

2011 SESSION

LEGISLATION NOT PREPARED BY DLS
INTRODUCED

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SENATE BILL NO. 1364

Offered January 12, 2011

Prefiled January 11, 2011

A *BILL to amend and reenact §§16.1-228, 16.1-253.1, 16.1-253.2, 16.1-253.4, 16.1-279.1, 18.2-57, 18.2-60.3, 18.2-60.4, 19.2-11.2, 19.2-81.3, 19.2-152.8, 19.2-152.9, 19.2-152.10, 19.2-387.1, 52-45 of the Code of Virginia relating to the definition of family abuse and protective orders for victims of family abuse, stalking, sexual assault or other acts of violence, including dating violence.*

Patron—Lucas

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-228, 16.1-253.1, 16.1-253.2, 16.1-253.4, 16.1-279.1, 18.2-57, 18.2-60.3, 18.2-60.4, 19.2-11.2, 19.2-81.3, 19.2-152.8, 19.2-152.9, 19.2-152.10, 19.2-387.1, 52-45 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-228. Definitions.

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

"Abused or neglected child" means any child:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

73 "Child in need of supervision" means:

74 1. A child who, while subject to compulsory school attendance, is habitually and without justification
75 absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of
76 any and all educational services and programs that are required to be provided by law and which meet
77 the child's particular educational needs, (ii) the school system from which the child is absent or other
78 appropriate agency has made a reasonable effort to effect the child's regular attendance without success,
79 and (iii) the school system has provided documentation that it has complied with the provisions of
80 § 22.1-258; or

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

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

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

92 "Delinquent act" means (i) an act designated a crime under the law of this Commonwealth, or an
93 ordinance of any city, county, town or service district, or under federal law, (ii) a violation of
94 § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an
95 act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if
96 committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to
97 take a blood or breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city or
98 town.

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

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

105 "Family abuse" means any act involving violence, force, or threat ~~including, but not limited to, any~~
106 ~~forceful detention,~~ which results in bodily injury or places one in reasonable apprehension of *death,*
107 *sexual assault or other* bodily injury and which is committed by a person against such person's family
108 or household member. *"Family abuse" includes, but is not limited to, assault, stalking, sexual assault,*
109 *any forceful detention or intentional damage to real or personal property with the intent to intimidate or*
110 *control.*

111 "Family or household member" means (i) the person's spouse, whether or not he or she resides in the
112 same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same
113 home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters,
114 half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in
115 the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law,
116 daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v)
117 any individual who has a child in common with the person, whether or not the person and that
118 individual have been married or have resided together at any time, or (vi) any individual who cohabits
119 or who, within the previous 12 months, cohabited with the person, and any children of either of them
120 then residing in the same home with the person.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period of time, subjected to family abuse, the court may issue a preliminary protective order against an allegedly abusing person perpetrator of family abuse in order to protect the health and safety of the

petitioner or any family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer. Immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred shall constitute good cause. Evidence that the petitioner has been subjected to family abuse within a reasonable time and evidence of immediate and present danger of family abuse may be established by a showing that (i) the allegedly abusing person perpetrator of family abuse is incarcerated and is to be released from incarceration within 30 days following the petition or has been released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly abusing person perpetrator of family abuse was convicted and incarcerated involved family abuse against the petitioner, and (iii) the allegedly abusing person perpetrator of family abuse has made threatening contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of family abuse.

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

1. Prohibiting acts of family abuse.
2. Prohibiting such other contacts between the parties as the court deems appropriate.
3. 2. Prohibiting such other contacts with the allegedly abused family or household member victim or victims of family abuse and members of the alleged victim's family or household as the court deems necessary to protect the safety of such persons, including prohibiting going or remaining upon land, buildings or premises.

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

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

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

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

8. 3. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner including but not limited to:

- a. Granting the petitioner possession of the premises occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property;

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

- c. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the respondent; however, no such grant of possession or use shall affect title to the vehicle;

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

B. A protective order may be issued and enforced only to protect the petitioner or the petitioner's family or household members. In cases where both parties file a petition for a protective order, the judge may issue mutual orders only if the judge finds by clear and convincing evidence that each party has committed, and is likely to commit in the future, an act of family abuse against the other party.

C. B. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of a preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the respondent allegedly abusing person in person as provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each

protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the *respondent* ~~allegedly abusing person~~ in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the preliminary order. If the respondent fails to appear at this hearing because the respondent was not personally served, or if personally served was incarcerated and not transported to the hearing, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served forthwith on the respondent. However, upon motion of the respondent and for good cause shown, the court may continue the hearing. The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court.

