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SENATE BILL NO. 1300

Senate Amendments in [] — February 2, 2017

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.

Patron Prior to Engrossment—Senator Vogel

Referred to Committee for Courts of Justice

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

141 37. Establish training standards and publish and periodically update model policies for
142 law-enforcement personnel in the following subjects:

143 a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including
144 standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The
145 Department shall provide technical support and assistance to law-enforcement agencies in carrying out
146 the requirements set forth in subsection A of § 9.1-1301;

147 b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's
148 disease;

149 c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

150 d. Protocols for local and regional sexual assault response teams;

151 e. Communication of death notifications;

152 f. (Effective until July 1, 2018) The questioning of individuals suspected of driving while intoxicated
153 concerning the physical location of such individual's last consumption of an alcoholic beverage and the
154 communication of such information to the Alcoholic Beverage Control Board;

155 f. (Effective July 1, 2018) The questioning of individuals suspected of driving while intoxicated
156 concerning the physical location of such individual's last consumption of an alcoholic beverage and the
157 communication of such information to the Virginia Alcoholic Beverage Control Authority;

158 g. Vehicle patrol duties that embody current best practices for pursuits and for responding to
159 emergency calls;

160 h. Criminal investigations that embody current best practices for conducting photographic and live
161 lineups;

162 i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of
163 human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or
164 street patrol duties; and

165 j. Missing children, missing adults, and search and rescue protocol;

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

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

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

179 41. Promote community policing philosophy and practice throughout the Commonwealth by
180 providing community policing training and technical assistance statewide to all law-enforcement
181 agencies, community groups, public and private organizations and citizens; developing and distributing
182 innovative policing curricula and training tools on general community policing philosophy and practice

183 and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia
184 organizations with specific community policing needs; facilitating continued development and
185 implementation of community policing programs statewide through discussion forums for community
186 policing leaders, development of law-enforcement instructors; promoting a statewide community policing
187 initiative; and serving as a statewide information source on the subject of community policing including,
188 but not limited to periodic newsletters, a website and an accessible lending library;

189 42. Establish, in consultation with the Department of Education and the Virginia State Crime
190 Commission, compulsory minimum standards for employment and job-entry and in-service training
191 curricula and certification requirements for school security officers, which training and certification shall
192 be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such
193 training standards shall include, but shall not be limited to, the role and responsibility of school security
194 officers, relevant state and federal laws, school and personal liability issues, security awareness in the
195 school environment, mediation and conflict resolution, disaster and emergency response, and student
196 behavioral dynamics. The Department shall establish an advisory committee consisting of local school
197 board representatives, principals, superintendents, and school security personnel to assist in the
198 development of these standards and certification requirements;

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

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

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

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

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

220 48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and
221 attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human
222 trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

223 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of
224 § 46.2-117;

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

228 51. (Effective July 1, 2017) In accordance with § 9.1-102.1, design and approve the issuance of
229 photo-identification cards to private security services registrants registered pursuant to Article 4
230 (§ 9.1-138 et seq.);

231 52. In consultation with the State Council of Higher Education for Virginia and the Virginia
232 Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on
233 trauma-informed sexual assault investigation; ~~and~~

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

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

239 **§ 9.1-116.1. Virginia Sexual and Domestic Violence Victim Fund; purpose; guidelines.**

240 A. There is created the Virginia Sexual and Domestic Violence Victim Fund as a special
241 nonreverting fund to be administered by the Department of Criminal Justice Services to support the
242 prosecution of domestic violence cases and victim services.

243 B. The Department shall adopt guidelines, the purpose of which shall be to make funds available to
244 (i) local attorneys for the Commonwealth for the purpose of funding the cost of additional attorneys or

245 to further dedicate existing resources to prosecute felonies and misdemeanors involving domestic
 246 violence, sexual violence, sexual abuse, stalking, and family abuse; and (ii) law-enforcement authorities
 247 or appropriate programs, including civil legal assistance *and firearms safety or training courses or*
 248 *classes*, to assist in protecting and providing necessary services to victims of and children affected by
 249 domestic violence, sexual abuse, stalking, and family abuse. *For the purposes of clause (ii), "firearms*
 250 *safety or training course or class" means a course or class that is offered free of charge by a*
 251 *law-enforcement agency, community college, public or private institution of higher education, public or*
 252 *private institution or organization, or firearms training school to victims of domestic violence, sexual*
 253 *abuse, stalking, and family abuse that (a) has been approved by the Department and (b) utilizes*
 254 *instructors certified by the National Rifle Association or the Department. Any entity offering such*
 255 *firearms safety or training course or class may seek reimbursement from the Department, which [shall*
 256 *may] be paid from the Fund, for the cost of offering such course or class to such victims. The Board*
 257 *shall establish the process for seeking reimbursement from the Fund and may impose limits on the*
 258 *amount of reimbursement that any entity offering such course or class may receive.*

