

23103914D

**HOUSE BILL NO. 1897**

Offered January 11, 2023

Prefiled January 10, 2023

*A BILL to amend and reenact §§ 16.1-253.1, 16.1-279.1, 19.2-152.9, and 19.2-152.10 of the Code of Virginia, relating to protective orders; extensions and continuances; other monetary relief; penalty.*

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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 §§ 16.1-253.1, 16.1-279.1, 19.2-152.9, and 19.2-152.10 of the Code of Virginia are amended and reenacted as follows:**

**§ 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. If an ex parte order is issued without an affidavit or a completed form as prescribed by subsection D of § 16.1-253.4 being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings. 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 and, where appropriate, any other family or household member of the petitioner, exclusive use and possession of a cellular telephone number or electronic device. The court may enjoin the respondent from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider. The court may enjoin the respondent from using a cellular telephone or other electronic device to locate the petitioner.
  6. 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.
  7. 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.
  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.
  9. 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

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59 respondent's identifying information and the name, date of birth, sex, and race of each protected person  
60 provided to the court. A copy of a preliminary protective order containing any such identifying  
61 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service  
62 and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the  
63 agency shall forthwith verify and enter any modification as necessary to the identifying information and  
64 other appropriate information required by the Department of State Police into the Virginia Criminal  
65 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et  
66 seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as  
67 provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit  
68 court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the  
69 respondent's identifying information and the name, date of birth, sex, and race of each protected person  
70 provided to the court to the primary law-enforcement agency providing service and entry of protective  
71 orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the  
72 person subject to the order and other appropriate information required by the Department of State Police  
73 into the Virginia Criminal Information Network established and maintained by the Department pursuant  
74 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly  
75 abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter  
76 the date and time of service and other appropriate information required by the Department of State  
77 Police into the Virginia Criminal Information Network and make due return to the court. The  
78 preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of  
79 the issuance of the preliminary order, unless the *hearing has been continued pursuant to this subsection*  
80 *or* court is closed pursuant to § 16.1-69.35 or 17.1-207 and such closure prevents the hearing from being  
81 held within such time period, in which case the hearing shall be held on the next day not a Saturday,  
82 Sunday, legal holiday, or day on which the court is lawfully closed. If such court is closed pursuant to  
83 § 16.1-69.35 or 17.1-207, the preliminary protective order shall remain in full force and effect until it is  
84 dissolved by such court, until another preliminary protective order is entered, or until a protective order  
85 is entered. If the respondent fails to appear at this hearing because the respondent was not personally  
86 served, or if personally served was incarcerated and not transported to the hearing, the court may extend  
87 the protective order for a period not to exceed six months. The extended protective order shall be served  
88 forthwith on the respondent. However, upon motion of the *petitioner or* respondent and for good cause  
89 shown, the court may continue the hearing. The preliminary order shall remain in effect until the  
90 hearing. Upon request after the order is issued, the clerk shall provide the petitioner with a copy of the  
91 order and information regarding the date and time of service. The order shall further specify that either  
92 party may at any time file a motion with the court requesting a hearing to dissolve or modify the order.  
93 The hearing on the motion shall be given precedence on the docket of the court. Upon petitioner's  
94 motion to dissolve the preliminary protective order, a dissolution order may be issued ex parte by the  
95 court with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as  
96 practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution  
97 order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

98 Upon receipt of the return of service or other proof of service pursuant to subsection C of  
99 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the  
100 primary law-enforcement agency, and the agency shall forthwith verify and enter any modification as  
101 necessary into the Virginia Criminal Information Network as described above. If the order is later  
102 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded  
103 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders,  
104 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify  
105 and enter any modification as necessary to the identifying information and other appropriate information  
106 required by the Department of State Police into the Virginia Criminal Information Network as described  
107 above and the order shall be served forthwith and due return made to the court.

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

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

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

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

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

120 H. Upon issuance of a preliminary protective order, the clerk of the court shall make available to the

petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

**§ 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 and, where appropriate, any other family or household member of the petitioner, exclusive use and possession of a cellular telephone number or electronic device. The court may enjoin the respondent from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider. The court may enjoin the respondent from using a cellular telephone or other electronic device to locate the petitioner;

6. 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;

7. 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;

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

9. 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

10. 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~~:

1. 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.

2. The court may also award other monetary relief or financial support to the petitioner for the protection of the petitioner and any other family or household member of the petitioner.

B. 1. 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. A written motion requesting a hearing to extend the protective order shall be served as soon as possible on the respondent.

If the petitioner was a family or household member of the respondent 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.

2. Upon the filing of a written motion requesting a hearing to extend the protective order, the court may extend the protective order until the extension hearing. If the respondent fails to appear at the extension hearing because the respondent was not personally served, the court may extend the protective order for an additional period not to exceed six months. The extended protective order shall be served as soon as possible on the respondent. If the respondent was personally served, upon motion of the respondent and for good cause shown, the court may continue the extension hearing and such protective order shall remain in effect until the extension hearing.

182 C. A copy of the protective order shall be served on the respondent and provided to the petitioner as  
183 soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith,  
184 but in all cases no later than the end of the business day on which the order was issued, enter and  
185 transfer electronically to the Virginia Criminal Information Network the respondent's identifying  
186 information and the name, date of birth, sex, and race of each protected person provided to the court  
187 and shall forthwith forward the attested copy of the protective order containing any such identifying  
188 information to the primary law-enforcement agency responsible for service and entry of protective  
189 orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith  
190 verify and enter any modification as necessary to the identifying information and other appropriate  
191 information required by the Department of State Police into the Virginia Criminal Information Network  
192 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and  
193 the order shall be served forthwith upon the respondent and due return made to the court. Upon service,  
194 the agency making service shall enter the date and time of service and other appropriate information  
195 required by the Department of State Police into the Virginia Criminal Information Network and make  
196 due return to the court. If the order is later dissolved or modified, a copy of the dissolution or  
197 modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency  
198 responsible for service and entry of protective orders, and upon receipt of the order by the primary  
199 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the  
200 identifying information and other appropriate information required by the Department of State Police  
201 into the Virginia Criminal Information Network as described above and the order shall be served  
202 forthwith and due return made to the court.

