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**SENATE BILL NO. 656**

Offered January 19, 2016

A *BILL to amend and reenact §§ 9.1-102, 9.1-116.1, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia, relating to victims of domestic violence, etc.; firearms safety or training course.*

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 Referred to Committee for Courts of Justice
 

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**Be it enacted by the General Assembly of Virginia:**

1. That §§ 9.1-102, 9.1-116.1, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia are amended and reenacted as follows:

**§ 9.1-102. Powers and duties of the Board and the Department.**

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth,

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59 for school operation for the specific purpose of training law-enforcement officers; but this shall not  
60 prevent the holding of any such school whether approved or not;

61 14. Establish and maintain police training programs through such agencies and institutions as the  
62 Board deems appropriate;

63 15. Establish compulsory minimum qualifications of certification and recertification for instructors in  
64 criminal justice training schools approved by the Department;

65 16. Conduct and stimulate research by public and private agencies which shall be designed to  
66 improve police administration and law enforcement;

67 17. Make recommendations concerning any matter within its purview pursuant to this chapter;

68 18. Coordinate its activities with those of any interstate system for the exchange of criminal history  
69 record information, nominate one or more of its members to serve upon the council or committee of any  
70 such system, and participate when and as deemed appropriate in any such system's activities and  
71 programs;

72 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this  
73 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to  
74 submit information, reports, and statistical data with respect to its policy and operation of information  
75 systems or with respect to its collection, storage, dissemination, and usage of criminal history record  
76 information and correctional status information, and such criminal justice agencies shall submit such  
77 information, reports, and data as are reasonably required;

78 20. Conduct audits as required by § 9.1-131;

79 21. Conduct a continuing study and review of questions of individual privacy and confidentiality of  
80 criminal history record information and correctional status information;

81 22. Advise criminal justice agencies and initiate educational programs for such agencies with respect  
82 to matters of privacy, confidentiality, and security as they pertain to criminal history record information  
83 and correctional status information;

84 23. Maintain a liaison with any board, commission, committee, or other body which may be  
85 established by law, executive order, or resolution to regulate the privacy and security of information  
86 collected by the Commonwealth or any political subdivision thereof;

87 24. Adopt regulations establishing guidelines and standards for the collection, storage, and  
88 dissemination of criminal history record information and correctional status information, and the privacy,  
89 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and  
90 court orders;

91 25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal  
92 justice information system, produce reports, provide technical assistance to state and local criminal  
93 justice data system users, and provide analysis and interpretation of criminal justice statistical  
94 information;

95 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law  
96 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically  
97 update that plan;

98 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the  
99 Commonwealth, and units of general local government, or combinations thereof, including planning  
100 district commissions, in planning, developing, and administering programs, projects, comprehensive  
101 plans, and other activities for improving law enforcement and the administration of criminal justice  
102 throughout the Commonwealth, including allocating and subgranting funds for these purposes;

103 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and  
104 activities for the Commonwealth and units of general local government, or combinations thereof, in the  
105 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal  
106 justice at every level throughout the Commonwealth;

107 29. Review and evaluate programs, projects, and activities, and recommend, where necessary,  
108 revisions or alterations to such programs, projects, and activities for the purpose of improving law  
109 enforcement and the administration of criminal justice;

110 30. Coordinate the activities and projects of the state departments, agencies, and boards of the  
111 Commonwealth and of the units of general local government, or combination thereof, including planning  
112 district commissions, relating to the preparation, adoption, administration, and implementation of  
113 comprehensive plans to strengthen and improve law enforcement and the administration of criminal  
114 justice;

115 31. Do all things necessary on behalf of the Commonwealth and its units of general local  
116 government, to determine and secure benefits available under the Omnibus Crime Control and Safe  
117 Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and  
118 programs for strengthening and improving law enforcement, the administration of criminal justice, and  
119 delinquency prevention and control;

120 32. Receive, administer, and expend all funds and other assistance available to the Board and the

Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

38. Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

39. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

41. Publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing;

42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

43. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school

board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

45. Establish training standards and publish a model policy and protocols for local and regional sexual assault response teams;

46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

50. Establish compulsory training standards and publish a model policy for law-enforcement personnel regarding death notification;

51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

52. (Effective until July 1, 2018) Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Alcoholic Beverage Control Board;

52. (Effective July 1, 2018) Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Virginia Alcoholic Beverage Control Authority;

53. Establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

54. Establish training standards and publish a model policy for law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups;

55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia. The Department shall publish and disseminate a model policy or guideline for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are sensitive to and aware of human trafficking offenses and the identification of victims of human trafficking offenses;

56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

57. Establish training standards and publish a model policy for missing children, missing adults, and search and rescue protocol;

58. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee; and

59. *Approve firearms safety or training courses or classes offered to victims of domestic violence, sexual abuse, stalking, and family abuse that are eligible for reimbursement under § 9.1-116.1 and publish and disseminate a list of approved courses or classes; and*

60. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

**§ 9.1-116.1. Virginia Sexual and Domestic Violence Victim Fund; purpose; guidelines.**

A. There is created the Virginia Sexual and Domestic Violence Victim Fund as a special

nonreverting fund to be administered by the Department of Criminal Justice Services to support the prosecution of domestic violence cases and victim services.

B. The Department shall adopt guidelines, the purpose of which shall be to make funds available to (i) local attorneys for the Commonwealth for the purpose of funding the cost of additional attorneys or to further dedicate existing resources to prosecute felonies and misdemeanors involving domestic violence, sexual violence, sexual abuse, stalking and family abuse, and (ii) law-enforcement authorities or appropriate programs, including civil legal assistance *and firearms safety or training courses or classes*, to assist in protecting and providing necessary services to victims of and children affected by domestic violence, sexual abuse, stalking and family abuse. *For purposes of clause (ii), "firearms safety or training course or class" means a course or class that is offered free of charge by a law-enforcement agency, junior college, college, private or public institution or organization, or firearms training school to victims of domestic violence, sexual abuse, stalking, and family abuse that (a) has been approved the Department and (b) utilizes instructors certified by the National Rifle Association or the Department. Any entity offering such firearms safety or training course or class may seek reimbursement from the Department, which shall be paid from the Fund, for the cost of offering such course or class to such victims. The Board shall establish the process for seeking reimbursement from the Fund and may impose limits on the amount of reimbursement that any entity offering such course or class may request.*

C. A portion of the sum collected pursuant to § 16.1-69.48:1 as specified in that section shall be deposited into the state treasury to the credit of this Fund in addition to any other monies appropriated, allocated or received specifically for such purpose. The Fund shall be distributed according to grant procedures adopted pursuant to this section and shall be established on the books of the Comptroller. Any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the Fund shall be credited to the Fund.

D. The Department shall establish a grant procedure to govern funds awarded for this purpose.

**§ 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, 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. 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 established by a showing that (i) the allegedly abusing person is incarcerated and is to be released from incarceration within 30 days following the petition or has been released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the allegedly abusing person has made threatening contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of family abuse.

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

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property.
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons.
3. Granting the petitioner possession of the premises occupied by the parties to the exclusion of the allegedly abusing person; 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 a premises that the petitioner has been granted possession of pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to such premises.

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

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

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

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

B. The court shall forthwith, but in all cases no later than the end of the business day on which the

order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of a preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. 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 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 the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264 and due return made to 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 containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, 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 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 on the allegedly abusing person in person as provided in § 16.1-264. 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 and make due return to the court. The preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the preliminary order. If the respondent fails to appear at this hearing because the respondent was not personally served, or if personally served was incarcerated and not transported to the hearing, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served forthwith on the respondent. However, upon motion of the respondent and for good cause shown, the court may continue the hearing. The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court.

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

C. The preliminary order is effective upon personal service on the allegedly abusing person. Except as 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 § 16.1-279.1 if the court finds that the petitioner has proven the allegation of family abuse by a preponderance of the evidence.