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

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

266 **§ 16.1-253.1. Preliminary protective orders in cases of family abuse; confidentiality.**

267 A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period
 268 of time, subjected to family abuse, the court may issue a preliminary protective order against an
 269 allegedly abusing person in order to protect the health and safety of the petitioner or any family or
 270 household member of the petitioner. The order may be issued in an ex parte proceeding upon good
 271 cause shown when the petition is supported by an affidavit or sworn testimony before the judge or
 272 intake officer. Immediate and present danger of family abuse or evidence sufficient to establish probable
 273 cause that family abuse has recently occurred shall constitute good cause. Evidence that the petitioner
 274 has been subjected to family abuse within a reasonable time and evidence of immediate and present
 275 danger of family abuse may be established by a showing that (i) the allegedly abusing person is
 276 incarcerated and is to be released from incarceration within 30 days following the petition or has been
 277 released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly
 278 abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the
 279 allegedly abusing person has made threatening contact with the petitioner while he was incarcerated,
 280 exhibiting a renewed threat to the petitioner of family abuse.

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

283 1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property.

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

286 3. Granting the petitioner possession of the premises occupied by the parties to the exclusion of the
 287 allegedly abusing person; however, no such grant of possession shall affect title to any real or personal
 288 property.

289 4. Enjoining the respondent from terminating any necessary utility service to a premises that the
 290 petitioner has been granted possession of pursuant to subdivision 3 or, where appropriate, ordering the
 291 respondent to restore utility services to such premises.

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

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

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

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

302 B. The court shall forthwith, but in all cases no later than the end of the business day on which the
 303 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the
 304 respondent's identifying information and the name, date of birth, sex, and race of each protected person
 305 provided to the court. A copy of a preliminary protective order containing any such identifying

306 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service
307 and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the
308 agency shall forthwith verify and enter any modification as necessary to the identifying information and
309 other appropriate information required by the Department of State Police into the Virginia Criminal
310 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et
311 seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as
312 provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit
313 court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the
314 respondent's identifying information and the name, date of birth, sex, and race of each protected person
315 provided to the court to the primary law-enforcement agency providing service and entry of protective
316 orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the
317 person subject to the order and other appropriate information required by the Department of State Police
318 into the Virginia Criminal Information Network established and maintained by the Department pursuant
319 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly
320 abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter
321 the date and time of service and other appropriate information required by the Department of State
322 Police into the Virginia Criminal Information Network and make due return to the court. The
323 preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of
324 the issuance of the preliminary order. If the respondent fails to appear at this hearing because the
325 respondent was not personally served, or if personally served was incarcerated and not transported to the
326 hearing, the court may extend the protective order for a period not to exceed six months. The extended
327 protective order shall be served forthwith on the respondent. However, upon motion of the respondent
328 and for good cause shown, the court may continue the hearing. The preliminary order shall remain in
329 effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with
330 a copy of the order and information regarding the date and time of service. The order shall further
331 specify that either party may at any time file a motion with the court requesting a hearing to dissolve or
332 modify the order. The hearing on the motion shall be given precedence on the docket of the court.

333 Upon receipt of the return of service or other proof of service pursuant to subsection C of
334 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the
335 primary law-enforcement agency, and the agency shall forthwith verify and enter any modification as
336 necessary into the Virginia Criminal Information Network as described above. If the order is later
337 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded
338 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders,
339 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify
340 and enter any modification as necessary to the identifying information and other appropriate information
341 required by the Department of State Police into the Virginia Criminal Information Network as described
342 above and the order shall be served forthwith and due return made to the court.

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

345 D. At a full hearing on the petition, the court may issue a protective order pursuant to § 16.1-279.1 if
346 the court finds that the petitioner has proven the allegation of family abuse by a preponderance of the
347 evidence.