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

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

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

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

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

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

§ 16.1-253.2. Violation of provisions of protective orders; penalty.

~~A.~~ In addition to any other penalty provided by law, any person who violates any provision of a protective order issued pursuant to §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, 16.1-279.1 or subsection B of § 20-103, which prohibits such person from going or remaining upon land, buildings or premises or from further acts of family abuse, or which prohibits *such person from having contacts between the respondent and the respondent's with an alleged victim of family abuse or the alleged victim's family or household member(s) as the court deems appropriate* is guilty of a Class 1 misdemeanor.

~~B.~~ The punishment for any person convicted of a second offense of violating a protective order, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months.

~~C.~~ If the respondent commits an assault and battery upon any party protected by the protective order, resulting in serious bodily injury to the party, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a

305 Class 6 felony, in addition to any other penalty provided by law.

306 D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement
307 is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire
308 term imposed be suspended. Upon conviction, the court shall, in addition to the sentence imposed *and*
309 *with the informed consent of the victim*, enter a protective order pursuant to § 16.1-279.1 for a specified
310 period not exceeding two years from the date of conviction.

311 **§ 16.1-253.4. Emergency protective orders authorized in certain cases; penalty.**

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

315 B. When a law-enforcement officer or *alleged victim of family abuse* or ~~an allegedly abused person~~
316 asserts under oath to a judge or magistrate, and on that assertion or other evidence the judge or
317 magistrate (i) finds that a warrant for a violation of § 18.2-57.2 has been issued or issues a warrant for
318 violation of § 18.2-57.2 *or any other crime involving behavior included in the definition of family abuse*,
319 and finds that there is probable danger of further acts of family abuse ~~against a family or household~~
320 ~~member~~ by the respondent; or (ii) finds that reasonable grounds exist to believe that the respondent has
321 committed family abuse and there is probable danger of a further such offense against a family or
322 household member by the respondent, the judge or magistrate shall issue an ex parte emergency
323 protective order, except if the respondent is a minor, an emergency protective order shall not be required
324 imposing one or more of the following conditions on the respondent:

325 1. Prohibiting acts of family abuse;

326 2. Prohibiting such contacts by the respondent with *the alleged victim of family abuse* and family or
327 household members of the *alleged victim* ~~respondent~~ as the judge or magistrate deems necessary to
328 protect the safety of such persons; and

329 3. Granting the ~~family or household member~~ *alleged victim of family abuse* possession of the
330 premises occupied by the parties to the exclusion of the respondent; however, no such grant of
331 possession shall affect title to any real or personal property.

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

336 B. *A protective order may be issued and enforced only to protect the alleged victim of family abuse*
337 *who filed a petition or on whose behalf a law-enforcement officer filed a petition or the members of the*
338 *victim's family or household. In cases where both parties file a petition for a protective order, the judge*
339 *may issue mutual orders only if the judge finds by clear and convincing evidence that each party has*
340 *committed, and is likely to commit in the future, an act of family abuse against the other party.*

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

353 D. A law-enforcement officer may request an emergency protective order pursuant to this section
354 and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant
355 to § 16.1-253.1 or § 16.1-279.1, may request the extension of an emergency protective order for an
356 additional period of time not to exceed three days after expiration of the original order.

357 E. The request for an emergency protective order or extension of an order may be made orally, in
358 person or by electronic means, and the judge of a circuit court, general district court, or juvenile and
359 domestic relations district court or a magistrate may issue an oral emergency protective order. An oral
360 emergency protective order issued pursuant to this section shall be reduced to writing, by the
361 law-enforcement officer requesting the order or the magistrate on a preprinted form approved and
362 provided by the Supreme Court of Virginia. The completed form shall include a statement of the
363 grounds for the order asserted by the officer or the ~~allegedly abused person~~ *victim of family abuse*.

364 E.F. The court or magistrate shall forthwith, but in all cases no later than the end of the business day
365 on which the order was issued, enter and transfer electronically to the Virginia Criminal Information
366 Network the respondent's identifying information and the name, date of birth, sex, and race of each

protected person provided to the court or magistrate. A copy of an emergency protective order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the respondent. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. One copy of the order shall be given to the allegedly abused person *victim of family abuse* when it is issued, and one copy shall be filed with the written report required by § 19.2-81.3 C. The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement officer shall verify the written order to determine whether the officer who reduced it to writing accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of the juvenile and domestic relations district court within five business days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court. Upon request, the clerk shall provide the allegedly abused person *victim of family abuse* with information regarding the date and time of service.

