

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 16.1-69.55, 16.1-228, 16.1-253.1, 16.1-253.4, 16.1-279.1, 17.1-213,*  
 3 *17.1-272, 18.2-60.4, 19.2-81.3, 19.2-120, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of*  
 4 *Virginia and to amend the Code of Virginia by adding in Chapter 9.1 of Title 19.2 a section*  
 5 *numbered 19.2-152.7:1, relating to protective orders; availability; penalty.*

6 [S 1222]

7 Approved

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

9 **1. That §§ 16.1-69.55, 16.1-228, 16.1-253.1, 16.1-253.4, 16.1-279.1, 17.1-213, 17.1-272, 18.2-60.4,**  
 10 **19.2-81.3, 19.2-120, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia are amended**  
 11 **and reenacted and that the Code of Virginia is amended by adding in Chapter 9.1 of Title 19.2 a**  
 12 **section numbered 19.2-152.7:1 as follows:**

13 § 16.1-69.55. Retention of case records; limitations on enforcement of judgments; extensions.

14 A. Criminal and traffic infraction proceedings:

15 1. In misdemeanor and traffic infraction cases, except misdemeanor cases under § 16.1-253.2 or,  
 16 18.2-57.2, or 18.2-60.4, all documents shall be retained for 10 years, including cases sealed in  
 17 expungement proceedings under § 19.2-392.2. In misdemeanor cases under § 16.1-253.2 or, 18.2-57.2, or  
 18 18.2-60.4, all documents shall be retained for 20 years. In misdemeanor cases under §§ 18.2-67.4,  
 19 18.2-67.4:1, 18.2-67.4:2, 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-370, 18.2-370.01, 18.2-370.1,  
 20 18.2-374, 18.2-386.1, 18.2-387, and 18.2-387.1, all documents shall be retained for 50 years. Documents  
 21 in misdemeanor and traffic infraction cases for which an appeal has been made shall be returned to and  
 22 filed with the clerk of the appropriate circuit court pursuant to § 16.1-135;

23 2. In felony cases which are certified to the grand jury, all documents shall be certified to the clerk  
 24 of the appropriate circuit court pursuant to §§ 19.2-186 and 19.2-190. All other felony case documents  
 25 shall be handled as provided in subdivision A 1 of this section;

26 3. Dockets and indices shall be retained for 10 years.

27 B. Civil proceedings:

28 1. All documents in civil proceedings in district court which are dismissed, including dismissal under  
 29 § 8.01-335, shall be retained until completion of the Commonwealth's audit of the court records.  
 30 Notwithstanding § 8.01-275.1, the clerks of the district courts may destroy documents in civil  
 31 proceedings in which no service of process is had 24 months after the last return date;

32 2. In civil actions which result in a judgment all documents in the possession of the general district  
 33 court shall be retained for 10 years and, unless sooner satisfied, the judgment shall remain in force for a  
 34 period of 10 years;

35 3. In civil cases that are appealed to the circuit court pursuant to § 16.1-112, all documents  
 36 pertaining thereto shall be transferred to the circuit court in accordance with those sections;

37 4. The limitations on enforcement of general district court judgments provided in § 16.1-94.1 shall  
 38 not apply if the plaintiff, prior to the expiration of that period for enforcement, pays the circuit court  
 39 docketing and indexing fees on judgments from other courts together with any other required filing fees  
 40 and docketing the judgment in the circuit court having jurisdiction in the same geographic area as the  
 41 general district court. However, a judgment debtor wishing to discharge a judgment pursuant to the  
 42 provisions of § 8.01-456, when the judgment creditor cannot be located, may, prior to the expiration of  
 43 that period for enforcement, pay the circuit court docketing and indexing fees on judgments from other  
 44 courts together with any other required filing fees and docket the judgment in the circuit court having  
 45 jurisdiction in the same geographic area as the general district court. After the expiration of the period  
 46 provided in § 16.1-94.1, executions on such docketed civil judgments may issue from the general district  
 47 court wherein the judgment was obtained upon the filing in the general district court of an abstract from  
 48 the circuit court. In all other respects, the docketing of a general district court judgment in a circuit  
 49 court confers upon such judgment the same status as if the judgment were a circuit court judgment;

50 5. Dockets for civil cases shall be retained for 10 years;

51 6. Indices in civil cases shall be retained for 10 years.

52 C. Juvenile and domestic relations district court proceedings:

53 1. In adult criminal cases, all records shall be retained as provided in subdivision A 1 of this section;

54 2. In juvenile cases, all documents and indices shall be governed by the provisions of § 16.1-306;

55 3. In all cases involving support arising under Titles 16.1, 20 or 63.2, all documents and indices shall  
 56 be retained until the last juvenile involved, if any, has reached 19 years of age and 10 years have

57 elapsed from either dismissal or termination of the case by court order or by operation of law. Financial  
58 records in connection with such cases shall be subject to the provisions of § 16.1-69.56;

59 4. In all cases involving sexually violent offenses, as defined in § 37.2-900, and in all misdemeanor  
60 cases under §§ 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-370,  
61 18.2-370.01, 18.2-370.1, 18.2-374, 18.2-386.1, 18.2-387, and 18.2-387.1, all documents shall be retained  
62 for 50 years;

63 5. In cases transferred to circuit court for trial as an adult or appealed to circuit court, all documents  
64 pertaining thereto shall be transferred to circuit court;

65 6. All dockets in juvenile cases shall be governed by the provisions of § 16.1-306 F.

66 § 16.1-228. Definitions.

67 When used in this chapter, unless the context otherwise requires:

68 "Abused or neglected child" means any child:

69 1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or  
70 inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than  
71 accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental  
72 functions, including, but not limited to, a child who is with his parent or other person responsible for his  
73 care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled  
74 substance, or (ii) during the unlawful sale of such substance by that child's parents or other person  
75 responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would  
76 constitute a felony violation of § 18.2-248;

77 2. Whose parents or other person responsible for his care neglects or refuses to provide care  
78 necessary for his health; however, no child who in good faith is under treatment solely by spiritual  
79 means through prayer in accordance with the tenets and practices of a recognized church or religious  
80 denomination shall for that reason alone be considered to be an abused or neglected child;

81 3. Whose parents or other person responsible for his care abandons such child;

82 4. Whose parents or other person responsible for his care commits or allows to be committed any  
83 sexual act upon a child in violation of the law;

84 5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or  
85 physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco  
86 parentis; or

87 6. Whose parents or other person responsible for his care creates a substantial risk of physical or  
88 mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as  
89 defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the  
90 parent or other person responsible for his care knows has been convicted of an offense against a minor  
91 for which registration is required as a violent sexual offender pursuant to § 9.1-902.

92 If a civil proceeding under this chapter is based solely on the parent having left the child at a  
93 hospital or rescue squad, it shall be an affirmative defense that such parent safely delivered the child to  
94 a hospital that provides 24-hour emergency services or to an attended rescue squad that employs  
95 emergency medical technicians, within 14 days of the child's birth. For purposes of terminating parental  
96 rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected  
97 child upon the ground of abandonment.

98 "Adoptive home" means the place of residence of any natural person in which a child resides as a  
99 member of the household and in which he has been placed for the purposes of adoption or in which he  
100 has been legally adopted by another member of the household.

