police or Federal 757 Bureau of Investigation may require. Where feasible and practical, the magistrate or court issuing the 758 warrant or capias may transfer information electronically into VCIN. When the information is 759 electronically transferred to VCIN, the court or magistrate shall forthwith forward the warrant or capias 760 to the local police department or sheriff's office. When criminal process has been ordered destroyed 761 pursuant to § 19.2-76.1, the law-enforcement agency destroying such process shall ensure the removal of 762 any information relating to the destroyed criminal process from the VCIN and NCIC systems.

763 C. The clerk of each circuit court and district court shall make a an electronic report to the Central 764 Criminal Records Exchange of (i) any dismissal, indefinite postponement or continuance, charge still 765 pending due to mental incompetency or incapacity, nolle prosequi, acquittal, or conviction of, including 766 any sentence imposed, or failure of a grand jury to return a true bill as to, any person charged with an offense listed in subsection A, including any action which may have resulted from an indictment, 767 768 presentment or information, and (ii) any adjudication of delinquency based upon an act which, if committed by an adult, would require fingerprints to be filed pursuant to subsection A. In the case of 769 770 offenses not required to be reported to the Exchange by subsection A, the reports of any of the foregoing dispositions shall be filed by the law-enforcement agency making the arrest with the arrest 771 772 record required to be maintained by § 15.2-1722. Upon conviction of any person, including juveniles 773 tried and convicted in the circuit courts pursuant to § 16.1-269.1, whether sentenced as adults or 774 juveniles, for an offense for which registration is required as defined in § 9.1-902, the clerk shall within 775 seven days of sentencing submit a report to the Sex Offender and Crimes Against Minors Registry. The 776 report to the Registry shall include the name of the person convicted and all aliases which he is known 777 to have used, the date and locality of the conviction for which registration is required, his date of birth, 778 social security number, last known address, and specific reference to the offense for which he was convicted. No report of conviction or adjudication in a district court shall be filed unless the period 779 780 allowed for an appeal has elapsed and no appeal has been perfected. In the event that the records in the 781 office of any clerk show that any conviction or adjudication has been nullified in any manner, he shall 782 also make a report of that fact to the Exchange and, if appropriate, to the Registry. In addition, each 783 clerk of a circuit court, upon receipt of certification thereof from the Supreme Court, shall report to the 784 Exchange or the Registry, or to the law-enforcement agency making the arrest in the case of offenses 785 not required to be reported to the Exchange, on forms provided by the Exchange or Registry, as the case 786 may be, any reversal or other amendment to a prior sentence or disposition previously reported. When 787 criminal process is ordered destroyed pursuant to § 19.2-76.1, the clerk shall report such action to the 788 law-enforcement agency that entered the warrant or capias into the VCIN system.

789 D. In addition to those offenses enumerated in subsection A of this section, the Central Criminal
790 Records Exchange may receive, classify and file any other fingerprints, photographs, and records of
791 arrest or confinement submitted to it by any law-enforcement agency or any correctional institution.

E. Corrections officials, sheriffs, and jail superintendents of regional jails, responsible for maintaining
correctional status information, as required by the regulations of the Department of Criminal Justice
Services, with respect to individuals about whom reports have been made under the provisions of this
chapter shall make reports of changes in correctional status information to the Central Criminal Records
Exchange. The reports to the Exchange shall include any commitment to or release or escape from a
state or local correctional facility, including commitment to or release from a parole or probation
agency.

799 F. Any pardon, reprieve or executive commutation of sentence by the Governor shall be reported to the Exchange by the office of the Secretary of the Commonwealth.

G. Officials responsible for reporting disposition of charges, and correctional changes of status of
individuals under this section, including those reports made to the Registry, shall adopt procedures
reasonably designed at a minimum (i) to ensure that such reports are accurately made as soon as feasible
by the most expeditious means and in no instance later than 30 days after occurrence of the disposition
or correctional change of status; and (ii) to report promptly any correction, deletion, or revision of the
information.

807 H. Upon receiving a correction, deletion, or revision of information, the Central Criminal Records
808 Exchange shall notify all criminal justice agencies known to have previously received the information.
809 As used in this section, the term:

810 "chief "Chief law-enforcement officer" means the chief of police of cities and towns and sheriffs of
 811 counties, unless a political subdivision has otherwise designated its chief law-enforcement officer by
 812 appropriate resolution or ordinance, in which case the local designation shall be controlling.

813 "Electronic report" means a report transmitted to, or otherwise forwarded to, the Central Criminal
814 Records Exchange in an electronic format approved by the Exchange. The report shall contain the
815 name of the person convicted and all aliases, which he is known to have used, the date and locality of
816 the conviction, his date of birth, social security number, last known address, and specific reference to
817 the offense including the Virginia Code section and any subsection, the Virginia crime code for the
818 offense, and the offense tracking number for the offense for which he was convicted.

819 2. That the amendments to § 19.2-390 of the Code of Virginia of this act that require an electronic 820 report to be made to the Central Criminal Records Exchange shall not become effective as to any circuit court clerks not currently using the case management system of the Supreme Court of 821 822 Virginia until July 1, 2009. Until July 1, 2009, the circuit court clerks shall forthwith forward the 823 report to the Central Criminal Records Exchange, using such methods as may be established 824 jointly with the Virginia State Police. All circuit court clerks who are using the case management 825 system of the Supreme Court of Virginia shall provide the reports in electronic format pursuant to § 19.2-390. 826