F. G. The availability of an emergency protective order shall not be affected by the fact that the family or household member *alleged victim of family abuse* left the premises or took other action to avoid the danger of family abuse by the respondent.

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

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

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

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

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

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

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

1. Prohibiting acts of family abuse;

2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons, *including prohibiting going or remaining upon land, buildings or premises.*

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

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

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

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

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

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

3. Granting any other relief necessary for the protection of the petitioner and family or household members of the petitioner *including but not limited to:*

a. Providing for temporary custody or visitation of a minor child;

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

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

d. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the respondent; however, no such grant of possession or use shall affect title to the vehicle;

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

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

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

B. A protective order may be issued and enforced only to protect the petitioner or the petitioner's family or household members. In cases where both parties file a petition for a protective order, the judge may issue mutual orders only if the judge finds by clear and convincing evidence that each party has committed, and is likely to commit in the future, an act of family abuse against the other party.

A4. C. If a protective order is issued pursuant to subsection A of this section, the court may also issue a temporary child support order for the support of any children of the petitioner whom the respondent has a legal obligation to support. Such order shall terminate upon the determination of support pursuant to § 20-108.1.

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

E. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et

seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

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

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

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

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

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

H. *J.* As used in this section:

"Copy" includes a facsimile copy; and

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

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

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

§ 18.2-57.2. Assault and battery against a family or household member; penalty.

A. Any person who commits an assault and battery against a family or household member is guilty of a Class 1 misdemeanor.

B. Upon a conviction for assault and battery against a family or household member, where it is alleged in the warrant, petition, information, or indictment on which a person is convicted, that such

person has been previously convicted of two offenses against a family or household member of (i) assault and battery against a family or household member in violation of this section, (ii) malicious wounding in violation of § 18.2-51, (iii) aggravated malicious wounding in violation of § 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52, or (v) an offense under the law of any other jurisdiction which has the same elements of any of the above offenses, in any combination, all of which occurred within a period of 20 years, and each of which occurred on a different date, such person is guilty of a Class 6 felony.

C. Whenever a warrant for a violation of this section is issued, the magistrate shall issue an emergency protective order as authorized by § 16.1-253.4., except if the defendant is a minor, an emergency protective order shall not be required.

D. Upon conviction and in addition to the sentence imposed, the court shall, after obtaining the informed consent of the victim, enter a protective order pursuant to § 16.1-279.1 for a specified period not exceeding two years from the date of conviction.

~~D. E.~~ The definition of "family or household member" in § 16.1-228 applies to this section.

§ 18.2-60.3. Stalking; penalty.

A. Any person, except a law-enforcement officer, as defined in § 9.1-101, and acting in the performance of his official duties, and a registered private investigator, as defined in § 9.1-138, who is regulated in accordance with § 9.1-139 and acting in the course of his legitimate business, who on more than one occasion engages in conduct directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member is guilty of a Class 1 misdemeanor.

B. A third or subsequent conviction occurring within five years of a conviction for an offense under this section or for a similar offense under the law of any other jurisdiction shall be a Class 6 felony.

C. A person may be convicted under this section irrespective of the jurisdiction or jurisdictions within the Commonwealth wherein the conduct described in subsection A occurred, if the person engaged in that conduct on at least one occasion in the jurisdiction where the person is tried. Evidence of any such conduct that occurred outside the Commonwealth may be admissible, if relevant, in any prosecution under this section provided that the prosecution is based upon conduct occurring within the Commonwealth.

~~D. Upon finding a person guilty under this section, the court shall, in addition to the sentence imposed, issue an order prohibiting contact between the defendant and the victim or the victim's family or household member.~~
Upon conviction and in addition to the sentence imposed, the court shall, with the informed consent of the victim, enter a protective order pursuant to § 19.2-152.10 for a specified period not exceeding two years from the date of conviction.

E. The Department of Corrections, sheriff or regional jail director shall give notice prior to the release from a state correctional facility or a local or regional jail of any person incarcerated upon conviction of a violation of this section, to any victim of the offense who, in writing, requests notice, or to any person designated in writing by the victim. The notice shall be given at least fifteen days prior to release of a person sentenced to a term of incarceration of more than thirty days or, if the person was sentenced to a term of incarceration of at least forty-eight hours but no more than thirty days, twenty-four hours prior to release. If the person escapes, notice shall be given as soon as practicable following the escape. The victim shall keep the Department of Corrections, sheriff or regional jail director informed of the current mailing address and telephone number of the person named in the writing submitted to receive notice.