101 "Adult" means a person 18 years of age or older.

102 "Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part  
103 of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a  
104 delinquent act which would be a felony if committed by an adult.

105 "Boot camp" means a short term secure or nonsecure juvenile residential facility with highly  
106 structured components including, but not limited to, military style drill and ceremony, physical labor,  
107 education and rigid discipline, and no less than six months of intensive aftercare.

108 "Child," "juvenile," or "minor" means a person less than 18 years of age.

109 "Child in need of services" means (i) a child whose behavior, conduct or condition presents or results  
110 in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14  
111 whose behavior, conduct or condition presents or results in a serious threat to the well-being and  
112 physical safety of another person; however, no child who in good faith is under treatment solely by  
113 spiritual means through prayer in accordance with the tenets and practices of a recognized church or  
114 religious denomination shall for that reason alone be considered to be a child in need of services, nor  
115 shall any child who habitually remains away from or habitually deserts or abandons his family as a  
116 result of what the court or the local child protective services unit determines to be incidents of physical,  
117 emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

118 However, to find that a child falls within these provisions, (i) the conduct complained of must  
 119 present a clear and substantial danger to the child's life or health or to the life or health of another  
 120 person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being  
 121 received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or  
 122 services needed by the child or his family.

123 "Child in need of supervision" means:

124 1. A child who, while subject to compulsory school attendance, is habitually and without justification  
 125 absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of  
 126 any and all educational services and programs that are required to be provided by law and which meet  
 127 the child's particular educational needs, (ii) the school system from which the child is absent or other  
 128 appropriate agency has made a reasonable effort to effect the child's regular attendance without success,  
 129 and (iii) the school system has provided documentation that it has complied with the provisions of  
 130 § 22.1-258; or

131 2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or  
 132 placement authority, remains away from or deserts or abandons his family or lawful custodian on more  
 133 than one occasion or escapes or remains away without proper authority from a residential care facility in  
 134 which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to  
 135 the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not  
 136 presently being received, and (iii) the intervention of the court is essential to provide the treatment,  
 137 rehabilitation or services needed by the child or his family.

138 "Child welfare agency" means a child-placing agency, child-caring institution or independent foster  
 139 home as defined in § 63.2-100.

140 "The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile  
 141 and domestic relations district court of each county or city.

142 "Delinquent act" means (i) an act designated a crime under the law of this Commonwealth, or an  
 143 ordinance of any city, county, town or service district, or under federal law, (ii) a violation of  
 144 § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an  
 145 act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if  
 146 committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to  
 147 take a blood or breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city or  
 148 town.

149 "Delinquent child" means a child who has committed a delinquent act or an adult who has committed  
 150 a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been  
 151 terminated under the provisions of § 16.1-269.6.

152 "Department" means the Department of Juvenile Justice and "Director" means the administrative head  
 153 in charge thereof or such of his assistants and subordinates as are designated by him to discharge the  
 154 duties imposed upon him under this law.

155 "Family abuse" means any act involving violence, force, or threat ~~including, but not limited to, any~~  
 156 ~~forceful detention, which that~~ results in bodily injury or places one in reasonable apprehension of *death,*  
 157 *sexual assault, or* bodily injury and ~~which that~~ is committed by a person against such person's family or  
 158 household member. *Such act includes, but is not limited to, any forceful detention, stalking, criminal*  
 159 *sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal*  
 160 *offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault,*  
 161 *or bodily injury.*

162 "Family or household member" means (i) the person's spouse, whether or not he or she resides in the  
 163 same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same  
 164 home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters,  
 165 half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in  
 166 the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law,  
 167 daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v)  
 168 any individual who has a child in common with the person, whether or not the person and that  
 169 individual have been married or have resided together at any time, or (vi) any individual who cohabits  
 170 or who, within the previous 12 months, cohabited with the person, and any children of either of them  
 171 then residing in the same home with the person.

172 "Foster care services" means the provision of a full range of casework, treatment and community  
 173 services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or  
 174 in need of services as defined in this section and his family when the child (i) has been identified as  
 175 needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through  
 176 an agreement between the local board of social services or a public agency designated by the  
 177 community policy and management team and the parents or guardians where legal custody remains with  
 178 the parents or guardians, (iii) has been committed or entrusted to a local board of social services or

179 child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board  
180 pursuant to § 16.1-293.

181 "Independent living arrangement" means placement of a child at least 16 years of age who is in the  
182 custody of a local board or licensed child-placing agency and has been placed by the local board or  
183 licensed child-placing agency in a living arrangement in which he does not have daily substitute parental  
184 supervision.

185 "Independent living services" means services and activities provided to a child in foster care 14 years  
186 of age or older and who has been committed or entrusted to a local board of social services, child  
187 welfare agency, or private child-placing agency. "Independent living services" may also mean services  
188 and activities provided to a person who was in foster care on his 18th birthday and has not yet reached  
189 the age of 21 years. Such services shall include counseling, education, housing, employment, and money  
190 management skills development and access to essential documents and other appropriate services to help  
191 children or persons prepare for self-sufficiency.

192 "Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this  
193 chapter.

194 "Jail" or "other facility designed for the detention of adults" means a local or regional correctional  
195 facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding  
196 cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the  
197 transfer of a child to a juvenile facility.

198 "The judge" means the judge or the substitute judge of the juvenile and domestic relations district  
199 court of each county or city.

200 "This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in  
201 this chapter.

202 "Legal custody" means (i) a legal status created by court order which vests in a custodian the right to  
203 have physical custody of the child, to determine and redetermine where and with whom he shall live,  
204 the right and duty to protect, train and discipline him and to provide him with food, shelter, education  
205 and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal  
206 status created by court order of joint custody as defined in § 20-107.2.

207 "Permanent foster care placement" means the place of residence in which a child resides and in  
208 which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation  
209 and agreement between the placing agency and the place of permanent foster care that the child shall  
210 remain in the placement until he reaches the age of majority unless modified by court order or unless  
211 removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of  
212 residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term  
213 basis.

214 "Residual parental rights and responsibilities" means all rights and responsibilities remaining with the  
215 parent after the transfer of legal custody or guardianship of the person, including but not limited to the  
216 right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility  
217 for support.

218 "Secure facility" or "detention home" means a local, regional or state public or private locked  
219 residential facility that has construction fixtures designed to prevent escape and to restrict the movement  
220 and activities of children held in lawful custody.

221 "Shelter care" means the temporary care of children in physically unrestricting facilities.

222 "State Board" means the State Board of Juvenile Justice.

223 "Status offender" means a child who commits an act prohibited by law which would not be criminal  
224 if committed by an adult.

225 "Status offense" means an act prohibited by law which would not be an offense if committed by an  
226 adult.

227 "Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of  
228 § 16.1-269.1 when committed by a juvenile 14 years of age or older.

229 § 16.1-253.1. Preliminary protective orders in cases of family abuse; confidentiality.