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.

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

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

*H. Upon issuance of a preliminary protective order, the court shall provide the petitioner with a list of firearms safety or training courses or classes that are available free of charge to victims of domestic violence, sexual abuse, stalking, and family abuse under § 9.1-116.1.*

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

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.

B. When a law-enforcement officer or an allegedly abused person asserts under oath to a judge or magistrate, and on that assertion or other evidence the judge or magistrate (i) finds that a warrant for a violation of § 18.2-57.2 has been issued or issues a warrant for violation of § 18.2-57.2 and finds that

there is probable danger of further acts of family abuse against a family or household member by the respondent or (ii) finds that reasonable grounds exist to believe that the respondent has committed family abuse and there is probable danger of a further such offense against a family or household member by the respondent, the judge or magistrate shall issue an ex parte emergency protective order, except if the respondent is a minor, an emergency protective order shall not be required, imposing one or more of the following conditions on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
2. Prohibiting such contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person as the judge or magistrate deems necessary to protect the safety of such persons;

3. Granting the family or household member possession of the premises 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; and

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

When the judge or magistrate considers the issuance of an emergency protective order pursuant to clause (i), 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.

C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the third day following issuance. If the expiration occurs on a day that the court is not in session, the emergency protective order shall be extended until 11:59 p.m. on the next day that the juvenile and domestic relations district court is in session. When issuing an emergency protective order under this section, the judge or magistrate shall provide the protected person or the law-enforcement officer seeking the emergency protective order with the form for use in filing petitions pursuant to § 16.1-253.1 and written information regarding protective orders that shall include the telephone numbers of domestic violence agencies and legal referral sources on a form prepared by the Supreme Court. If these forms are provided to a law-enforcement officer, the officer may provide these forms to the protected person when giving the emergency protective order to the protected person. The respondent may at any time file a motion with the court requesting a hearing to dissolve or modify the order issued hereunder. The hearing on the motion shall be given precedence on the docket of the court.

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

E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court or magistrate. A copy of an emergency protective order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. 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 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 the order shall be served forthwith upon the respondent and due return made to 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 containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, 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 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 on the respondent. 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 and make due return to the court. One copy of the order shall be given to the allegedly abused person when it is issued, and one copy shall be filed with the written report required by subsection D of § 19.2-81.3. The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement officer shall verify the written order to determine whether the officer who reduced it to writing accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of the juvenile and domestic relations district court within five business days of 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 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 and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above 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.

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

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

H. As used in this section, "law-enforcement officer" means (i) any 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; (ii) any member of an auxiliary police force established pursuant to § 15.2-1731; and (iii) any special conservator of the peace who meets the certification requirements for a law-enforcement officer as set forth in § 15.2-1706. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

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.

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.

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

*M. Upon issuance of an emergency protective order, the court or magistrate shall provide the petitioner with a list of firearms safety or training courses or classes that are available free of charge to victims of domestic violence, sexual abuse, stalking, and family abuse under § 9.1-116.1.*

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

A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, 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 section may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;
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;
5. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the respondent and enjoining the respondent from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent to maintain the insurance, registration, and taxes, as appropriate; however, no such grant of possession or use shall affect title to the vehicle;
6. Requiring that the respondent provide suitable alternative housing for the petitioner and, if appropriate, any other family or household member and where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided;
7. Ordering the respondent to participate in treatment, counseling or other programs as the court

deems appropriate;

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

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

A1. If a protective order is issued pursuant to subsection A, 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.

B. The protective order may be issued for a specified period of time up to a maximum of two 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 day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. If the petitioner was a member of the respondent's family or household at the time the initial protective order was issued, the court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order 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 if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

C. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. 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 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 the order shall be served forthwith upon the respondent and due return made to the court. 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 and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded 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 and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

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

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

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, 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 to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any juvenile and domestic relations district court by filing with the court an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, 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 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

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

556 G. Either party may at any time file a written motion with the court requesting a hearing to dissolve  
557 or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on  
558 the docket of the court.