All information relating to any person who receives or may receive notice under this subsection shall remain confidential and shall not be made available to the person convicted of violating this section.

For purposes of this subsection, "release" includes a release of the offender from a state correctional facility or a local or regional jail (i) upon completion of his term of incarceration or (ii) on probation or parole.

No civil liability shall attach to the Department of Corrections nor to any sheriff or regional jail director or their deputies or employees for a failure to comply with the requirements of this subsection.

F. For purposes of this section:

"Family or household member" has the same meaning as provided in § 16.1-228.

§ 18.2-60.4. Violation of stalking protective orders in cases of dating violence, sexual assault, stalking, and other acts of violence; penalty.

A. Any person who violates any provision of a protective order issued pursuant to §§ 19.2-152.8, 19.2-152.9 or § 19.2-152.10 is guilty of a Class 1 misdemeanor. Conviction hereunder shall bar a finding of contempt for the same act.

B. The punishment for any person convicted of a second offense of violating a protective order, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of

confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months.

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

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

D. Upon conviction, the court shall, in addition to the sentence imposed and with the informed consent of the victim, enter a protective order pursuant to § 19.2-152.10 for a specified period not exceeding two years from the date of conviction.

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

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

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

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

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

D. E. In every case in which a law-enforcement officer makes an arrest under this section for a violation of §18.2-57.2, he shall petition for an emergency protective order as authorized in § 16.1-253.4 when the person arrested and taken into custody is brought before the magistrate, except if the person arrested is a minor, a petition for an emergency protective order shall not be required. Regardless of whether an arrest is made, if the officer has probable cause to believe that a danger of acts of family abuse exists, the law-enforcement officer shall seek an emergency protective order under § 16.1-253.4, except if the suspected abuser is a minor, a petition for an emergency protective order shall not be 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~~ *alleged family abuse victim* to a hospital or safe
 677 shelter, or to appear before a magistrate. Any local law-enforcement agency may adopt a policy
 678 requiring an officer to transport or arrange for transportation of an *alleged family abuse victim* ~~abused~~
 679 ~~person~~ as provided in this subsection.

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

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

688 **§ 19.2-152.8. Emergency protective orders authorized in cases of dating violence, stalking, sexual**
 689 **assault battery, and other acts of violence.**

690 A. Any judge of a circuit court, general district court, juvenile and domestic relations district court or
 691 magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in
 692 order to protect the health or safety of any person, *including but not limited to, a person who is a victim*
 693 *of dating violence.*

694 B. 1. A judge or magistrate may issue such an order when a law enforcement officer or an alleged
 695 victim asserts under oath that the alleged victim has been subjected to an act or acts of violence. For
 696 purposes of this section, an "act of violence" shall include any act or acts involving violence, force, or
 697 threat, which results in bodily injury or places the alleged victim in reasonable apprehension of death,
 698 sexual assault or other bodily injury. An act of violence permitting the issuance of a protective order
 699 may include, but is not limited to, assault, stalking, sexual assault, any forceful detention, or intentional
 700 damage to real or personal property with the intent to intimidate or control the alleged victim.

701 When a law-enforcement officer, an allegedly stalked person, or an alleged victim of sexual battery
 702 in violation of § 18.2-67.4, aggravated sexual battery in violation of § 18.2-67.3 or a criminal offense
 703 resulting in a serious bodily injury to the alleged victim asserts under oath to a judge or magistrate that
 704 such person is being or has been subjected to stalking, sexual battery, in violation of § 18.2-67.4,
 705 aggravated sexual battery in violation of § 18.2-67.3, or a criminal offense resulting in a serious bodily
 706 injury to the alleged victim, and on that assertion or other evidence

707 2. Where the judge or magistrate finds, based on the assertion of the victim or law enforcement
 708 officer or on other evidence, that (i) there is probable danger of a further act of violence ~~such offense~~
 709 being committed by the respondent against the alleged victim ~~and~~ *or* (ii) a warrant for the arrest of the
 710 respondent has been issued for a criminal offense involving any such conduct, the judge or magistrate
 711 shall issue an ex parte emergency protective order imposing one or more of the following conditions on
 712 the respondent:

713 1. Prohibiting any conduct listed in subsection B; acts of violence, acts of sexual battery, or acts of
 714 stalking in violation of § 18.2-60.3;

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

718 3. Such other conditions as the judge or magistrate deems necessary to prevent *conduct* ~~acts of~~
 719 ~~stalking, acts of sexual battery, or criminal offenses~~ resulting in injury to person or property, or
 720 communication or other contact of any kind by the respondent.