230 A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period  
231 of time, subjected to family abuse, the court may issue a preliminary protective order against an  
232 allegedly abusing person in order to protect the health and safety of the petitioner or any family or  
233 household member of the petitioner. The order may be issued in an ex parte proceeding upon good  
234 cause shown when the petition is supported by an affidavit or sworn testimony before the judge or  
235 intake officer. Immediate and present danger of family abuse or evidence sufficient to establish probable  
236 cause that family abuse has recently occurred shall constitute good cause. Evidence that the petitioner  
237 has been subjected to family abuse within a reasonable time and evidence of immediate and present  
238 danger of family abuse may be established by a showing that (i) the allegedly abusing person is  
239 incarcerated and is to be released from incarceration within 30 days following the petition or has been

240 released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly  
 241 abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the  
 242 allegedly abusing person has made threatening contact with the petitioner while he was incarcerated,  
 243 exhibiting a renewed threat to the petitioner of family abuse.

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

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

247 2. Prohibiting such ~~other~~ contacts ~~between the parties by the respondent with the petitioner or family~~  
 248 ~~or household members of the petitioner as the court deems appropriate necessary for the health or safety~~  
 249 ~~of such persons.~~

250 3. ~~Prohibiting such other contacts with the allegedly abused family or household member as the court~~  
 251 ~~deems necessary to protect the safety of such persons.~~

252 4. Granting the petitioner possession of the premises occupied by the parties to the exclusion of the  
 253 allegedly abusing person; however, no such grant of possession shall affect title to any real or personal  
 254 property.

255 5 4. Enjoining the respondent from terminating any necessary utility service to a premises that the  
 256 petitioner has been granted possession of pursuant to subdivision 4 3 or, where appropriate, ordering the  
 257 respondent to restore utility services to such premises.

258 6 5. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner  
 259 alone or jointly owned by the parties to the exclusion of the allegedly abusing person; however, no such  
 260 grant of possession or use shall affect title to the vehicle.

261 7 6. Requiring that the allegedly abusing person provide suitable alternative housing for the petitioner  
 262 and any other family or household member and, where appropriate, requiring the respondent to pay  
 263 deposits to connect or restore necessary utility services in the alternative housing provided.

264 8 7. Any other relief necessary for the protection of the petitioner and family or household members  
 265 of the petitioner.

266 B. The court shall forthwith, but in all cases no later than the end of the business day on which the  
 267 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the  
 268 respondent's identifying information and the name, date of birth, sex, and race of each protected person  
 269 provided to the court. A copy of a preliminary protective order containing any such identifying  
 270 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service  
 271 and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the  
 272 agency shall forthwith verify and enter any modification as necessary to the identifying information and  
 273 other appropriate information required by the Department of State Police into the Virginia Criminal  
 274 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et  
 275 seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as  
 276 provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit  
 277 court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the  
 278 respondent's identifying information and the name, date of birth, sex, and race of each protected person  
 279 provided to the court to the primary law-enforcement agency providing service and entry of protective  
 280 orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the  
 281 person subject to the order and other appropriate information required by the Department of State Police  
 282 into the Virginia Criminal Information Network established and maintained by the Department pursuant  
 283 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly  
 284 abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter  
 285 the date and time of service and other appropriate information required by the Department of State  
 286 Police into the Virginia Criminal Information Network and make due return to the court. The  
 287 preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of  
 288 the issuance of the preliminary order. If the respondent fails to appear at this hearing because the  
 289 respondent was not personally served, or if personally served was incarcerated and not transported to the  
 290 hearing, the court may extend the protective order for a period not to exceed six months. The extended  
 291 protective order shall be served forthwith on the respondent. However, upon motion of the respondent  
 292 and for good cause shown, the court may continue the hearing. The preliminary order shall remain in  
 293 effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with  
 294 a copy of the order and information regarding the date and time of service. The order shall further  
 295 specify that either party may at any time file a motion with the court requesting a hearing to dissolve or  
 296 modify the order. The hearing on the motion shall be given precedence on the docket of the court.

297 Upon receipt of the return of service or other proof of service pursuant to subsection C of  
 298 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the  
 299 primary law-enforcement agency, and the agency shall forthwith verify and enter any modification as  
 300 necessary into the Virginia Criminal Information Network as described above. If the order is later

301 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded  
302 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders,  
303 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify  
304 and enter any modification as necessary to the identifying information and other appropriate information  
305 required by the Department of State Police into the Virginia Criminal Information Network as described  
306 above and the order shall be served forthwith and due return made to the court.

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

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

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

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

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

319 § 16.1-253.4. Emergency protective orders authorized in certain cases; penalty.

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

323 B. When a law-enforcement officer or an allegedly abused person asserts under oath to a judge or  
324 magistrate, and on that assertion or other evidence the judge or magistrate (i) finds that a warrant for a  
325 violation of § 18.2-57.2 has been issued or issues a warrant for violation of § 18.2-57.2 and finds that  
326 there is probable danger of further acts of family abuse against a family or household member by the  
327 respondent or (ii) finds that reasonable grounds exist to believe that the respondent has committed  
328 family abuse and there is probable danger of a further such offense against a family or household  
329 member by the respondent, the judge or magistrate shall issue an ex parte emergency protective order,  
330 except if the respondent is a minor, an emergency protective order shall not be required, imposing one  
331 or more of the following conditions on the respondent:

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

333 2. Prohibiting such contacts by the respondent with family or household members of the respondent  
334 as the judge or magistrate deems necessary to protect the safety of such persons; and

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

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

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

354 D. A law-enforcement officer may request an emergency protective order pursuant to this section  
355 and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant  
356 to § 16.1-253.1 or § 16.1-279.1, may request the extension of an emergency protective order for an  
357 additional period of time not to exceed three days after expiration of the original order. The request for  
358 an emergency protective order or extension of an order may be made orally, in person or by electronic  
359 means, and the judge of a circuit court, general district court, or juvenile and domestic relations district  
360 court or a magistrate may issue an oral emergency protective order. An oral emergency protective order  
361 issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the

362 order or the magistrate on a preprinted form approved and provided by the Supreme Court of Virginia.  
 363 The completed form shall include a statement of the grounds for the order asserted by the officer or the  
 364 allegedly abused person.

365 E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day  
 366 on which the order was issued, enter and transfer electronically to the Virginia Criminal Information  
 367 Network the respondent's identifying information and the name, date of birth, sex, and race of each  
 368 protected person provided to the court or magistrate. A copy of an emergency protective order issued  
 369 pursuant to this section containing any such identifying information shall be forwarded forthwith to the  
 370 primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of  
 371 the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any  
 372 modification as necessary to the identifying information and other appropriate information required by  
 373 the Department of State Police into the Virginia Criminal Information Network established and  
 374 maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be  
 375 served forthwith upon the respondent and due return made to the court. However, if the order is issued  
 376 by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order  
 377 containing the respondent's identifying information and the name, date of birth, sex, and race of each  
 378 protected person provided to the court to the primary law-enforcement agency providing service and  
 379 entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter  
 380 the name of the person subject to the order and other appropriate information required by the  
 381 Department of State Police into the Virginia Criminal Network established and maintained by the  
 382 Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith  
 383 on the respondent. Upon service, the agency making service shall enter the date and time of service and  
 384 other appropriate information required by the Department of State Police into the Virginia Criminal  
 385 Information Network and make due return to the court. One copy of the order shall be given to the  
 386 allegedly abused person when it is issued, and one copy shall be filed with the written report required  
 387 by *subsection D of § 19.2-81.3* €. The judge or magistrate who issues an oral order pursuant to an  
 388 electronic request by a law-enforcement officer shall verify the written order to determine whether the  
 389 officer who reduced it to writing accurately transcribed the contents of the oral order. The original copy  
 390 shall be filed with the clerk of the juvenile and domestic relations district court within five business  
 391 days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution or  
 392 modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency  
 393 responsible for service and entry of protective orders, and upon receipt of the order by the primary  
 394 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the  
 395 identifying information and other appropriate information required by the Department of State Police  
 396 into the Virginia Criminal Information Network as described above and the order shall be served  
 397 forthwith and due return made to the court. Upon request, the clerk shall provide the allegedly abused  
 398 person with information regarding the date and time of service.