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

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

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

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

228 G. Either party may at any time file a written motion with the court requesting a hearing to dissolve  
229 or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on  
230 the docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order  
231 may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be  
232 heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a  
233 copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

234 H. As used in this section:

235 "Copy" includes a facsimile copy; ~~and~~.

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

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

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

243 K. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner

information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

L. An appeal of a protective order issued pursuant to this section shall be given expedited review by the Court of Appeals.

**§ 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. If an ex parte order is issued without an affidavit or a completed form as prescribed by subsection D of § 19.2-152.8 being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings. 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 person or property;

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

3. Such other conditions as the court deems 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 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 alleged perpetrator 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 alleged perpetrator 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, unless the *hearing has been continued pursuant to this subsection or the court is closed pursuant to § 16.1-69.35 or 17.1-207 and such closure prevents the hearing from being held within such time period, in which case the hearing shall be held on the next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. If such court is closed pursuant to § 16.1-69.35 or 17.1-207, the preliminary protective order shall remain in full force and effect until it is dissolved by such court, until another preliminary protective order is entered, or until a protective order is entered. If the respondent fails to appear at this hearing because the respondent was not personally served, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served as soon as possible on the respondent. However, upon motion of the petitioner or 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*

305 provide the petitioner with a copy of the order and information regarding the date and time of service.  
306 The order shall further specify that either party may at any time file a motion with the court requesting  
307 a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the  
308 docket of the court. Upon petitioner's motion to dissolve the preliminary protective order, a dissolution  
309 order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it  
310 shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court  
311 shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and  
312 8.01-296.

313 Upon receipt of the return of service or other proof of service pursuant to subsection C of  
314 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to  
315 primary law-enforcement agency and the agency shall forthwith verify and enter any modification as  
316 necessary into the Virginia Criminal Information Network as described above. If the order is later  
317 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded  
318 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders,  
319 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify  
320 and enter any modification as necessary to the identifying information and other appropriate information  
321 required by the Department of State Police into the Virginia Criminal Information Network as described  
322 above and the order shall be served forthwith and due return made to the court.

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

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

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

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

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

336 H. Upon issuance of a preliminary protective order, the clerk of the court shall make available to the  
337 petitioner information that is published by the Department of Criminal Justice Services for victims of  
338 domestic violence or for petitioners in protective order cases.

339 **§ 19.2-152.10. Protective order.**

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

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

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

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

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

355 B. 1. Except as provided in subsection C, the protective order may be issued for a specified period  
356 of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day  
357 specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the  
358 expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend  
359 the order. Proceedings to extend a protective order shall be given precedence on the docket of the court.  
360 *A written motion requesting a hearing to extend the protective order shall be served as soon as possible*  
361 *on the respondent.*

362 The court may extend the protective order for a period not longer than two years to protect the  
363 health and safety of the petitioner or persons who are family or household members of the petitioner at  
364 the time the request for an extension is made. The extension of the protective order shall expire at 11:59  
365 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  
366 specified. Nothing herein shall limit the number of extensions that may be requested or issued.

2. Upon the filing of a written motion requesting a hearing to extend the protective order, the court may extend the protective order until the extension hearing. If the respondent fails to appear at the extension hearing because the respondent was not personally served, the court may extend the protective order for an additional period not to exceed six months. The extended protective order shall be served as soon as possible on the respondent. If the respondent was personally served, upon motion of the respondent and for good cause shown, the court may continue the extension hearing and such protective order shall remain in effect until the extension hearing.

C. Upon conviction for an act of violence as defined in § 19.2-297.1 and upon the request of the victim or of the attorney for the Commonwealth on behalf of the victim, the court may issue a protective order to the victim pursuant to this chapter to protect the health and safety of the victim. The protective order may be issued for any reasonable period of time, including up to the lifetime of the defendant, that the court deems necessary to protect the health and safety of the victim. The protective order shall expire at 11:59 p.m. on the last day specified in the protective order, if any. Upon a conviction for violation of a protective order issued pursuant to this subsection, the court that issued the original protective order may extend the protective order as the court deems necessary to protect the health and safety of the victim. The extension of the protective order shall expire at 11:59 p.m. on the last day specified, if any. Nothing herein shall limit the number of extensions that may be issued.

D. 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.

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

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

G. 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 appropriate 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.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been

428 provided to him by any source and may also rely upon the statement of any person protected by the  
429 order that the order remains in effect.

430 H. Either party may at any time file a written motion with the court requesting a hearing to dissolve  
431 or modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on  
432 the docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order  
433 may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be  
434 heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a  
435 copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

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

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

442 K. As used in this section:

443 "Copy" includes a facsimile copy; and.

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

445 L. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner  
446 information that is published by the Department of Criminal Justice Services for victims of domestic  
447 violence or for petitioners in protective order cases.

448 M. An appeal of a protective order issued pursuant to this section shall be given expedited review by  
449 the Court of Appeals.

450 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
451 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**  
452 **necessary appropriation cannot be determined for periods of imprisonment in state adult**  
453 **correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I,**  
454 **requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of**  
455 **\$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
456 **appropriation cannot be determined for periods of commitment to the custody of the Department**  
457 **of Juvenile Justice.**