559 H. As used in this section:

560 "Copy" includes a facsimile copy; and

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

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

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

568 K. *Upon issuance of a protective order, the court shall provide the petitioner with a list of firearms  
569 safety or training courses or classes that are available free of charge to victims of domestic violence,  
570 sexual abuse, stalking, and family abuse under § 9.1-116.1.*

571 **§ 19.2-152.8. Emergency protective orders authorized.**

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

575 B. When a law-enforcement officer or an alleged victim asserts under oath to a judge or magistrate  
576 that such person is being or has been subjected to an act of violence, force, or threat and on that  
577 assertion or other evidence the judge or magistrate finds that (i) there is probable danger of a further  
578 such act being committed by the respondent against the alleged victim or (ii) a petition or warrant for  
579 the arrest of the respondent has been issued for any criminal offense resulting from the commission of  
580 an act of violence, force, or threat, the judge or magistrate shall issue an ex parte emergency protective  
581 order imposing one or more of the following conditions on the respondent:

582 1. Prohibiting acts of violence, force, or threat or criminal offenses resulting in injury to person or  
583 property;

584 2. Prohibiting such contacts by the respondent with the alleged victim or the alleged victim's family  
585 or household members as the judge or magistrate deems necessary to protect the safety of such persons;

586 3. Such other conditions as the judge or magistrate deems necessary to prevent (i) acts of violence,  
587 force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or  
588 other contact of any kind by the respondent; and

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

591 C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the  
592 third day following issuance. If the expiration occurs on a day that the court is not in session, the  
593 emergency protective order shall be extended until 11:59 p.m. on the next day that the court which  
594 issued the order is in session. The respondent may at any time file a motion with the court requesting a  
595 hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the  
596 docket of the court.

597 D. A law-enforcement officer may request an emergency protective order pursuant to this section  
598 and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant  
599 to § 19.2-152.9 or 19.2-152.10, may request the extension of an emergency protective order for an  
600 additional period of time not to exceed three days after expiration of the original order. The request for  
601 an emergency protective order or extension of an order may be made orally, in person or by electronic  
602 means, and the judge of a circuit court, general district court, or juvenile and domestic relations district  
603 court or a magistrate may issue an oral emergency protective order. An oral emergency protective order  
604 issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the  
605 order or the magistrate, on a preprinted form approved and provided by the Supreme Court of Virginia.  
606 The completed form shall include a statement of the grounds for the order asserted by the officer or the  
607 alleged victim of such crime.

608 E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day  
609 on which the order was issued, enter and transfer electronically to the Virginia Criminal Information  
610 Network the respondent's identifying information and the name, date of birth, sex, and race of each  
611 protected person provided to the court or magistrate. A copy of an emergency protective order issued  
612 pursuant to this section containing any such identifying information shall be forwarded forthwith to the

primary law-enforcement agency responsible for service and entry of protective orders. 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 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 the order shall be served forthwith upon the respondent and due return made to 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 containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, 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 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. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the Virginia Criminal Information Network and make due return to the court. One copy of the order shall be given to the alleged victim of such crime. The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement officer shall verify the written order to determine whether the officer who reduced it to writing accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of the appropriate district court within five business days of 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 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 and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court. Upon request, the clerk shall provide the alleged victim of such crime with information regarding the date and time of service.

F. The issuance of an emergency protective order shall not be considered evidence of any 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 § 15.2-1731. Part-time employees are compensated officers who are not full-time employees as defined by the employing police 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.

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

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

K. No emergency protective order shall be issued pursuant to this section against a law-enforcement officer for any action arising out of the lawful performance of his duties.

*L. Upon issuance of an emergency protective order, the court or magistrate shall provide the petitioner with a list of firearms safety or training courses or classes that are available free of charge to victims of domestic violence, sexual abuse, stalking, and family abuse under § 9.1-116.1.*

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

A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable period of time, subjected to an act of violence, force, or threat, or (ii) a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat, the court may issue a preliminary protective order against the alleged perpetrator 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. Immediate and present danger of any act of violence, force, or threat or evidence sufficient to establish probable cause that an act of violence, force, or threat has recently occurred shall constitute good cause.