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

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

403 H. As used in this section, a "law-enforcement officer" means any (i) full-time or part-time employee  
 404 of a police department or sheriff's office which is part of or administered by the Commonwealth or any  
 405 political subdivision thereof and who is responsible for the prevention and detection of crime and the  
 406 enforcement of the penal, traffic or highway laws of the Commonwealth and (ii) member of an auxiliary  
 407 police force established pursuant to subsection B of § 15.2-1731. Part-time employees are compensated  
 408 officers who are not full-time employees as defined by the employing police department or sheriff's  
 409 office.

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

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

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

417 § 16.1-279.1. Protective order in cases of family abuse.

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

- 423 1. Prohibiting acts of family abuse *or criminal offenses that result in injury to person or property*;  
424 2. Prohibiting such contacts by the respondent with the petitioner or family or household members of  
425 the petitioner as the court deems necessary for the health or safety of such persons;  
426 3. Granting the petitioner possession of the residence occupied by the parties to the exclusion of the  
427 respondent; however, no such grant of possession shall affect title to any real or personal property;  
428 4. Enjoining the respondent from terminating any necessary utility service to the residence to which  
429 the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the  
430 respondent to restore utility services to that residence;  
431 5. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner  
432 alone or jointly owned by the parties to the exclusion of the respondent; however, no such grant of  
433 possession or use shall affect title to the vehicle;  
434 6. Requiring that the respondent provide suitable alternative housing for the petitioner and, if  
435 appropriate, any other family or household member and where appropriate, requiring the respondent to  
436 pay deposits to connect or restore necessary utility services in the alternative housing provided;  
437 7. Ordering the respondent to participate in treatment, counseling or other programs as the court  
438 deems appropriate; and  
439 8. Any other relief necessary for the protection of the petitioner and family or household members of  
440 the petitioner, including a provision for temporary custody or visitation of a minor child.  
441 A1. If a protective order is issued pursuant to subsection A of this section, the court may also issue a  
442 temporary child support order for the support of any children of the petitioner whom the respondent has  
443 a legal obligation to support. Such order shall terminate upon the determination of support pursuant to  
444 § 20-108.1.  
445 B. The protective order may be issued for a specified period of time up to a maximum of two years.  
446 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  
447 of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner  
448 may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective  
449 order shall be given precedence on the docket of the court. If the petitioner was a member of the  
450 respondent's family or household at the time the initial protective order was issued, the court may extend  
451 the protective order for a period not longer than two years to protect the health and safety of the  
452 petitioner or persons who are family or household members of the petitioner at the time the request for  
453 an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day  
454 specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein  
455 shall limit the number of extensions that may be requested or issued.  
456 C. A copy of the protective order shall be served on the respondent and provided to the petitioner as  
457 soon as possible. The court shall forthwith, but in all cases no later than the end of the business day on  
458 which the order was issued, enter and transfer electronically to the Virginia Criminal Information  
459 Network the respondent's identifying information and the name, date of birth, sex, and race of each  
460 protected person provided to the court and shall forthwith forward the attested copy of the protective  
461 order containing any such identifying information to the primary law-enforcement agency responsible for  
462 service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency,  
463 the agency shall forthwith verify and enter any modification as necessary to the identifying information  
464 and other appropriate information required by the Department of State Police into the Virginia Criminal  
465 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et  
466 seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the  
467 court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith  
468 forward an attested copy of the order containing the respondent's identifying information and the name,  
469 date of birth, sex, and race of each protected person provided to the court to the primary  
470 law-enforcement agency providing service and entry of protective orders and upon receipt of the order,  
471 the primary law-enforcement agency shall enter the name of the person subject to the order and other  
472 appropriate information required by the Department of State Police into the Virginia Criminal  
473 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et  
474 seq.) of Title 52 and the order shall be served forthwith upon the respondent. Upon service, the agency  
475 making service shall enter the date and time of service and other appropriate information required by the  
476 Department of State Police into the Virginia Criminal Information Network and make due return to the  
477 court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall  
478 also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and  
479 entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the  
480 agency shall forthwith verify and enter any modification as necessary to the identifying information and  
481 other appropriate information required by the Department of State Police into the Virginia Criminal  
482 Information Network as described above and the order shall be served forthwith and due return made to  
483 the court.

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

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

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

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

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

512 H. As used in this section:

513 "Copy" includes a facsimile copy; and

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

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

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

521 § 17.1-213. Disposition of papers in ended cases.

522 A. All case files for cases ended prior to January 1, 1913, shall be permanently maintained in  
523 hardcopy form, either in the locality served by the circuit court where such files originated or in The  
524 Library of Virginia in accordance with the provisions of § 42.1-86 and subsection C of § 42.1-87.

525 B. The following records for cases ending on or after January 1, 1913, may be destroyed in their  
526 entirety at the discretion of the clerk of each circuit court after having been retained for 10 years after  
527 conclusion:

528 1. Conditional sales contracts;

529 2. Concealed weapons permit applications;

530 3. Minister appointments;

531 4. Petitions for appointment of trustee;

532 5. Name changes;

533 6. Nolle prosequi cases;

534 7. Civil actions that are voluntarily dismissed, including nonsuits, cases that are dismissed as settled  
535 and agreed, cases that are dismissed with or without prejudice, cases that are discontinued or dismissed  
536 under § 8.01-335 and district court appeals dismissed under § 16.1-113 prior to 1988;

537 8. Misdemeanor and traffic cases, except as provided in subdivision C 3, including those which were  
538 commenced on a felony charge but concluded as a misdemeanor;

539 9. Suits to enforce a lien;

540 10. Garnishments;

541 11. Executions except for those covered in § 8.01-484;

542 12. Miscellaneous oaths and qualifications, but only if the order or oath or qualification is spread in  
543 the appropriate order book; and

544 13. Civil cases pertaining to declarations of habitual offender status and full restoration of driving

545 privileges.

546 C. All other records or cases ending on or after January 1, 1913, may be destroyed in their entirety  
547 at the discretion of the clerk of each circuit court subject to the following guidelines:

548 1. All civil case files to which subsection D does not pertain may be destroyed after 20 years from  
549 the court order date.

550 2. All criminal cases dismissed, including those not a true bill, acquittals and not guilty verdicts, may  
551 be destroyed after 10 years from the court order date.

552 3. All criminal case files involving a felony conviction ~~or~~ *and all criminal case files involving a*  
553 *misdemeanor conviction under § 16.1-253.2 or 18.2-57.2, or 18.2-60.4* may be destroyed (i) after 20  
554 years from the sentencing date or (ii) when the sentence term ends, whichever comes later.