348 E. 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
351 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme
352 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

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

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

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

358 **§ 16.1-253.4. Emergency protective orders authorized in certain cases; penalty.**

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

362 B. When a law-enforcement officer or an allegedly abused person asserts under oath to a judge or
363 magistrate, and on that assertion or other evidence the judge or magistrate (i) finds that a warrant for a
364 violation of § 18.2-57.2 has been issued or issues a warrant for violation of § 18.2-57.2 and finds that
365 there is probable danger of further acts of family abuse against a family or household member by the
366 respondent or (ii) finds that reasonable grounds exist to believe that the respondent has committed
367 family abuse and there is probable danger of a further such offense against a family or household

368 member by the respondent, the judge or magistrate shall issue an ex parte emergency protective order,
 369 except if the respondent is a minor, an emergency protective order shall not be required, imposing one
 370 or more of the following conditions on the respondent:

371 1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;

372 2. Prohibiting such contacts by the respondent with the allegedly abused person or family or
 373 household members of the allegedly abused person, including prohibiting the respondent from being in
 374 the physical presence of the allegedly abused person or family or household members of the allegedly
 375 abused person, as the judge or magistrate deems necessary to protect the safety of such persons;

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

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

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

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

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

408 E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day
 409 on which the order was issued, enter and transfer electronically to the Virginia Criminal Information
 410 Network the respondent's identifying information and the name, date of birth, sex, and race of each
 411 protected person provided to the court or magistrate. A copy of an emergency protective order issued
 412 pursuant to this section containing any such identifying information shall be forwarded forthwith to the
 413 primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of
 414 the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any
 415 modification as necessary to the identifying information and other appropriate information required by
 416 the Department of State Police into the Virginia Criminal Information Network established and
 417 maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be
 418 served forthwith upon the respondent and due return made to the court. However, if the order is issued
 419 by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order
 420 containing the respondent's identifying information and the name, date of birth, sex, and race of each
 421 protected person provided to the court to the primary law-enforcement agency providing service and
 422 entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter
 423 the name of the person subject to the order and other appropriate information required by the
 424 Department of State Police into the Virginia Criminal Network established and maintained by the
 425 Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith
 426 on the respondent. Upon service, the agency making service shall enter the date and time of service and
 427 other appropriate information required by the Department of State Police into the Virginia Criminal
 428 Information Network and make due return to the court. One copy of the order shall be given to the

429 allegedly abused person when it is issued, and one copy shall be filed with the written report required
430 by subsection D of § 19.2-81.3. The judge or magistrate who issues an oral order pursuant to an
431 electronic request by a law-enforcement officer shall verify the written order to determine whether the
432 officer who reduced it to writing accurately transcribed the contents of the oral order. The original copy
433 shall be filed with the clerk of the juvenile and domestic relations district court within five business
434 days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution or
435 modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency
436 responsible for service and entry of protective orders, and upon receipt of the order by the primary
437 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the
438 identifying information and other appropriate information required by the Department of State Police
439 into the Virginia Criminal Information Network as described above and the order shall be served
440 forthwith and due return made to the court. Upon request, the clerk shall provide the allegedly abused
441 person with information regarding the date and time of service.

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

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

446 H. As used in this section, "law-enforcement officer" means (i) any full-time or part-time employee
447 of a police department or sheriff's office which is part of or administered by the Commonwealth or any
448 political subdivision thereof and who is responsible for the prevention and detection of crime and the
449 enforcement of the penal, traffic, or highway laws of the Commonwealth; (ii) any member of an
450 auxiliary police force established pursuant to § 15.2-1731; and (iii) any special conservator of the peace
451 who meets the certification requirements for a law-enforcement officer as set forth in § 15.2-1706.
452 Part-time employees are compensated officers who are not full-time employees as defined by the
453 employing police department or sheriff's office.

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

459 J. As used in this section:

460 "Copy" includes a facsimile copy.

461 "Physical presence" includes (i) intentionally maintaining direct visual contact with the petitioner or
462 (ii) unreasonably being within 100 feet from the petitioner's residence or place of employment.

