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1 **HOUSE BILL NO. 1315**

2 Offered January 16, 2026

3 *A BILL to amend and reenact §§ 16.1-264, 18.2-51.1, 18.2-57, 18.2-60.3, 19.2-152.8, 19.2-249, 19.2-56.2,*  
4 *19.2-59.1, 19.2-81, 19.2-81.3, and 65.2-102 of the Code of Virginia, relating to authority of fire marshals.*

5 Patron—Scott, P.A.

6 Committee Referral Pending

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That §§ 16.1-264, 18.2-51.1, 18.2-57, 18.2-60.3, 19.2-152.8, 19.2-249, 19.2-56.2, 19.2-59.1, 19.2-81,**  
9 **19.2-81.3, and 65.2-102 of the Code of Virginia are amended and reenacted as follows:**10 **§ 16.1-253.4. Emergency protective orders authorized in certain cases; penalty.**11 A. Any judge of a circuit court, general district court, juvenile and domestic relations district court, or  
12 magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in order to  
13 protect the health or safety of any person.14 B. When a law-enforcement officer or an allegedly abused person asserts under oath to a judge or  
15 magistrate, and on that assertion or other evidence the judge or magistrate (i) finds that a warrant for a  
16 violation of § 18.2-57.2 has been issued or issues a warrant for violation of § 18.2-57.2 and finds that there is  
17 probable danger of further acts of family abuse against a family or household member by the respondent or  
18 (ii) finds that reasonable grounds exist to believe that the respondent has committed family abuse and there is  
19 probable danger of a further such offense against a family or household member by the respondent, the judge  
20 or magistrate shall issue an ex parte emergency protective order, except if the respondent is a minor, an  
21 emergency protective order shall not be required, imposing one or more of the following conditions on the  
22 respondent:

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

24 2. Prohibiting such contacts by the respondent with the allegedly abused person or family or household  
25 members of the allegedly abused person, including prohibiting the respondent from being in the physical  
26 presence of the allegedly abused person or family or household members of the allegedly abused person, as  
27 the judge or magistrate deems necessary to protect the safety of such persons;28 3. Granting the family or household member possession of the premises occupied by the parties to the  
29 exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal  
30 property; and31 4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such  
32 petitioner meets the definition of owner in § 3.2-6500.33 In addition, if the respondent is a juvenile, the court may, upon its own motion or upon the motion of the  
34 attorney or guardian ad litem representing the respondent, enter an order requiring the local board of social  
35 services to provide services to the child and family.36 When the judge or magistrate considers the issuance of an emergency protective order pursuant to clause  
37 (i), he shall presume that there is probable danger of further acts of family abuse against a family or  
38 household member by the respondent unless the presumption is rebutted by the allegedly abused person.39 C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the third  
40 day following issuance. If the expiration occurs on a day that the court is not in session, the emergency  
41 protective order shall be extended until 11:59 p.m. on the next day that the juvenile and domestic relations  
42 district court is in session. When issuing an emergency protective order under this section, the judge or  
43 magistrate shall provide the protected person or the law-enforcement officer seeking the emergency  
44 protective order with the form for use in filing petitions pursuant to § 16.1-253.1 and written information  
45 regarding protective orders that shall include the telephone numbers of domestic violence agencies and legal  
46 referral sources on a form prepared by the Supreme Court. If these forms are provided to a law-enforcement  
47 officer, the officer may provide these forms to the protected person when giving the emergency protective  
48 order to the protected person. The respondent may at any time file a motion with the court requesting a  
49 hearing to dissolve or modify the order issued hereunder. The hearing on the motion shall be given  
50 precedence on the docket of the court.51 D. A law-enforcement officer may request an emergency protective order pursuant to this section and, if  
52 the person in need of protection is physically or mentally incapable of filing a petition pursuant to  
53 § 16.1-253.1 or 16.1-279.1, may request the extension of an emergency protective order for an additional  
54 period of time not to exceed three days after expiration of the original order. The request for an emergency  
55 protective order or extension of an order may be made orally, in person or by electronic means, and the judge  
56 of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate may  
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59 issue an oral emergency protective order. An oral emergency protective order issued pursuant to this section  
60 shall be reduced to writing, by the law-enforcement officer requesting the order or the magistrate on a  
61 preprinted form approved and provided by the Supreme Court of Virginia. The completed form shall include  
62 a statement of the grounds for the order asserted by the officer or the allegedly abused person.