555 D. Under the provisions of subsections B and C, the entire file of any case deemed by the local clerk  
556 of court to have historical value, as defined in § 42.1-77, or genealogical or sensational significance shall  
557 be retained permanently as shall all cases in which the title to real estate is established, conveyed or  
558 condemned by an order or decree of the court. The final order for all cases in which the title to real  
559 estate is so affected shall include an appropriate notification thereof to the clerk.

560 E. Except as provided in subsection A, the clerk of a circuit court may cause (i) any or all ended  
561 records, papers, or documents pertaining to civil and criminal cases which have been ended for a period  
562 of three years or longer; (ii) any unexecuted search warrants and affidavits for unexecuted search  
563 warrants, provided at least three years have passed since issued; (iii) any abstracts of judgments; and (iv)  
564 original wills, to be destroyed if such records, papers, documents, or wills no longer have administrative,  
565 fiscal, historical, or legal value to warrant continued retention, provided such records, papers, or  
566 documents have been microfilmed or converted to an electronic format. Such microfilm and  
567 microphotographic processes and equipment shall meet state archival microfilm standards pursuant to  
568 § 42.1-82, or such electronic format shall follow state electronic records guidelines, and such records,  
569 papers, or documents so converted shall be placed in conveniently accessible files and provisions made  
570 for examining and using same. The clerk shall further provide security negative copies of any such  
571 microfilmed materials for storage in The Library of Virginia.

572 § 17.1-272. Process and service fees generally.

573 A. The fee for process and service in the following instances shall be \$12:

574 1. Service on any person, firm or corporation, an order, notice, summons or any other civil process,  
575 except as herein otherwise provided, and for service on any person, firm, or corporation any process  
576 when the body is not taken and making a return thereof, except that no fee shall be charged for service  
577 pursuant to § 2.2-4022.

578 2. Summoning a witness or garnishee on an attachment.

579 3. Service on any person of an attachment or other process under which the body is taken and  
580 making a return thereon.

581 4. Service of any order of court not otherwise provided for, except that no fees shall be charged for  
582 protective orders issued pursuant to Chapter 11 (§ 16.1-226 et seq.) of Title 16.1.

583 5. Making a return of a writ of fieri facias where no levy is made or forthcoming bond is taken.

584 6. Summoning a witness in any case in which custody or visitation of a minor child or children is at  
585 issue.

586 B. The fees for process and service in the following instances shall be \$25:

587 1. Service and publication of any notice of a publicly-advertised public sale.

588 2. Service of a writ of possession, except that there shall be an additional fee of \$12 for each  
589 additional defendant.

590 3. Levying upon current money, bank notes, goods or chattels of a judgment debtor pursuant to  
591 § 8.01-478.

592 4. Service of a declaration in ejectment on any person, firm or corporation, except that there shall be  
593 an additional fee of \$12 for each additional defendant.

594 5. Levying distress warrant or an attachment.

595 6. Levying an execution.

596 C. The process and service fee for serving any papers returnable out of state shall be \$75, except no  
597 fees shall be charged for the service of papers in connection with the prosecution of any misdemeanor  
598 or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of  
599 a ~~protection~~ protective order or a petition for ~~protection~~ a protective order; ~~to protect a victim of~~  
600 ~~domestic violence, stalking or sexual assault~~. A victim of domestic violence, stalking, or sexual assault  
601 shall not bear the costs associated with the filing of criminal charges against the offender, ~~or~~ *and no*  
602 *victim shall bear* the costs associated with the filing, issuance, registration, or service of a warrant,  
603 ~~protection~~ protective order, petition for a ~~protection~~ protective order, or witness subpoena, issued inside  
604 or outside the Commonwealth.

605 D. The fees set out in this section shall be allowable for services provided by such officers in the

606 circuit and district courts.

607 § 18.2-60.4. Violation of protective orders; penalty.

608 Any person who violates any provision of a protective order issued pursuant to §§ 19.2-152.8,  
609 19.2-152.9 or § 19.2-152.10 is guilty of a Class 1 misdemeanor. Conviction hereunder shall bar a  
610 finding of contempt for the same act. *The punishment for any person convicted of a second offense of*  
611 *violating a protective order, when the offense is committed within five years of the prior conviction and*  
612 *when either the instant or prior offense was based on an act or threat of violence, shall include a*  
613 *mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent*  
614 *offense of violating a protective order, when the offense is committed within 20 years of the first*  
615 *conviction and when either the instant or one of the prior offenses was based on an act or threat of*  
616 *violence, is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of*  
617 *confinement of six months.*

618 *If the respondent commits an assault and battery upon any party protected by the protective order*  
619 *resulting in serious bodily injury to the party, he is guilty of a Class 6 felony. Any person who violates*  
620 *such a protective order by furtively entering the home of any protected party while the party is present,*  
621 *or by entering and remaining in the home of the protected party until the party arrives, is guilty of a*  
622 *Class 6 felony, in addition to any other penalty provided by law.*

623 *Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is*  
624 *not specified, the person shall be sentenced to a term of confinement and in no case shall the entire*  
625 *term imposed be suspended.*

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

628 § 19.2-81.3. Arrest without a warrant authorized in cases of assault and battery against a family or  
629 household member and stalking and for violations of protective orders; procedure, etc.

630 A. Any law-enforcement officer, as defined in § 19.2-81, may arrest without a warrant for an alleged  
631 violation of § 18.2-57.2, 18.2-60.4, or 16.1-253.2 regardless of whether such violation was committed in  
632 his presence, if such arrest is based on probable cause or upon personal observations or the reasonable  
633 complaint of a person who observed the alleged offense or upon personal investigation.

634 B. A law-enforcement officer having probable cause to believe that a violation of § 18.2-57.2 or  
635 16.1-253.2 has occurred shall arrest and take into custody the person he has probable cause to believe,  
636 based on the totality of the circumstances, was the predominant physical aggressor unless there are  
637 special circumstances which would dictate a course of action other than an arrest. The standards for  
638 determining who is the predominant physical aggressor shall be based on the following considerations:  
639 (i) who was the first aggressor, (ii) the protection of the health and safety of family and household  
640 members, (iii) prior complaints of family abuse by the allegedly abusing person involving the family or  
641 household members, (iv) the relative severity of the injuries inflicted on persons involved in the  
642 incident, (v) whether any injuries were inflicted in self-defense, (vi) witness statements, and (vii) other  
643 observations.

