

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 16.1-253.2 of the Code of Virginia, relating to foreign protective orders in*
3 *cases of family abuse; enforcement.*

4 [S 1095]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 16.1-253.2 of the Code of Virginia is amended and reenacted as follows:**8 **§ 16.1-253.2. Violation of provisions of protective orders; penalties.**

9 A. In addition to any other penalty provided by law, any person who violates any provision of a protective
10 order issued pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 ~~or~~, subsection B of § 20-103, or
11 *any judgment, order, or decree entitled to full faith and credit pursuant to subsection F of § 16.1-279.1* when
12 such violation involves a provision of the protective order that prohibits such person from (i) going or
13 remaining upon land, buildings, or premises; (ii) further acts of family abuse; or (iii) committing a criminal
14 offense, or which prohibits contacts by the respondent with the allegedly abused person or family or
15 household members of the allegedly abused person as the court deems appropriate, is guilty of a Class 1
16 misdemeanor. The punishment for any person convicted of a second offense of violating a protective order,
17 when the offense is committed within five years of the prior conviction and when either the instant or prior
18 offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of
19 60 days. Any person convicted of a third or subsequent offense of violating a protective order, when the
20 offense is committed within 20 years of the first conviction and when either the instant or one of the prior
21 offenses was based on an act or threat of violence is guilty of a Class 6 felony and the punishment shall
22 include a mandatory minimum term of confinement of six months. The mandatory minimum terms of
23 confinement prescribed for violations of this section shall be served consecutively with any other sentence.

24 B. In addition to any other penalty provided by law, any person who, while knowingly armed with a
25 firearm or other deadly weapon, violates any provision of a protective order with which he has been served
26 issued pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or subsection B of § 20-103 is guilty
27 of a Class 6 felony.

28 C. If the respondent commits an assault and battery upon any party protected by the protective order
29 resulting in bodily injury to the party or stalks any party protected by the protective order in violation of §
30 18.2-60.3, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively
31 entering the home of any protected party while the party is present, or by entering and remaining in the home
32 of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty
33 provided by law.

34 D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not
35 specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed
36 be suspended. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order
37 pursuant to § 16.1-279.1 for a specified period not exceeding two years from the date of conviction.

38 E. A violation of this section may be prosecuted in the jurisdiction where the protective order was issued,
39 in any county, city, or town where any act constituting the violation of the protective order occurred, or in the
40 jurisdiction where the party protected by the protective order resided at the time of such violation.

ENROLLED

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