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**HOUSE BILL NO. 1897****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee for Courts of Justice  
on February 3, 2023)

(Patron Prior to Substitute—Delegate Bell)

*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.***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, *or the filing of a written motion requesting a hearing to extend a protective order pursuant to § 16.1-279.1 without alleging that the petitioner is or has been, within a reasonable period of time, subject 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 *or upon the filing of a written motion requesting a hearing to extend a protective order pursuant to § 16.1-279.1 without alleging that the petitioner is or has been, within a reasonable period of time, subject to family abuse*. 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

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

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

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

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

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

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

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

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

125 **§ 16.1-279.1. Protective order in cases of family abuse.**

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

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

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

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

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

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

144 6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner  
145 alone or jointly owned by the parties to the exclusion of the respondent and enjoining the respondent  
146 from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent  
147 to maintain the insurance, registration, and taxes, as appropriate; however, no such grant of possession  
148 or use shall affect title to the vehicle;

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

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

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

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

158 A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary  
159 child support order for the support of any children of the petitioner whom the respondent has a legal  
160 obligation to support. Such order shall terminate upon the determination of support pursuant to  
161 § 20-108.1.

162 B. 1. The protective order may be issued for a specified period of time up to a maximum of two  
163 years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the  
164 last day of the two-year period if no date is specified. Prior to the expiration of the protective order, a  
165 petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a  
166 protective order shall be given precedence on the docket of the court. *A written motion requesting a  
167 hearing to extend the protective order shall be served as soon as possible on the respondent.*

168 If the petitioner was a family or household member of the respondent at the time the initial  
169 protective order was issued, the court may extend the protective order for a period not longer than two  
170 years to protect the health and safety of the petitioner or persons who are family or household members  
171 of the petitioner at the time the request for an extension is made. The extension of the protective order  
172 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  
173 period if no date is specified. Nothing herein shall limit the number of extensions that may be requested  
174 or issued.

175 2. *Upon the filing of a written motion requesting a hearing to extend the protective order, the court  
176 may issue an ex parte preliminary protective order pursuant to § 16.1-253.1 until the extension hearing.  
177 The ex parte preliminary protective order shall specify a date for the extension hearing, which shall be  
178 held within 15 days of the issuance of the ex parte preliminary protective order and may be held after  
179 the expiration of the protective order. If the respondent fails to appear at the extension hearing because  
180 the respondent was not personally served, the court shall schedule a new date for the extension hearing  
181 and may extend the ex parte preliminary protective order until such new date. The extended ex parte  
182 preliminary protective order shall be served as soon as possible on the respondent. If the respondent*

183 *was personally served, where the petitioner shows by clear and convincing evidence that a continuance*  
184 *is necessary to meet the ends of justice or the respondent shows good cause, the court may continue the*  
185 *extension hearing and such ex parte preliminary protective order shall remain in effect until the*  
186 *extension hearing.*

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

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

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

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

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

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

239 H. As used in this section:

240 "Copy" includes a facsimile copy; and.

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

242 I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's  
243 office, nor any employee of them, may disclose, except among themselves, the residential address,  
244 telephone number, or place of employment of the person protected by the order or that of the family of

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

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

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

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

253 **§ 19.2-152.9. Preliminary protective orders.**

254 A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable  
255 period of time, subjected to an act of violence, force, or threat, or (ii) a petition or warrant has been  
256 issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of  
257 an act of violence, force, or threat, *or the filing of a written motion requesting a hearing to extend a*  
258 *protective order pursuant to § 19.2-152.10 without alleging that the petitioner is or has been, within a*  
259 *reasonable period of time, subject to an act of violence, force, or threat, or that a petition or warrant*  
260 *has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the*  
261 *commission of an act of violence, force, or threat*, the court may issue a preliminary protective order  
262 against the alleged perpetrator in order to protect the health and safety of the petitioner or any family or  
263 household member of the petitioner. The order may be issued in an ex parte proceeding upon good  
264 cause shown when the petition is supported by an affidavit or sworn testimony before the judge or  
265 intake officer *or upon the filing of a written motion requesting a hearing to extend a protective order*  
266 *pursuant to § 19.2-152.10*. If an ex parte order is issued without an affidavit or a completed form as  
267 prescribed by subsection D of § 19.2-152.8 being presented, the court, in its order, shall state the basis  
268 upon which the order was entered, including a summary of the allegations made and the court's findings.  
269 Immediate and present danger of any act of violence, force, or threat or evidence sufficient to establish  
270 probable cause that an act of violence, force, or threat has recently occurred shall constitute good cause.