644 C. *A law-enforcement officer having probable cause to believe that a violation of § 18.2-60.4 has*  
645 *occurred that involves physical aggression shall arrest and take into custody the person he has probable*  
646 *cause to believe, based on the totality of the circumstances, was the predominant physical aggressor*  
647 *unless there are special circumstances which would dictate a course of action other than an arrest. The*  
648 *standards for determining who is the predominant physical aggressor shall be based on the following*  
649 *considerations: (i) who was the first aggressor, (ii) the protection of the health and safety of the person*  
650 *to whom the protective order was issued and the person's family and household members, (iii) prior acts*  
651 *of violence, force, or threat, as defined in § 19.2-152.7:1, by the person against whom the protective*  
652 *order was issued against the person protected by the order or the protected person's family or*  
653 *household members, (iv) the relative severity of the injuries inflicted on persons involved in the incident,*  
654 *(v) whether any injuries were inflicted in self-defense, (vi) witness statements, and (vii) other*  
655 *observations.*

656 D. Regardless of whether an arrest is made, the officer shall file a written report with his  
657 department, which shall state whether any arrests were made, and if so, the number of arrests,  
658 specifically including any incident in which he has probable cause to believe family abuse has occurred,  
659 and, where required, including a complete statement in writing that there are special circumstances that  
660 would dictate a course of action other than an arrest. The officer shall provide the allegedly abused  
661 person *or the person protected by an order issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10,*  
662 *both orally and in writing, information regarding the legal and community resources available to the*  
663 *allegedly abused person or person protected by the order. Upon request of the allegedly abused person*  
664 *or person protected by the order, the department shall make a summary of the report available to the*  
665 *allegedly abused person or person protected by the order.*

666 E. In every case in which a law-enforcement officer makes an arrest under this section *for a*

667 violation of § 18.2-57.2, he shall petition for an emergency protective order as authorized in § 16.1-253.4  
 668 when the person arrested and taken into custody is brought before the magistrate, except if the person  
 669 arrested is a minor, a petition for an emergency protective order shall not be required. Regardless of  
 670 whether an arrest is made, if the officer has probable cause to believe that a danger of acts of family  
 671 abuse exists, the law-enforcement officer shall seek an emergency protective order under § 16.1-253.4,  
 672 except if the suspected abuser is a minor, a petition for an emergency protective order shall not be  
 673 required.

674 *E F.* A law-enforcement officer investigating any complaint of family abuse, including but not  
 675 limited to assault and battery against a family or household member shall, upon request, transport, or  
 676 arrange for the transportation of an abused person to a hospital or safe shelter, or to appear before a  
 677 magistrate. Any local law-enforcement agency may adopt a policy requiring an officer to transport or  
 678 arrange for transportation of an abused person as provided in this subsection.

679 *F G.* The definition of "family or household member" in § 16.1-228 applies to this section.

680 *G H.* As used in this section, a "law-enforcement officer" means (i) any full-time or part-time  
 681 employee of a police department or sheriff's office which is part of or administered by the  
 682 Commonwealth or any political subdivision thereof and who is responsible for the prevention and  
 683 detection of crime and the enforcement of the penal, traffic or highway laws of this Commonwealth and  
 684 (ii) any member of an auxiliary police force established pursuant to subsection B of § 15.2-1731.  
 685 Part-time employees are compensated officers who are not full-time employees as defined by the  
 686 employing police department or sheriff's office.

687 § 19.2-120. Admission to bail.

688 Prior to conducting any hearing on the issue of bail, release or detention, the judicial officer shall, to  
 689 the extent feasible, obtain the person's criminal history.

690 A. A person who is held in custody pending trial or hearing for an offense, civil or criminal  
 691 contempt, or otherwise shall be admitted to bail by a judicial officer, unless there is probable cause to  
 692 believe that:

693 1. He will not appear for trial or hearing or at such other time and place as may be directed, or

694 2. His liberty will constitute an unreasonable danger to himself or the public.

695 B. The judicial officer shall presume, subject to rebuttal, that no condition or combination of  
 696 conditions will reasonably assure the appearance of the person or the safety of the public if the person is  
 697 currently charged with:

698 1. An act of violence as defined in § 19.2-297.1;

699 2. An offense for which the maximum sentence is life imprisonment or death;

700 3. A violation of § 18.2-248, 18.2-248.01, 18.2-255, or 18.2-255.2 involving a Schedule I or II  
 701 controlled substance if (i) the maximum term of imprisonment is 10 years or more and the person was  
 702 previously convicted of a like offense or (ii) the person was previously convicted as a "drug kingpin" as  
 703 defined in § 18.2-248;

704 4. A violation of § 18.2-308.1, 18.2-308.2, or 18.2-308.4 and which relates to a firearm and provides  
 705 for a mandatory minimum sentence;

706 5. Any felony, if the person has been convicted of two or more offenses described in subdivision 1  
 707 or 2, whether under the laws of the Commonwealth or substantially similar laws of the United States;

708 6. Any felony committed while the person is on release pending trial for a prior felony under federal  
 709 or state law or on release pending imposition or execution of sentence or appeal of sentence or  
 710 conviction;

711 7. An offense listed in subsection B of § 18.2-67.5:2 and the person had previously been convicted  
 712 of an offense listed in § 18.2-67.5:2 or a substantially similar offense under the laws of any state or the  
 713 United States and the judicial officer finds probable cause to believe that the person who is currently  
 714 charged with one of these offenses committed the offense charged;

715 8. A violation of § 18.2-374.1 or 18.2-374.3 where the offender has reason to believe that the  
 716 solicited person is under 15 years of age and the offender is at least five years older than the solicited  
 717 person;

718 9. A violation of § 18.2-46.2, 18.2-46.3, 18.2-46.5, or 18.2-46.7;

719 10. A violation of § 18.2-36.1, 18.2-51.4, 18.2-266, or 46.2-341.24 and the person has, within the  
 720 past five years of the instant offense, been convicted three times on different dates of a violation of any  
 721 combination of these Code sections, or any ordinance of any county, city, or town or the laws of any  
 722 other state or of the United States substantially similar thereto, and has been at liberty between each  
 723 conviction;

724 11. A second or subsequent violation of § 16.1-253.2 or 18.2-60.4 or a substantially similar offense  
 725 under the laws of any state or the United States; or

726 12. A violation of subsection B of § 18.2-57.2.

727 C. The judicial officer shall presume, subject to rebuttal, that no condition or combination of

728 conditions will reasonably assure the appearance of the person or the safety of the public if the person is  
729 being arrested pursuant to § 19.2-81.6.

730 D. The court shall consider the following factors and such others as it deems appropriate in  
731 determining, for the purpose of rebuttal of the presumption against bail described in subsection B,  
732 whether there are conditions of release that will reasonably assure the appearance of the person as  
733 required and the safety of the public:

734 1. The nature and circumstances of the offense charged;

735 2. The history and characteristics of the person, including his character, physical and mental  
736 condition, family ties, employment, financial resources, length of residence in the community,  
737 community ties, past conduct, history relating to drug or alcohol abuse, criminal history, membership in  
738 a criminal street gang as defined in § 18.2-46.1, and record concerning appearance at court proceedings;  
739 and

740 3. The nature and seriousness of the danger to any person or the community that would be posed by  
741 the person's release.

742 E. The judicial officer shall inform the person of his right to appeal from the order denying bail or  
743 fixing terms of bond or recognizance consistent with § 19.2-124.

744 F. If the judicial officer sets a secured bond and the person engages the services of a licensed bail  
745 bondsman, the magistrate executing recognizance for the accused shall provide the bondsman, upon  
746 request, with a copy of the person's Virginia criminal history record, if readily available, to be used by  
747 the bondsman only to determine appropriate reporting requirements to impose upon the accused upon his  
748 release. The bondsman shall pay a \$15 fee payable to the state treasury to be credited to the Literary  
749 Fund, upon requesting the defendant's Virginia criminal history record issued pursuant to § 19.2-389.  
750 The bondsman shall review the record on the premises and promptly return the record to the magistrate  
751 after reviewing it.

752 CHAPTER 9.1.  
753 PROTECTIVE ORDERS FOR STALKING.

754 § 19.2-152.7:1. Definitions.

