

2025 SESSION

INTRODUCED

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1 **HOUSE BILL NO. 2316**

2 Offered January 13, 2025

3 Prefiled January 8, 2025

4 *A BILL to amend and reenact §§ 16.1-279.1 and 19.2-152.10 of the Code of Virginia, relating to protective*
5 *orders; dissolution of existing order.*

6 Patron—Davis

7 Referred to Committee for Courts of Justice

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

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

10 **§ 16.1-279.1. Protective order in cases of family abuse.**

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

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

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

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

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

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

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

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

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

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

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

43 A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary child
44 support order for the support of any children of the petitioner whom the respondent has a legal obligation to
45 support. Such temporary child support order shall terminate upon the determination of support pursuant to §
46 20-108.1 or upon the termination of such protective order, whichever occurs first.

47 B. 1. The protective order may be issued for a specified period of time up to a maximum of two years. The
48 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-
49 year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a
50 written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be
51 given precedence on the docket of the court. A written motion requesting a hearing to extend the protective
52 order shall be served as soon as possible on the respondent.

53 If the petitioner was a family or household member of the respondent at the time the initial protective
54 order was issued, the court may extend the protective order for a period not longer than two years to protect
55 the health and safety of the petitioner or persons who are family or household members of the petitioner at the
56 time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on

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59 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
60 herein shall limit the number of extensions that may be requested or issued.

61 2. Upon the filing of a written motion requesting a hearing to extend the protective order, the court may
62 issue an ex parte preliminary protective order pursuant to § 16.1-253.1 until the extension hearing. The ex
63 parte preliminary protective order shall specify a date for the extension hearing, which shall be held within 15
64 days of the issuance of the ex parte preliminary protective order and may be held after the expiration of the
65 protective order. If the respondent fails to appear at the extension hearing because the respondent was not
66 personally served, the court shall schedule a new date for the extension hearing and may extend the ex parte
67 preliminary protective order until such new date. The extended ex parte preliminary protective order shall be
68 served as soon as possible on the respondent. If the respondent was personally served, where the petitioner
69 shows by clear and convincing evidence that a continuance is necessary to meet the ends of justice or the
70 respondent shows good cause, the court may continue the extension hearing and such ex parte preliminary
71 protective order shall remain in effect until the extension hearing.

72 C. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon
73 as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all
74 cases no later than the end of the business day on which the order was issued, enter and transfer electronically
75 to the Virginia Criminal Information Network the respondent's identifying information and the name, date of
76 birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested
77 copy of the protective order containing any such identifying information to the primary law-enforcement
78 agency responsible for service and entry of protective orders. Upon receipt of the order by the primary
79 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the
80 identifying information and other appropriate information required by the Department of State Police into the
81 Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2
82 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made
83 to the court. Upon service, the agency making service shall enter the date and time of service and other
84 appropriate information required by the Department of State Police into the Virginia Criminal Information
85 Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution
86 or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency
87 responsible for service and entry of protective orders, and upon receipt of the order by the primary
88 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the
89 identifying information and other appropriate information required by the Department of State Police into the
90 Virginia Criminal Information Network as described above and the order shall be served forthwith and due
91 return made to the court.

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

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

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

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

117 G. Either party may at any time file a written motion with the court requesting a hearing to dissolve or
118 modify the order. *However, upon the issuance of a new order under this section, the court shall dissolve any*
119 *existing order issued by such court involving the same petitioner and respondent.* Proceedings to dissolve or

120 modify a protective order shall be given precedence on the docket of the court. Upon petitioner's motion to
 121 dissolve the protective order, a dissolution order may be issued ex parte by the court with or without a
 122 hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution
 123 order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity
 124 with §§ 8.01-286.1 and 8.01-296.

125 H. As used in this section:

126 "Copy" includes a facsimile copy.

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

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

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

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

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

139 M. The respondent shall be required to notify the court in writing within seven days of any change of
 140 residence while the protective order is in effect, provided that the respondent has been served a copy of such
 141 order in accordance with the provisions of this section. A violation of this subsection shall be punishable by
 142 contempt.

143 **§ 19.2-152.10. Protective order.**

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

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

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

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

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

158 B. 1. Except as provided in subsection C, the protective order may be issued for a specified period of time
 159 up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at
 160 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the expiration of the
 161 protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings
 162 to extend a protective order shall be given precedence on the docket of the court. A written motion requesting
 163 a hearing to extend the protective order shall be served as soon as possible on the respondent.

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

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

180 C. Upon conviction for an act of violence as defined in § 19.2-297.1 and upon the request of the victim or

181 of the attorney for the Commonwealth on behalf of the victim, the court may issue a protective order to the
182 victim pursuant to this chapter to protect the health and safety of the victim. The protective order may be
183 issued for any reasonable period of time, including up to the lifetime of the defendant, that the court deems
184 necessary to protect the health and safety of the victim. The protective order shall expire at 11:59 p.m. on the
185 last day specified in the protective order, if any. Upon a conviction for violation of a protective order issued
186 pursuant to this subsection, the court that issued the original protective order may extend the protective order
187 as the court deems necessary to protect the health and safety of the victim. The extension of the protective
188 order shall expire at 11:59 p.m. on the last day specified, if any. Nothing herein shall limit the number of
189 extensions that may be issued.

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

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

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

213 G. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate
214 jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the
215 District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or
216 threatening acts or harassment against or contact or communication with or physical proximity to another
217 person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and
218 enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and
219 opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought
220 to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person
221 entitled to protection under such a foreign order may file the order in any appropriate district court by filing
222 with the court, an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith
223 forward an attested copy of the order to the primary law-enforcement agency responsible for service and
224 entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and
225 other appropriate information required by the Department of State Police into the Virginia Criminal
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227 of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal
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230 available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his
231 duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to
232 him by any source and may also rely upon the statement of any person protected by the order that the order
233 remains in effect.

234 H. Either party may at any time file a written motion with the court requesting a hearing to dissolve or
235 modify the order. *However, upon the issuance of a new order under this section, the court shall dissolve any*
236 *existing order issued by such court involving the same petitioner and respondent.* Proceedings to modify or
237 dissolve a protective order shall be given precedence on the docket of the court. Upon petitioner's motion to
238 dissolve the protective order, a dissolution order may be issued ex parte by the court with or without a
239 hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution
240 order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity
241 with §§ 8.01-286.1 and 8.01-296.

242 I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office,

243 nor any employee of them, may disclose, except among themselves, the residential address, telephone
244 number, or place of employment of the person protected by the order or that of the family of such person,
245 except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for
246 law-enforcement purposes, or (iii) permitted by the court for good cause.

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

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249 "Copy" includes a facsimile copy.

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

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

256 N. The respondent shall be required to notify the court in writing within seven days of any change of
257 residence while the protective order is in effect, provided that the respondent has been served a copy of such
258 order in accordance with the provisions of this section. A violation of this subsection shall be punishable by
259 contempt.