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

1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to

674 person or property;

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

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

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

682 B. The court shall forthwith, but in all cases no later than the end of the business day on which the  
683 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the  
684 respondent's identifying information and the name, date of birth, sex, and race of each protected person  
685 provided to the court. A copy of a preliminary protective order containing any such identifying  
686 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service  
687 and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the  
688 agency shall forthwith verify and enter any modification as necessary to the identifying information and  
689 other appropriate information required by the Department of State Police into the Virginia Criminal  
690 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et  
691 seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided  
692 in § 16.1-264, and due return made to the court. However, if the order is issued by the circuit court, the  
693 clerk of the circuit court shall forthwith forward an attested copy of the order containing the  
694 respondent's identifying information and the name, date of birth, sex, and race of each protected person  
695 provided to the court to the primary law-enforcement agency providing service and entry of protective  
696 orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the  
697 person subject to the order and other appropriate information required by the Department of State Police  
698 into the Virginia Criminal Information Network established and maintained by the Department pursuant  
699 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged  
700 perpetrator in person as provided in § 16.1-264. Upon service, the agency making service shall enter the  
701 date and time of service and other appropriate information required by the Department of State Police  
702 into the Virginia Criminal Information Network and make due return to the court. The preliminary order  
703 shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the  
704 preliminary order. If the respondent fails to appear at this hearing because the respondent was not  
705 personally served, the court may extend the protective order for a period not to exceed six months. The  
706 extended protective order shall be served as soon as possible on the respondent. However, upon motion  
707 of the respondent and for good cause shown, the court may continue the hearing. The preliminary order  
708 shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the  
709 petitioner with a copy of the order and information regarding the date and time of service. The order  
710 shall further specify that either party may at any time file a motion with the court requesting a hearing  
711 to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of  
712 the court.

713 Upon receipt of the return of service or other proof of service pursuant to subsection C of  
714 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to  
715 primary law-enforcement agency and the agency shall forthwith verify and enter any modification as  
716 necessary into the Virginia Criminal Information Network as described above. If the order is later  
717 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded  
718 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders,  
719 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify  
720 and enter any modification as necessary to the identifying information and other appropriate information  
721 required by the Department of State Police into the Virginia Criminal Information Network as described  
722 above and the order shall be served forthwith and due return made to the court.

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

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

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

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

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

*H. Upon issuance of a preliminary protective order, the court shall provide the petitioner with a list of firearms safety or training courses or classes that are available free of charge to victims of domestic violence, sexual abuse, stalking, and family abuse under § 9.1-116.1.*

**§ 19.2-152.10. Protective order.**

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

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

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

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

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

B. The protective order may be issued for a specified period of time up to a maximum of two 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 day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. The court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order 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 if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

C. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order and containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. 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 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 the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded 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 and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

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

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

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, 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 to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person

797 against whom the order is sought to be enforced sufficient to protect such person's due process rights  
798 and consistent with federal law. A person entitled to protection under such a foreign order may file the  
799 order in any appropriate district court by filing with the court, an attested or exemplified copy of the  
800 order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary  
801 law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt,  
802 enter the name of the person subject to the order and other appropriate information required by the  
803 Department of State Police into the Virginia Criminal Information Network established and maintained  
804 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may  
805 transfer information electronically to the Virginia Criminal Information Network.

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

811 G. Either party may at any time file a written motion with the court requesting a hearing to dissolve  
812 or modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on  
813 the docket of the court.

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

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

820 J. As used in this section:

821 "Copy" includes a facsimile copy; and

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

823 K. *Upon issuance of a protective order, the court shall provide the petitioner with a list of firearms*  
824 *safety or training courses or classes that are available free of charge to victims of domestic violence,*  
825 *sexual abuse, stalking, and family abuse under § 9.1-116.1.*