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

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

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

469 **§ 16.1-279.1. Protective order in cases of family abuse.**

470 A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated
471 respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the
472 court may issue a protective order to protect the health and safety of the petitioner and family or
473 household members of the petitioner. A protective order issued under this section may include any one
474 or more of the following conditions to be imposed on the respondent:

475 1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;

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

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

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

483 5. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner
484 alone or jointly owned by the parties to the exclusion of the respondent and enjoining the respondent
485 from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent
486 to maintain the insurance, registration, and taxes, as appropriate; however, no such grant of possession
487 or use shall affect title to the vehicle;

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

491 7. Ordering the respondent to participate in treatment, counseling or other programs as the court
492 deems appropriate;

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

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

497 A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary
498 child support order for the support of any children of the petitioner whom the respondent has a legal
499 obligation to support. Such order shall terminate upon the determination of support pursuant to
500 § 20-108.1.

501 B. The protective order may be issued for a specified period of time up to a maximum of two years.
502 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
503 of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner
504 may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective
505 order shall be given precedence on the docket of the court. If the petitioner was a family or household
506 member of the respondent at the time the initial protective order was issued, the court may extend the
507 protective order for a period not longer than two years to protect the health and safety of the petitioner
508 or persons who are family or household members of the petitioner at the time the request for an
509 extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day
510 specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein
511 shall limit the number of extensions that may be requested or issued.

512 C. A copy of the protective order shall be served on the respondent and provided to the petitioner as
513 soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith,
514 but in all cases no later than the end of the business day on which the order was issued, enter and
515 transfer electronically to the Virginia Criminal Information Network the respondent's identifying
516 information and the name, date of birth, sex, and race of each protected person provided to the court
517 and shall forthwith forward the attested copy of the protective order containing any such identifying
518 information to the primary law-enforcement agency responsible for service and entry of protective
519 orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith
520 verify and enter any modification as necessary to the identifying information and other appropriate
521 information required by the Department of State Police into the Virginia Criminal Information Network
522 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and
523 the order shall be served forthwith upon the respondent and due return made to the court. Upon service,
524 the agency making service shall enter the date and time of service and other appropriate information
525 required by the Department of State Police into the Virginia Criminal Information Network and make
526 due return to the court. If the order is later dissolved or modified, a copy of the dissolution or
527 modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency
528 responsible for service and entry of protective orders, and upon receipt of the order by the primary
529 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the
530 identifying information and other appropriate information required by the Department of State Police
531 into the Virginia Criminal Information Network as described above and the order shall be served
532 forthwith and due return made to the court.

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

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

537 F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate
538 jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths,
539 the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing
540 violent or threatening acts or harassment against or contact or communication with or physical proximity
541 to another person, including any of the conditions specified in subsection A, shall be accorded full faith
542 and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided
543 reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person
544 against whom the order is sought to be enforced sufficient to protect such person's due process rights
545 and consistent with federal law. A person entitled to protection under such a foreign order may file the
546 order in any juvenile and domestic relations district court by filing with the court an attested or
547 exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of
548 the order to the primary law-enforcement agency responsible for service and entry of protective orders
549 which shall, upon receipt, enter the name of the person subject to the order and other appropriate
550 information required by the Department of State Police into the Virginia Criminal Information Network
551 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where

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

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

561 H. As used in this section:

562 "Copy" includes a facsimile copy; and

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

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

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

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

573 **§ 19.2-152.8. Emergency protective orders authorized.**

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

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

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

586 2. Prohibiting such contacts by the respondent with the alleged victim or the alleged victim's family
587 or household members, including prohibiting the respondent from being in the physical presence of the
588 alleged victim or the alleged victim's family or household members, as the judge or magistrate deems
589 necessary to protect the safety of such persons;

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

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

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

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

612 E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day
613 on which the order was issued, enter and transfer electronically to the Virginia Criminal Information

614 Network the respondent's identifying information and the name, date of birth, sex, and race of each
 615 protected person provided to the court or magistrate. A copy of an emergency protective order issued
 616 pursuant to this section containing any such identifying information shall be forwarded forthwith to the
 617 primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of
 618 the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any
 619 modification as necessary to the identifying information and other appropriate information required by
 620 the Department of State Police into the Virginia Criminal Information Network established and
 621 maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be
 622 served forthwith upon the respondent and due return made to the court. However, if the order is issued
 623 by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order
 624 containing the respondent's identifying information and the name, date of birth, sex, and race of each
 625 protected person provided to the court to the primary law-enforcement agency providing service and
 626 entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter
 627 the name of the person subject to the order and other appropriate information required by the
 628 Department of State Police into the Virginia Criminal Information Network established and maintained
 629 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served
 630 forthwith upon the respondent. Upon service, the agency making service shall enter the date and time of
 631 service and other appropriate information required into the Virginia Criminal Information Network and
 632 make due return to the court. One copy of the order shall be given to the alleged victim of such crime.
 633 The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement
 634 officer shall verify the written order to determine whether the officer who reduced it to writing
 635 accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of
 636 the appropriate district court within five business days of the issuance of the order. If the order is later
 637 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded
 638 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders,
 639 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify
 640 and enter any modification as necessary to the identifying information and other appropriate information
 641 required by the Department of State Police into the Virginia Criminal Information Network as described
 642 above and the order shall be served forthwith and due return made to the court. Upon request, the clerk
 643 shall provide the alleged victim of such crime with information regarding the date and time of service.

