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**HOUSE BILL NO. 2123**  
**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
 (Proposed by the House Committee for Courts of Justice  
 on \_\_\_\_\_)

(Patron Prior to Substitute—Delegate Maldonado)

*A BILL to amend and reenact §§ 16.1-279.1 and 19.2-152.10 of the Code of Virginia, relating to protective orders; maximum time valid.*

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

**1. That §§ 16.1-279.1 and 19.2-152.10 of the Code of Virginia are amended and reenacted as follows:  
 § 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 and the password to such 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 or surveille 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 temporary child support order shall terminate upon the determination of support pursuant to § 20-108.1 or upon the termination of such protective order, whichever occurs first.

B. 1. The protective order may be issued for a specified period of time up to a maximum of two years. *However, if the court finds, based upon evidence presented, that the respondent has been subject to a previous order issued within 10 years pursuant to this section or § 19.2-152.10, the protective order may be issued for a specified period of time up to a maximum of four 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 *or four-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, *regardless of whether such order was initially issued for a period of time up to a maximum of two years or four years*, to protect the health and safety of the petitioner or persons who are family or household members of the

60 petitioner at the time the request for an extension is made. The extension of the protective order shall expire  
61 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  
62 specified. Nothing herein shall limit the number of extensions that may be requested or issued.

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

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

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

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

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

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

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

121 docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order may be  
 122 issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the  
 123 court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such  
 124 dissolution order on respondent in conformity 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. *However, if the court finds, based upon evidence presented, that the*  
 160 *respondent has been subject to a previous order issued within 10 years pursuant to § 16.1-279.1 or this*  
 161 *section, the protective order may be issued for a specified period of time up to a maximum of four years.* The  
 162 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  
 163 two-year *or four-year* period if no date is specified. Prior to the expiration of the protective order, a petitioner  
 164 may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order  
 165 shall be given precedence on the docket of the court. A written motion requesting a hearing to extend the  
 166 protective order shall be served as soon as possible on the respondent.

167 The court may extend the protective order for a period not longer than two years, *regardless of whether*  
 168 *such order was initially issued for a period of time up to a maximum of two years or four years*, to protect the  
 169 health and safety of the petitioner or persons who are family or household members of the petitioner at the  
 170 time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on  
 171 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  
 172 herein shall limit the number of extensions that may be requested or issued.

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

182 cause, the court may continue the extension hearing and such ex parte protective order shall remain in effect  
183 until the extension hearing.

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

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

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

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

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

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

238 H. Either party may at any time file a written motion with the court requesting a hearing to dissolve or  
239 modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on the  
240 docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order may be  
241 issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the  
242 court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such

243 dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

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

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

250 K. As used in this section:

251 "Copy" includes a facsimile copy.

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

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

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

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

262 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
263 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
264 **appropriation is \_\_\_\_\_ for periods of imprisonment in state adult correctional facilities; therefore,**  
265 **Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing**  
266 **Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of**  
267 **Virginia, the estimated amount of the necessary appropriation is \_\_\_\_\_ for periods of commitment to**  
268 **the custody of the Department of Juvenile Justice.**