755 As used in this chapter:

756 "Act of violence, force, or threat" means any act involving violence, force, or threat that results in  
757 bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such  
758 act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of  
759 Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily  
760 injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

761 § 19.2-152.8. Emergency protective orders authorized.

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

765 B. When a law-enforcement officer, an allegedly stalked person or an alleged victim of sexual  
766 battery in violation of § 18.2-67.4, aggravated sexual battery in violation of § 18.2-67.3 or a criminal  
767 offense resulting in a serious bodily injury to the or an alleged victim asserts under oath to a judge or  
768 magistrate that such person is being or has been subjected to stalking, sexual battery in violation of  
769 § 18.2-67.4, aggravated sexual battery in violation of § 18.2-67.3, or a criminal offense resulting in a  
770 serious bodily injury to the alleged victim an act of violence, force, or threat and on that assertion or  
771 other evidence the judge or magistrate finds that (i) there is probable danger of a further such offense  
772 act being committed by the respondent against the alleged victim and or (ii) a petition or warrant for  
773 the arrest of the respondent has been issued for any criminal offense resulting from the commission of  
774 an act of violence, force, or threat, the judge or magistrate shall issue an ex parte emergency protective  
775 order imposing one or more of the following conditions on the respondent:

776 1. Prohibiting acts of violence, acts of sexual battery, or acts of stalking in violation of § 18.2-60.3  
777 force, or threat or criminal offenses resulting in injury to person or property;

778 2. Prohibiting such contacts by the respondent with the alleged victim of such crime or such person's  
779 family or household members as the judge or magistrate deems necessary to protect the safety of such  
780 persons; and

781 3. Such other conditions as the judge or magistrate deems necessary to prevent (i) acts of stalking,  
782 acts of sexual battery, or violence, force, or threat, (ii) criminal offenses resulting in injury to person or  
783 property, or (iii) communication or other contact of any kind by the respondent.

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

789 docket of the court.

790 D. A law-enforcement officer may request an emergency protective order pursuant to this section  
 791 *and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant*  
 792 *to § 19.2-152.9 or 19.2-152.10, may request the extension of an emergency protective order for an*  
 793 *additional period of time not to exceed three days after expiration of the original order. The request for*  
 794 *an emergency protective order or extension of an order may be made orally, in person or by electronic*  
 795 *means, and the judge of a circuit court, general district court, or juvenile and domestic relations district*  
 796 *court or a magistrate may issue an oral emergency protective order. An oral emergency protective order*  
 797 *issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the*  
 798 *order or the magistrate, on a preprinted form approved and provided by the Supreme Court of Virginia.*  
 799 *The completed form shall include a statement of the grounds for the order asserted by the officer or the*  
 800 *alleged victim of such crime.*

801 E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day  
 802 on which the order was issued, enter and transfer electronically to the Virginia Criminal Information  
 803 Network the respondent's identifying information and the name, date of birth, sex, and race of each  
 804 protected person provided to the court or magistrate. A copy of an emergency protective order issued  
 805 pursuant to this section containing any such identifying information shall be forwarded forthwith to the  
 806 primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of  
 807 the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any  
 808 modification as necessary to the identifying information and other appropriate information required by  
 809 the Department of State Police into the Virginia Criminal Information Network established and  
 810 maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be  
 811 served forthwith upon the respondent and due return made to the court. However, if the order is issued  
 812 by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order  
 813 containing the respondent's identifying information and the name, date of birth, sex, and race of each  
 814 protected person provided to the court to the primary law-enforcement agency providing service and  
 815 entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter  
 816 the name of the person subject to the order and other appropriate information required by the  
 817 Department of State Police into the Virginia Criminal Information Network established and maintained  
 818 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served  
 819 forthwith upon the respondent. Upon service, the agency making service shall enter the date and time of  
 820 service and other appropriate information required into the Virginia Criminal Information Network and  
 821 make due return to the court. One copy of the order shall be given to the alleged victim of such crime.  
 822 The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement  
 823 officer shall verify the written order to determine whether the officer who reduced it to writing  
 824 accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of  
 825 the appropriate district court within five business days of the issuance of the order. If the order is later  
 826 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded  
 827 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders,  
 828 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify  
 829 and enter any modification as necessary to the identifying information and other appropriate information  
 830 required by the Department of State Police into the Virginia Criminal Information Network as described  
 831 above and the order shall be served forthwith and due return made to the court. Upon request, the clerk  
 832 shall provide the alleged victim of such crime with information regarding the date and time of service.

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

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

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

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

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

849 § 19.2-152.9. Preliminary protective orders.

850 A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable  
 851 period of time, subjected to stalking, sexual battery in violation of § 18.2-67.4, aggravated sexual battery  
 852 in violation of § 18.2-67.3, or a criminal offense resulting in a serious bodily injury to the petitioner,  
 853 and an act of violence, force, or threat, or (ii) a petition or warrant has been issued for the arrest of the  
 854 alleged perpetrator of such act or acts for any criminal offense resulting from the commission of an act  
 855 of violence, force, or threat, the court may issue a preliminary protective order against the alleged  
 856 perpetrator in order to protect the health and safety of the petitioner or any family or household member  
 857 of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the  
 858 petition is supported by an affidavit or sworn testimony before the judge or intake officer. Immediate  
 859 and present danger of stalking or another criminal offense that may result in a serious bodily injury to  
 860 the petitioner any act of violence, force, or threat or evidence sufficient to establish probable cause that  
 861 stalking, sexual battery in violation of § 18.2-67.4, aggravated sexual battery in violation of § 18.2-67.3,  
 862 or a criminal offense resulting in a serious bodily injury to the petitioner an act of violence, force, or  
 863 threat has recently occurred shall constitute good cause.

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

- 866 1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to  
 867 person or property, acts of sexual battery, or acts of stalking in violation of § 18.2-60.3;
- 868 2. Prohibiting such other contacts by the respondent with the petitioner or the petitioner's family or  
 869 household members as the court deems necessary for the health and safety of such persons; and
- 870 3. Such other conditions as the court deems necessary to prevent (i) acts of stalking, acts of sexual  
 871 battery, violence, force, or threat, (ii) criminal offenses that may result in injury to person or property,  
 872 or (iii) communication or other contact of any kind by the respondent.

873 B. The court shall forthwith, but in all cases no later than the end of the business day on which the  
 874 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the  
 875 respondent's identifying information and the name, date of birth, sex, and race of each protected person  
 876 provided to the court. A copy of a preliminary protective order containing any such identifying  
 877 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service  
 878 and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the  
 879 agency shall forthwith verify and enter any modification as necessary to the identifying information and  
 880 other appropriate information required by the Department of State Police into the Virginia Criminal  
 881 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et  
 882 seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided  
 883 in § 16.1-264, and due return made to the court. However, if the order is issued by the circuit court, the  
 884 clerk of the circuit court shall forthwith forward an attested copy of the order containing the  
 885 respondent's identifying information and the name, date of birth, sex, and race of each protected person  
 886 provided to the court to the primary law-enforcement agency providing service and entry of protective  
 887 orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the  
 888 person subject to the order and other appropriate information required by the Department of State Police  
 889 into the Virginia Criminal Information Network established and maintained by the Department pursuant  
 890 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged  
 891 perpetrator in person as provided in § 16.1-264. Upon service, the agency making service shall enter the  
 892 date and time of service and other appropriate information required by the Department of State Police  
 893 into the Virginia Criminal Information Network and make due return to the court. The preliminary order  
 894 shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the  
 895 preliminary order. If the respondent fails to appear at this hearing because the respondent was not  
 896 personally served, the court may extend the protective order for a period not to exceed six months. The  
 897 extended protective order shall be served as soon as possible on the respondent. However, upon motion  
 898 of the respondent and for good cause shown, the court may continue the hearing. The preliminary order  
 899 shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the  
 900 petitioner with a copy of the order and information regarding the date and time of service. The order  
 901 shall further specify that either party may at any time file a motion with the court requesting a hearing  
 902 to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of  
 903 the court.