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

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

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

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

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

282 B. The court shall forthwith, but in all cases no later than the end of the business day on which the  
283 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the  
284 respondent's identifying information and the name, date of birth, sex, and race of each protected person  
285 provided to the court. A copy of a preliminary protective order containing any such identifying  
286 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service  
287 and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the  
288 agency shall forthwith verify and enter any modification as necessary to the identifying information and  
289 other appropriate information required by the Department of State Police into the Virginia Criminal  
290 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et  
291 seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided  
292 in § 16.1-264, and due return made to the court. However, if the order is issued by the circuit court, the  
293 clerk of the circuit court shall forthwith forward an attested copy of the order containing the  
294 respondent's identifying information and the name, date of birth, sex, and race of each protected person  
295 provided to the court to the primary law-enforcement agency providing service and entry of protective  
296 orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the  
297 person subject to the order and other appropriate information required by the Department of State Police  
298 into the Virginia Criminal Information Network established and maintained by the Department pursuant  
299 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged  
300 perpetrator in person as provided in § 16.1-264. Upon service, the agency making service shall enter the  
301 date and time of service and other appropriate information required by the Department of State Police  
302 into the Virginia Criminal Information Network and make due return to the court. The preliminary order  
303 shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the  
304 preliminary order, unless the *hearing has been continued pursuant to this subsection or the court is*  
305 *closed pursuant to § 16.1-69.35 or 17.1-207 and such closure prevents the hearing from being held*

306 within such time period, in which case the hearing shall be held on the next day not a Saturday,  
307 Sunday, legal holiday, or day on which the court is lawfully closed. If such court is closed pursuant to  
308 § 16.1-69.35 or 17.1-207, the preliminary protective order shall remain in full force and effect until it is  
309 dissolved by such court, until another preliminary protective order is entered, or until a protective order  
310 is entered. If the respondent fails to appear at this hearing because the respondent was not personally  
311 served, the court may extend the protective order for a period not to exceed six months. The extended  
312 protective order shall be served as soon as possible on the respondent. However, ~~upon motion of where~~  
313 the respondent ~~and for~~ shows good cause shown, the court may continue the hearing. The preliminary  
314 order shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall  
315 provide the petitioner with a copy of the order and information regarding the date and time of service.  
316 The order shall further specify that either party may at any time file a motion with the court requesting  
317 a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the  
318 docket of the court. Upon petitioner's motion to dissolve the preliminary protective order, a dissolution  
319 order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it  
320 shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court  
321 shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and  
322 8.01-296.

323 Upon receipt of the return of service or other proof of service pursuant to subsection C of  
324 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to  
325 primary law-enforcement agency and the agency shall forthwith verify and enter any modification as  
326 necessary into the Virginia Criminal Information Network as described above. If the order is later  
327 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded  
328 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders,  
329 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify  
330 and enter any modification as necessary to the identifying information and other appropriate information  
331 required by the Department of State Police into the Virginia Criminal Information Network as described  
332 above and the order shall be served forthwith and due return made to the court.