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

727 D. A protective order may be issued and enforced only to protect the alleged victim who has
 728 petitioned for the order or on whose behalf a law-enforcement officer has petitioned or the family or
 729 household members of the victim. In cases where both parties file a petition for a protective order, the
 730 judge may issue mutual orders only if the judge finds by clear and convincing evidence that each party
 731 has committed, and is likely to commit in the future, an act specified in §19.2-152.8 B. against the other
 732 party.

733 E. ~~D.~~ A law-enforcement officer may request an emergency protective order pursuant to this section
 734 orally, in person or by electronic means, and the judge of a circuit court, general district court, or
 735 juvenile and domestic relations district court or a magistrate may issue an oral emergency protective

order. An oral emergency protective order issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the order or the magistrate, on a preprinted form approved and provided by the Supreme Court of Virginia. The completed form shall include a statement of the grounds for the order asserted by the officer or the alleged victim of such crime.

F. If the person in need of protection is physically or mentally incapable of filing a petition pursuant to § 19.2-152.9 or §19.2-152.10, a law-enforcement officer may request the extension of an emergency protective order for an additional period of time not to exceed three days after expiration of the original order.

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

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

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

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

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

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

§ 19.2-152.9. Preliminary protective orders in cases of dating violence, stalking, sexual assault battery, and other acts of violence.

A. I. Any judge of a circuit court, general district court, juvenile and domestic relations district court or magistrate may issue a preliminary protective order pursuant to this section in order to protect the health or safety of any person, including, but not limited to, a person who is a victim of dating

797 violence.

798 2. Upon the filing of a petition alleging that (i) the petitioner is being or has been, within a
799 reasonable period of time, subjected to an "act of violence" as defined in §19.2-152.8 B. 1 stalking,
800 sexual battery, in violation of § 18.2-67.4, aggravated sexual battery in violation of § 18.2-67.3, or a
801 criminal offense resulting in a serious bodily injury to the petitioner, and (ii) a warrant for the arrest of
802 the respondent has been issued, the court may issue a preliminary protective order against the alleged
803 perpetrator in order to protect the health and safety of the petitioner or any family or household member
804 of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the
805 petition is supported by an affidavit or sworn testimony before the judge or intake officer. Immediate
806 and present danger of an "act of violence" as defined in §19.2-152.8 B. 1stalking, or another criminal
807 offense that may result in a serious bodily injury to the petitioner or evidence sufficient to establish
808 probable cause that an "act of violence" as defined in §19.2-152.8 B. 1 stalking, sexual battery in
809 violation of § 18.2-67.4, aggravated sexual battery in violation of § 18.2-67.3, or a criminal offense
810 resulting in a serious bodily injury to the petitioner has recently occurred shall constitute good cause.

811 B. A preliminary protective order may include any one or more of the following conditions to be
812 imposed on the respondent:

813 1. Prohibiting any conduct included in subsection A. A criminal offenses that may result in injury to
814 person or property, acts of sexual battery, or acts of stalking in violation of § 18.2-60.3;

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

817 3. Such other conditions as the court deems necessary to prevent conduct acts of stalking, acts of
818 sexual battery, criminal offenses that may result in injury to person or property, or communication or
819 other contact of any kind by the respondent.

820 C. A protective order may be issued and enforced only to protect the petitioner or the petitioner's
821 family or household members. In cases where both parties file a petition for a protective order, the
822 judge may issue mutual orders only if the judge finds by clear and convincing evidence that each party
823 has committed, and is likely to commit in the future, conduct specified in Subsection A. against the other
824 party.