904 Upon receipt of the return of service or other proof of service pursuant to subsection C of  
 905 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to  
 906 primary law-enforcement agency and the agency shall forthwith verify and enter any modification as  
 907 necessary into the Virginia Criminal Information Network as described above. If the order is later  
 908 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded  
 909 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders,  
 910 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify

911 and enter any modification as necessary to the identifying information and other appropriate information  
 912 required by the Department of State Police into the Virginia Criminal Information Network as described  
 913 above and the order shall be served forthwith and due return made to the court.

914 C. The preliminary order is effective upon personal service on the alleged perpetrator. Except as  
 915 otherwise provided in ~~§ 16.1-253.2~~, a violation of the order shall constitute contempt of court.

916 D. At a full hearing on the petition, the court may issue a protective order pursuant to § 19.2-152.10  
 917 if the court finds that the petitioner has proven the allegation of a criminal offense resulting in a serious  
 918 bodily injury to the petitioner, sexual battery in violation of ~~§ 18.2-67.4~~, aggravated sexual battery in  
 919 violation of ~~§ 18.2-67.3~~, or stalking that the petitioner is or has been, within a reasonable period of  
 920 time, subjected to an act of violence, force, or threat by a preponderance of the evidence.

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

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

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

928 § 19.2-152.10. Protective order.

929 A. The court may issue a protective order pursuant to this chapter to protect the health and safety of  
 930 the petitioner and family or household members of a petitioner upon (i) the issuance of a *petition or*  
 931 *warrant for sexual battery in violation of § 18.2-67.4, aggravated sexual battery in violation of*  
 932 *§ 18.2-67.3, a criminal offense resulting in a serious bodily injury to the petitioner, or a violation of*  
 933 *§ 18.2-60.3, or a conviction of, any criminal offense resulting from the commission of an act of violence,*  
 934 *force, or threat or (ii) a hearing held pursuant to subsection D of § 19.2-152.9; or (iii) a conviction for*  
 935 *sexual battery in violation of § 18.2-67.4, aggravated sexual battery in violation of § 18.2-67.3, a*  
 936 *criminal offense resulting in a serious bodily injury to the petitioner, or a violation of § 18.2-60.3. A*  
 937 protective order issued under this section may include any one or more of the following conditions to be  
 938 imposed on the respondent:

939 1. Prohibiting *acts of violence, force, or threat or criminal offenses that may result in injury to*  
 940 *person or property, acts of sexual battery, or acts of stalking in violation of § 18.2-60.3;*

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

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

946 B. The protective order may be issued for a specified period of time up to a maximum of two years.  
 947 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  
 948 of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner  
 949 may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective  
 950 order shall be given precedence on the docket of the court. The court may extend the protective order  
 951 for a period not longer than two years to protect the health and safety of the petitioner or persons who  
 952 are family or household members of the petitioner at the time the request for an extension is made. The  
 953 extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on  
 954 the last day of the two-year period if no date is specified. Nothing herein shall limit the number of  
 955 extensions that may be requested or issued.

956 C. A copy of the protective order shall be served on the respondent and provided to the petitioner as  
 957 soon as possible. The court shall forthwith, but in all cases no later than the end of the business day on  
 958 which the order was issued, enter and transfer electronically to the Virginia Criminal Information  
 959 Network the respondent's identifying information and the name, date of birth, sex, and race of each  
 960 protected person provided to the court and shall forthwith forward the attested copy of the protective  
 961 order and containing any such identifying information to the primary law-enforcement agency  
 962 responsible for service and entry of protective orders. Upon receipt of the order by the primary  
 963 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the  
 964 identifying information and other appropriate information required by the Department of State Police  
 965 into the Virginia Criminal Information Network established and maintained by the Department pursuant  
 966 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent  
 967 and due return made to the court. However, if the order is issued by the circuit court, the clerk of the  
 968 circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying  
 969 information and the name, date of birth, sex, and race of each protected person provided to the court to  
 970 the primary law-enforcement agency providing service and entry of protective orders and upon receipt of  
 971 the order, the primary law-enforcement agency shall enter the name of the person subject to the order

972 and other appropriate information required by the Department of State Police into the Virginia Criminal  
 973 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et  
 974 seq.) of Title 52 and the order shall be served forthwith on the respondent. Upon service, the agency  
 975 making service shall enter the date and time of service and other appropriate information required into  
 976 the Virginia Criminal Information Network and make due return to the court. If the order is later  
 977 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded  
 978 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders,  
 979 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify  
 980 and enter any modification as necessary to the identifying information and other appropriate information  
 981 required by the Department of State Police into the Virginia Criminal Information Network as described  
 982 above and the order shall be served forthwith and due return made to the court.

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

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

987 F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate  
 988 jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths,  
 989 the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing  
 990 violent or threatening acts or harassment against or contact or communication with or physical proximity  
 991 to another person, including any of the conditions specified in subsection A, shall be accorded full faith  
 992 and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided  
 993 reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person  
 994 against whom the order is sought to be enforced sufficient to protect such person's due process rights  
 995 and consistent with federal law. A person entitled to protection under such a foreign order may file the  
 996 order in any appropriate district court by filing with the court, an attested or exemplified copy of the  
 997 order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary  
 998 law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt,  
 999 enter the name of the person subject to the order and other appropriate information required by the  
 1000 Department of State Police into the Virginia Criminal Information Network established and maintained  
 1001 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may  
 1002 transfer information electronically to the Virginia Criminal Information Network.

1003 Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy  
 1004 available of any foreign order filed with that court. A law-enforcement officer may, in the performance  
 1005 of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been  
 1006 provided to him by any source and may also rely upon the statement of any person protected by the  
 1007 order that the order remains in effect.

1008 G. Either party may at any time file a written motion with the court requesting a hearing to dissolve  
 1009 or modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on  
 1010 the docket of the court.

1011 H. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's  
 1012 office, nor any employee of them, may disclose, except among themselves, the residential address,  
 1013 telephone number, or place of employment of the person protected by the order or that of the family of  
 1014 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme  
 1015 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

1016 I. No fees shall be charged for filing or serving petitions pursuant to this section.

1017 J. As used in this section:

1018 "Copy" includes a facsimile copy; and

1019 "Protective order" includes an initial, modified or extended protective order.

1020 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
 1021 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is**  
 1022 **\$93,767 for periods of imprisonment in state adult correctional facilities and cannot be determined**  
 1023 **for periods of commitment to the custody of the Department of Juvenile Justice.**