

ENROLLED  
HB181ER

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 16.1-253.2 and 18.2-60.4 of the Code of Virginia, relating to violation*  
3 *of provisions of protective order; venue.*

4 [H 1181]  
5 Approved

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

7 **1. That §§ 16.1-253.2 and 18.2-60.4 of the Code of Virginia are amended and reenacted as follows:**  
8 **§ 16.1-253.2. Violation of provisions of protective orders; penalty.**

9 A. In addition to any other penalty provided by law, any person who violates any provision of a  
10 protective order issued pursuant to § 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or  
11 subsection B of § 20-103, when such violation involves a provision of the protective order that prohibits  
12 such person from (i) going or remaining upon land, buildings, or premises; (ii) further acts of family  
13 abuse; or (iii) committing a criminal offense, or which prohibits contacts by the respondent with the  
14 allegedly abused person or family or household members of the allegedly abused person as the court  
15 deems appropriate, is guilty of a Class 1 misdemeanor. The punishment for any person convicted of a  
16 second offense of violating a protective order, when the offense is committed within five years of the  
17 prior conviction and when either the instant or prior offense was based on an act or threat of violence,  
18 shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or  
19 subsequent offense of violating a protective order, when the offense is committed within 20 years of the  
20 first conviction and when either the instant or one of the prior offenses was based on an act or threat of  
21 violence is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of  
22 confinement of six months. The mandatory minimum terms of confinement prescribed for violations of  
23 this section shall be served consecutively with any other sentence.

24 B. In addition to any other penalty provided by law, any person who, while knowingly armed with a  
25 firearm or other deadly weapon, violates any provision of a protective order with which he has been  
26 served issued pursuant to § 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or subsection B  
27 of § 20-103 is guilty of a Class 6 felony.

28 C. If the respondent commits an assault and battery upon any party protected by the protective order  
29 resulting in bodily injury to the party or stalks any party protected by the protective order in violation of  
30 § 18.2-60.3, he is guilty of a Class 6 felony. Any person who violates such a protective order by  
31 furtively entering the home of any protected party while the party is present, or by entering and  
32 remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in  
33 addition to any other penalty provided by law.

34 D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement  
35 is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire  
36 term imposed be suspended. Upon conviction, the court shall, in addition to the sentence imposed, enter  
37 a protective order pursuant to § 16.1-279.1 for a specified period not exceeding two years from the date  
38 of conviction.

39 *E. A violation of this section may be prosecuted in the jurisdiction where the protective order was*  
40 *issued or in any county or city where any act constituting the violation of the protective order occurred.*

41 **§ 18.2-60.4. Violation of protective orders; penalty.**

42 A. Any person who violates any provision of a protective order issued pursuant to § 19.2-152.8,  
43 19.2-152.9, or 19.2-152.10 is guilty of a Class 1 misdemeanor. Conviction hereunder shall bar a finding  
44 of contempt for the same act. The punishment for any person convicted of a second offense of violating  
45 a protective order, when the offense is committed within five years of the prior conviction and when  
46 either the instant or prior offense was based on an act or threat of violence, shall include a mandatory  
47 minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of  
48 violating a protective order, when the offense is committed within 20 years of the first conviction and  
49 when either the instant or one of the prior offenses was based on an act or threat of violence, is guilty  
50 of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six  
51 months. The mandatory minimum terms of confinement prescribed for violations of this section shall be  
52 served consecutively with any other sentence.

53 B. In addition to any other penalty provided by law, any person who, while knowingly armed with a  
54 firearm or other deadly weapon, violates any provision of a protective order with which he has been  
55 served issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 is guilty of a Class 6 felony.

56 C. If the respondent commits an assault and battery upon any party protected by the protective order

57 resulting in bodily injury to the party or stalks any party protected by the protective order in violation of  
58 § 18.2-60.3, he is guilty of a Class 6 felony. Any person who violates such a protective order by  
59 furtively entering the home of any protected party while the party is present, or by entering and  
60 remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in  
61 addition to any other penalty provided by law.

62 D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement  
63 is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire  
64 term imposed be suspended.

65 E. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order  
66 pursuant to § 19.2-152.10 for a specified period not exceeding two years from the date of conviction.

67 *F. A violation of this section may be prosecuted in the jurisdiction where the protective order was*  
68 *issued or in any county or city where any act constituting the violation of the protective order occurred.*