825 B- D. The court shall forthwith, but in all cases no later than the end of the business day on which
826 the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the
827 respondent's identifying information and the name, date of birth, sex, and race of each protected person
828 provided to the court. A copy of a preliminary protective order containing any such identifying
829 information shall be forwarded forthwith to the primary law-enforcement agency responsible for service
830 and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the
831 agency shall forthwith verify and enter any modification as necessary to the identifying information and
832 other appropriate information required by the Department of State Police into the Virginia Criminal
833 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et
834 seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided
835 in § 16.1-264, and due return made to the court. However, if the order is issued by the circuit court, the
836 clerk of the circuit court shall forthwith forward an attested copy of the order containing the
837 respondent's identifying information and the name, date of birth, sex, and race of each protected person
838 provided to the court to the primary law-enforcement agency providing service and entry of protective
839 orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the
840 person subject to the order and other appropriate information required by the Department of State Police
841 into the Virginia Criminal Information Network established and maintained by the Department pursuant
842 to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged
843 perpetrator in person as provided in § 16.1-264. Upon service, the agency making service shall enter the
844 date and time of service and other appropriate information required by the Department of State Police
845 into the Virginia Criminal Information Network and make due return to the court. The preliminary order
846 shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the
847 preliminary order. If the respondent fails to appear at this hearing because the respondent was not
848 personally served, the court may extend the protective order for a period not to exceed six months. The
849 extended protective order shall be served as soon as possible on the respondent. However, upon motion
850 of the respondent and for good cause shown, the court may continue the hearing. The preliminary order
851 shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the
852 petitioner with a copy of the order and information regarding the date and time of service. The order
853 shall further specify that either party may at any time file a motion with the court requesting a hearing
854 to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of
855 the court.

856 Upon receipt of the return of service or other proof of service pursuant to subsection C of
857 § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to
858 primary law-enforcement agency and the agency shall forthwith verify and enter any modification as

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

~~C.~~ *E.* The preliminary order is effective upon personal service on the alleged perpetrator. Except as otherwise provided in ~~§ 16.1-253.2~~ *18.2-60.4*, a violation of the order shall constitute contempt of court.

~~D.~~ *F.* At a full hearing on the petition, the court may issue a protective order pursuant to § 19.2-152.10 if the court finds that the petitioner has proven the allegation *that respondent has engaged in conduct included in Subsection A of a criminal offense resulting in a serious bodily injury to the petitioner, sexual battery in violation of § 18.2-67.4, aggravated sexual battery in violation of § 18.2-67.3, or stalking by a preponderance of the evidence.*

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

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

~~G.~~ *I.* As used in this section, "copy" includes a facsimile copy.

§ 19.2-152.10. Protective order in cases of dating violence, stalking, sexual assault battery, and other acts of violence.

A. 1. Any judge of a circuit court, general district court, juvenile and domestic relations district court or magistrate may issue a preliminary protective order pursuant to this section in order to protect the health or safety of any person, including, but not limited to, a person who is a victim of dating violence.

*2. The court may issue a protective order pursuant to this chapter to protect the health and safety of the petitioner and family or household members of a petitioner upon (i) the issuance of a warrant for sexual battery in violation of § 18.2-67.4, aggravated sexual battery in violation of § 18.2-67.3, a criminal offense resulting in a serious bodily injury to the petitioner, or a violation of § 18.2-60.3, (ii) a hearing held pursuant to subsection ~~D~~ *F* of § 19.2-152.9, or (iii) (ii) a conviction for sexual assault pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18, battery in violation of § 18.2-67.4, aggravated sexual battery in violation of § 18.2-67.3, a criminal offense resulting in a serious bodily injury to the petitioner, or a violation of § 18.2-60.3. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:*

1. Prohibiting any conduct included in §19.2-152.9A. or criminal offenses that may result in injury to person or property, acts of sexual battery, or acts of stalking in violation of § 18.2-60.3;

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

3. Any other relief necessary to prevent conduct included in §19.2-152.9 A. and criminal offenses that may result in injury to person or property, acts of sexual assault battery, or acts of stalking, communication or other contact of any kind by the respondent.

B. A protective order may be issued and enforced only to protect the petitioner or the petitioner's family or household members. In cases where both parties file a petition for a protective order, the judge may issue mutual orders only if the judge finds by clear and convincing evidence that each party has committed, and is likely to commit in the future, conduct included in §19.2-152.9 A. against the other party.

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

~~D.~~ *C.* A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information

Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order and containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the respondent. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

E. D. Except as otherwise provided in § 18.2-60.4, a violation of a protective order issued under this section shall constitute contempt of court.

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

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

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

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

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

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

K. J. As used in this section:

"Copy" includes a facsimile copy; and

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

§ 19.2-387.1. Protective Order Registry; maintenance; access.

A. The Department of State Police shall keep and maintain a computerized Protective Order Registry of protective orders issued under §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, 16.1-279.1, subsection B of § 20-103, 19.2-152.8, 19.2-152.9 or § 19.2-152.10. The purpose of the Registry shall be to assist the efforts of law-enforcement agencies to protect their communities and their citizens. The Department of State Police shall make Registry information available, upon request, to criminal justice agencies, including local law-enforcement agencies, through the Virginia Criminal Information Network (VCIN). Registry information provided under this section shall be used only for the purposes of the administration of criminal justice.