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

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

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

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

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

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

349 **§ 19.2-152.10. Protective order.**

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

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

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

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

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

365 B. 1. Except as provided in subsection C, the protective order may be issued for a specified period  
366 of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day  
367 specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the

368 expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend  
 369 the order. Proceedings to extend a protective order shall be given precedence on the docket of the court.  
 370 *A written motion requesting a hearing to extend the protective order shall be served as soon as possible*  
 371 *on the respondent.*

372 The court may extend the protective order for a period not longer than two years to protect the  
 373 health and safety of the petitioner or persons who are family or household members of the petitioner at  
 374 the time the request for an extension is made. The extension of the protective order shall expire at 11:59  
 375 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  
 376 specified. Nothing herein shall limit the number of extensions that may be requested or issued.

377 2. *Upon the filing of a written motion requesting a hearing to extend the protective order, the court*  
 378 *may issue an ex parte protective order pursuant to § 19.2-152.9 until the extension hearing. The ex*  
 379 *parte preliminary protective order shall specify a date for the extension hearing, which shall be held*  
 380 *within 15 days of the issuance of the ex parte preliminary protective order and may be held after the*  
 381 *expiration of the protective order. If the respondent fails to appear at the extension hearing because the*  
 382 *respondent was not personally served, the court shall schedule a new date for the extension hearing and*  
 383 *may extend the ex parte protective order until such new date. The extended ex parte protective order*  
 384 *shall be served as soon as possible on the respondent. If the respondent was personally served, where*  
 385 *the petitioner shows by clear and convincing evidence that a continuance is necessary to meet the ends*  
 386 *of justice or the respondent shows good cause, the court may continue the extension hearing and such*  
 387 *ex parte protective order shall remain in effect until the extension hearing.*

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

398 D. A copy of the protective order shall be served on the respondent and provided to the petitioner as  
 399 soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith,  
 400 but in all cases no later than the end of the business day on which the order was issued, enter and  
 401 transfer electronically to the Virginia Criminal Information Network the respondent's identifying  
 402 information and the name, date of birth, sex, and race of each protected person provided to the court  
 403 and shall forthwith forward the attested copy of the protective order and containing any such identifying  
 404 information to the primary law-enforcement agency responsible for service and entry of protective  
 405 orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith  
 406 verify and enter any modification as necessary to the identifying information and other appropriate  
 407 information required by the Department of State Police into the Virginia Criminal Information Network  
 408 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and  
 409 the order shall be served forthwith upon the respondent and due return made to the court. Upon service,  
 410 the agency making service shall enter the date and time of service and other appropriate information  
 411 required into the Virginia Criminal Information Network and make due return to the court. If the order  
 412 is later dissolved or modified, a copy of the dissolution or modification order shall also be attested,  
 413 forwarded forthwith to the primary law-enforcement agency responsible for service and entry of  
 414 protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall  
 415 forthwith verify and enter any modification as necessary to the identifying information and other  
 416 appropriate information required by the Department of State Police into the Virginia Criminal  
 417 Information Network as described above and the order shall be served forthwith and due return made to  
 418 the court.

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

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

423 G. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate  
 424 jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths,  
 425 the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing  
 426 violent or threatening acts or harassment against or contact or communication with or physical proximity  
 427 to another person, including any of the conditions specified in subsection A, shall be accorded full faith  
 428 and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided

429 reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person  
430 against whom the order is sought to be enforced sufficient to protect such person's due process rights  
431 and consistent with federal law. A person entitled to protection under such a foreign order may file the  
432 order in any appropriate district court by filing with the court, an attested or exemplified copy of the  
433 order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary  
434 law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt,  
435 enter the name of the person subject to the order and other appropriate information required by the  
436 Department of State Police into the Virginia Criminal Information Network established and maintained  
437 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may  
438 transfer information electronically to the Virginia Criminal Information Network.

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

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

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

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

456 K. As used in this section:

457 "Copy" includes a facsimile copy; and

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

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

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

464 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
465 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**  
466 **necessary appropriation cannot be determined for periods of imprisonment in state adult**  
467 **correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I,**  
468 **requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of**  
469 **\$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
470 **appropriation cannot be determined for periods of commitment to the custody of the Department**  
471 **of Juvenile Justice.**