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HOUSE BILL NO. 1897

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 3, 2023)

(Patron Prior to Substitute—Delegate Bell)

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

Be it enacted by the General Assembly of Virginia:

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

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

A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period of time, subjected to family abuse, or the filing of a written motion requesting a hearing to extend a protective order pursuant to § 16.1-279.1 without alleging that the petitioner is or has been, within a reasonable period of time, subject to family abuse, the court may issue a preliminary protective order against an allegedly abusing person in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer or upon the filing of a written motion requesting a hearing to extend a protective order pursuant to § 16.1-279.1 without alleging that the petitioner is or has been, within a reasonable period of time, subject to family abuse. If an ex parte order is issued without an affidavit or a completed form as prescribed by subsection D of § 16.1-253.4 being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings. Immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred shall constitute good cause. Evidence that the petitioner has been subjected to family abuse within a reasonable time and evidence of immediate and present danger of family abuse may be established by a showing that (i) the allegedly abusing person is incarcerated and is to be released from incarceration within 30 days following the petition or has been released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the allegedly abusing person has made threatening contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of family abuse.

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

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property.
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons.

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

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

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

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

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

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

9. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner.

B. The court shall forthwith, but in all cases no later than the end of the business day on which the

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

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

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

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

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

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

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

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

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

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

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;

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

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

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

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

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

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

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

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

A1. If a protective order is issued pursuant to subsection A, the 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. 1. The protective order may be issued for a specified period of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. *A written motion requesting a hearing to extend the protective order shall be served as soon as possible on the respondent.*

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

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

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

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

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

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

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

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

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

239 H. As used in this section:

240 "Copy" includes a facsimile copy; and.

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

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

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

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

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

§ 19.2-152.9. Preliminary protective orders.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

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

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

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

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

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

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

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

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been 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. 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. Upon petitioner's motion to dissolve the protective order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

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

K. As used in this section:

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

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

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

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

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