B. No liability shall be imposed upon any law-enforcement official who disseminates information or fails to disseminate information in good faith compliance with the requirements of this section, but this provision shall not be construed to grant immunity for gross negligence or willful misconduct.

§ 19.2-390. Reports to be made by local law-enforcement officers, conservators of the peace, clerks of court, Secretary of the Commonwealth and Corrections officials to State Police; material submitted by other agencies.

A. 1. Every state official or agency having the power to arrest, the sheriffs of counties, the police officials of cities and towns, and any other local law-enforcement officer or conservator of the peace having the power to arrest for a felony shall make a report to the Central Criminal Records Exchange, on forms provided by it, of any arrest, including those arrests involving the taking into custody of, or service of process upon, any person on charges resulting from an indictment, presentment or information, the arrest on *capias* or warrant for failure to appear, and the service of a warrant for another jurisdiction, on any of the following charges:

- a. Treason;
- b. Any felony;
- c. Any offense punishable as a misdemeanor under Title 54.1; or
- d. Any misdemeanor punishable by confinement in jail (i) under Title 18.2 or 19.2, except an arrest for a violation of ~~§ 18.2-149~~, Article 2 (§ 18.2-415 et seq.) of Chapter 9 of Title 18.2, or any similar ordinance of any county, city or town, (ii) under § 20-61, or (iii) under § 16.1-253.2.

The reports shall contain such information as is required by the Exchange and shall be accompanied by fingerprints of the individual arrested. Effective January 1, 2006, the corresponding photograph of the individual arrested shall accompany the report. Fingerprint cards prepared by a law-enforcement agency for inclusion in a national criminal justice file shall be forwarded to the Exchange for transmittal to the appropriate bureau. Nothing in this section shall preclude each local law-enforcement agency from maintaining its own separate photographic database.

2. For persons arrested and released on summonses in accordance with § 19.2-74, such report shall not be required until (i) a conviction is entered and no appeal is noted or if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (ii) the court dismisses the proceeding pursuant to § 18.2-251; or (iii) an acquittal by reason of insanity pursuant to § 19.2-182.2 is entered. Upon such conviction or acquittal, the court shall remand the individual to the custody of the office of the chief law-enforcement officer of the county or city. It shall be the duty of the chief law-enforcement officer, or his designee who may be the arresting officer, to ensure that such report is completed after a determination of guilt or acquittal by reason of insanity. The court shall require the officer to complete the report immediately following the person's conviction or acquittal, and the individual shall be discharged from custody forthwith, unless the court has imposed a jail sentence to be served by him or ordered him committed to the custody of the Commissioner of Behavioral Health and Developmental Services.

B. Within 72 hours following the receipt of (i) a warrant or *capias* for the arrest of any person on a charge of a felony or (ii) a Governor's warrant of arrest of a person issued pursuant to § 19.2-92, the law-enforcement agency which received the warrant shall enter the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the National Crime Information Center (NCIC), maintained by the Federal Bureau of Investigation. The report shall include the person's name, date of birth, social security number and such other known information which the State Police or Federal Bureau of Investigation may require. Where feasible and practical, the magistrate or court issuing the warrant or *capias* may transfer information electronically into VCIN. When the information is electronically transferred to VCIN, the court or magistrate shall forthwith forward the warrant or *capias* to the local police department or sheriff's office. When criminal process has been ordered destroyed pursuant to § 19.2-76.1, the law-enforcement agency destroying such process shall ensure the removal of any information relating to the destroyed criminal process from the VCIN and NCIC.

B1. Within 72 hours following the receipt of a written statement issued by a parole officer pursuant to § 53.1-149 or 53.1-162 authorizing the arrest of a person who has violated the provisions of his

1043 post-release supervision or probation, the law-enforcement agency that received the written statement
1044 shall enter, or cause to be entered, the person's name and other appropriate information required by the
1045 Department of State Police into the "information systems" known as the Virginia Criminal Information
1046 Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.)
1047 of Title 52.