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

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

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

658 I. As used in this section:

659 "Copy" includes a facsimile copy.

660 "Physical presence" includes (i) intentionally maintaining direct visual contact with the petitioner or
 661 (ii) unreasonably being within 100 feet from the petitioner's residence or place of employment.

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

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

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

668 **§ 19.2-152.9. Preliminary protective orders.**

669 A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable
 670 period of time, subjected to an act of violence, force, or threat, or (ii) a petition or warrant has been
 671 issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of
 672 an act of violence, force, or threat, the court may issue a preliminary protective order against the alleged
 673 perpetrator in order to protect the health and safety of the petitioner or any family or household member
 674 of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the

675 petition is supported by an affidavit or sworn testimony before the judge or intake officer. Immediate
676 and present danger of any act of violence, force, or threat or evidence sufficient to establish probable
677 cause that an act of violence, force, or threat has recently occurred shall constitute good cause.

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

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

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

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

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

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

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

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

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

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

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

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

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

746 **§ 19.2-152.10. Protective order.**

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

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

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

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

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

762 B. The protective order may be issued for a specified period of time up to a maximum of two years.
 763 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
 764 of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner
 765 may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective
 766 order shall be given precedence on the docket of the court. The court may extend the protective order
 767 for a period not longer than two years to protect the health and safety of the petitioner or persons who
 768 are family or household members of the petitioner at the time the request for an extension is made. The
 769 extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on
 770 the last day of the two-year period if no date is specified. Nothing herein shall limit the number of
 771 extensions that may be requested or issued.

772 C. A copy of the protective order shall be served on the respondent and provided to the petitioner as
 773 soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith,
 774 but in all cases no later than the end of the business day on which the order was issued, enter and
 775 transfer electronically to the Virginia Criminal Information Network the respondent's identifying
 776 information and the name, date of birth, sex, and race of each protected person provided to the court
 777 and shall forthwith forward the attested copy of the protective order and containing any such identifying
 778 information to the primary law-enforcement agency responsible for service and entry of protective
 779 orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith
 780 verify and enter any modification as necessary to the identifying information and other appropriate
 781 information required by the Department of State Police into the Virginia Criminal Information Network
 782 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and
 783 the order shall be served forthwith upon the respondent and due return made to the court. Upon service,
 784 the agency making service shall enter the date and time of service and other appropriate information
 785 required into the Virginia Criminal Information Network and make due return to the court. If the order
 786 is later dissolved or modified, a copy of the dissolution or modification order shall also be attested,
 787 forwarded forthwith to the primary law-enforcement agency responsible for service and entry of
 788 protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall
 789 forthwith verify and enter any modification as necessary to the identifying information and other
 790 appropriate information required by the Department of State Police into the Virginia Criminal
 791 Information Network as described above and the order shall be served forthwith and due return made to
 792 the court.

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

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

797 F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate

798 jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths,
799 the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing
800 violent or threatening acts or harassment against or contact or communication with or physical proximity
801 to another person, including any of the conditions specified in subsection A, shall be accorded full faith
802 and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided
803 reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person
804 against whom the order is sought to be enforced sufficient to protect such person's due process rights
805 and consistent with federal law. A person entitled to protection under such a foreign order may file the
806 order in any appropriate district court by filing with the court, an attested or exemplified copy of the
807 order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary
808 law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt,
809 enter the name of the person subject to the order and other appropriate information required by the
810 Department of State Police into the Virginia Criminal Information Network established and maintained
811 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may
812 transfer information electronically to the Virginia Criminal Information Network.

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

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

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

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

827 J. As used in this section:

828 "Copy" includes a facsimile copy; and

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

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