1048 C. The clerk of each circuit court and district court shall make an electronic report to the Central
1049 Criminal Records Exchange of (i) any dismissal, indefinite postponement or continuance, charge still
1050 pending due to mental incompetency or incapacity, nolle prosequi, acquittal, or conviction of, including
1051 any sentence imposed, or failure of a grand jury to return a true bill as to, any person charged with an
1052 offense listed in subsection A, including any action which may have resulted from an indictment,
1053 presentment or information, and (ii) any adjudication of delinquency based upon an act which, if
1054 committed by an adult, would require fingerprints to be filed pursuant to subsection A. In the case of
1055 offenses not required to be reported to the Exchange by subsection A, the reports of any of the
1056 foregoing dispositions shall be filed by the law-enforcement agency making the arrest with the arrest
1057 record required to be maintained by § 15.2-1722. Upon conviction of any person, including juveniles
1058 tried and convicted in the circuit courts pursuant to § 16.1-269.1, whether sentenced as adults or
1059 juveniles, for an offense for which registration is required as defined in § 9.1-902, the clerk shall within
1060 seven days of sentencing submit a report to the Sex Offender and Crimes Against Minors Registry. The
1061 report to the Registry shall include the name of the person convicted and all aliases which he is known
1062 to have used, the date and locality of the conviction for which registration is required, his date of birth,
1063 social security number, last known address, and specific reference to the offense for which he was
1064 convicted. No report of conviction or adjudication in a district court shall be filed unless the period
1065 allowed for an appeal has elapsed and no appeal has been perfected. In the event that the records in the
1066 office of any clerk show that any conviction or adjudication has been nullified in any manner, he shall
1067 also make a report of that fact to the Exchange and, if appropriate, to the Registry. In addition, each
1068 clerk of a circuit court, upon receipt of certification thereof from the Supreme Court, shall report to the
1069 Exchange or the Registry, or to the law-enforcement agency making the arrest in the case of offenses
1070 not required to be reported to the Exchange, on forms provided by the Exchange or Registry, as the case
1071 may be, any reversal or other amendment to a prior sentence or disposition previously reported. When
1072 criminal process is ordered destroyed pursuant to § 19.2-76.1, the clerk shall report such action to the
1073 law-enforcement agency that entered the warrant or capias into the VCIN.

1074 D. In addition to those offenses enumerated in subsection A of this section, the Central Criminal
1075 Records Exchange may receive, classify and file any other fingerprints, photographs, and records of
1076 arrest or confinement submitted to it by any law-enforcement agency or any correctional institution.

1077 E. Corrections officials, sheriffs, and jail superintendents of regional jails, responsible for maintaining
1078 correctional status information, as required by the regulations of the Department of Criminal Justice
1079 Services, with respect to individuals about whom reports have been made under the provisions of this
1080 chapter shall make reports of changes in correctional status information to the Central Criminal Records
1081 Exchange. The reports to the Exchange shall include any commitment to or release or escape from a
1082 state or local correctional facility, including commitment to or release from a parole or probation
1083 agency.

1084 F. Any pardon, reprieve or executive commutation of sentence by the Governor shall be reported to
1085 the Exchange by the office of the Secretary of the Commonwealth.

1086 G. Officials responsible for reporting disposition of charges, and correctional changes of status of
1087 individuals under this section, including those reports made to the Registry, shall adopt procedures
1088 reasonably designed at a minimum (i) to ensure that such reports are accurately made as soon as feasible
1089 by the most expeditious means and in no instance later than 30 days after occurrence of the disposition
1090 or correctional change of status and (ii) to report promptly any correction, deletion, or revision of the
1091 information.

1092 H. Upon receiving a correction, deletion, or revision of information, the Central Criminal Records
1093 Exchange shall notify all criminal justice agencies known to have previously received the information.

1094 As used in this section:

1095 "Chief law-enforcement officer" means the chief of police of cities and towns and sheriffs of
1096 counties, unless a political subdivision has otherwise designated its chief law-enforcement officer by
1097 appropriate resolution or ordinance, in which case the local designation shall be controlling.

1098 "Electronic report" means a report transmitted to, or otherwise forwarded to, the Central Criminal
1099 Records Exchange in an electronic format approved by the Exchange. The report shall contain the name
1100 of the person convicted and all aliases which he is known to have used, the date and locality of the
1101 conviction, his date of birth, social security number, last known address, and specific reference to the
1102 offense including the Virginia Code section and any subsection, the Virginia crime code for the offense,
1103 and the offense tracking number for the offense for which he was convicted.

1104 **§ 52-45. Protective Order Registry established.**

1105 The Superintendent shall establish, organize and maintain within the Department of State Police a
1106 computerized Protective Order Registry as a central repository of information regarding outstanding,
1107 valid protective orders *issued under §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, 16.1-279.1.*
1108 *subsection B of § 20-103, 19.2-152.8, 19.2-152.9 or § 19.2-152.10.* Such information shall be maintained
1109 and disseminated by the registry as accurately and completely as possible to assist in the expedited entry
1110 and dissemination of protective order information.

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