63 E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on  
64 which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network  
65 the respondent's identifying information and the name, date of birth, sex, and race of each protected person  
66 provided to the court or magistrate. A copy of an emergency protective order issued pursuant to this section  
67 containing any such identifying information shall be forwarded forthwith to the primary law-enforcement  
68 agency responsible for service and entry of protective orders. Upon receipt of the order by the primary  
69 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the  
70 identifying information and other appropriate information required by the Department of State Police into the  
71 Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2  
72 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made  
73 to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith  
74 forward an attested copy of the order containing the respondent's identifying information and the name, date  
75 of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency  
76 providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement  
77 agency shall enter the name of the person subject to the order and other appropriate information required by  
78 the Department of State Police into the Virginia Criminal Network established and maintained by the  
79 Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the  
80 respondent. Upon service, the agency making service shall enter the date and time of service and other  
81 appropriate information required by the Department of State Police into the Virginia Criminal Information  
82 Network and make due return to the court. One copy of the order shall be given to the allegedly abused  
83 person when it is issued, and one copy shall be filed with the written report required by subsection D of  
84 § 19.2-81.3. The judge or magistrate who issues an oral order pursuant to an electronic request by a  
85 law-enforcement officer shall verify the written order to determine whether the officer who reduced it to  
86 writing accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of  
87 the juvenile and domestic relations district court within five business days of the issuance of the order. If the  
88 order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested,  
89 forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective  
90 orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith  
91 verify and enter any modification as necessary to the identifying information and other appropriate  
92 information required by the Department of State Police into the Virginia Criminal Information Network as  
93 described above and the order shall be served forthwith and due return made to the court. Upon request, the  
94 clerk shall provide the allegedly abused person with information regarding the date and time of service.

95 F. The availability of an emergency protective order shall not be affected by the fact that the family or  
96 household member left the premises to avoid the danger of family abuse by the respondent.

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

99 H. As used in this section, "law-enforcement officer" means (i) any full-time or part-time employee of a  
100 police department ~~or~~, sheriff's office, *or fire marshal, as defined in § 27-34.2:1* which is part of or  
101 administered by the Commonwealth or any political subdivision thereof and who is responsible for the  
102 prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the  
103 Commonwealth; (ii) any member of an auxiliary police force established pursuant to § 15.2-1731; and (iii)  
104 any special conservator of the peace who meets the certification requirements for a law-enforcement officer  
105 as set forth in § 15.2-1706. Part-time employees are compensated officers who are not full-time employees as  
106 defined by the employing police department or sheriff's office.

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

112 J. As used in this section:

113 "Copy" includes a facsimile copy.

114 "Physical presence" includes (i) intentionally maintaining direct visual contact with the petitioner or (ii)  
115 unreasonably being within 100 feet from the petitioner's residence or place of employment.

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

117 L. Except as provided in § 16.1-253.2, a violation of a protective order issued under this section shall  
118 constitute contempt of court.

119 M. Upon issuance of an emergency protective order, the clerk of court shall make available to the  
120 petitioner information that is published by the Department of Criminal Justice Services for victims of

121 domestic violence or for petitioners in protective order cases.

122 1991, c. 715; 1992, c. 742; 1994, c. 907; 1996, c. 866; 1997, c. 603; 1998, cc. 677, 684; 1999, c. 807;  
 123 2001, c. 474; 2002, cc. 508, 706, 810, 818; 2007, cc. 396, 661; 2008, cc. 73, 246; 2009, c. 732; 2011, cc.  
 124 445, 480; 2012, cc. 637, 827; 2014, cc. 346, 779, 797; 2016, c. 455; 2018, c. 652; 2025, c. 26.

125 **§ 16.1-264. Service of summons; proof of service; penalty.**

126 A. If a party designated in subsection A of § 16.1-263 to be served with a summons can be found within  
 127 the Commonwealth, the summons shall be served upon him in person or by substituted service as prescribed  
 128 in subdivision 2 of § 8.01-296.

129 If a party designated to be served in § 16.1-263 is without the Commonwealth but can be found or his  
 130 address is known, or can with reasonable diligence be ascertained, service of summons may be made either  
 131 by delivering a copy thereof to him personally or by mailing a copy thereof to him by certified mail return  
 132 receipt requested.

133 If after reasonable effort a party other than the person who is the subject of the petition cannot be found or  
 134 his post-office address cannot be ascertained, whether he is within or without the Commonwealth, the court  
 135 may order service of the summons upon him by publication in accordance with the provisions of §§ 8.01-316  
 136 and 8.01-317.

137 A1. Any person who is subject to an emergency protective order issued pursuant to § 16.1-253.4 or  
 138 19.2-152.8 shall have been personally served with the protective order if a law-enforcement officer, as  
 139 defined in § 9.1-101, *fire marshal, as defined in § 27-34.2:1*, personally provides to such person a notification  
 140 of the issuance of the order, which shall be on a form approved by the Executive Secretary of the Supreme  
 141 Court of Virginia, provided that all of the information and individual requirements of the order are included  
 142 on the form. The officer making service shall enter or cause to be entered the date and time of service and  
 143 other appropriate information required by the Department of State Police into the Virginia Criminal  
 144 Information Network and make due return to the court.

145 B. Service of summons may be made under the direction of the court by sheriffs, their deputies and police  
 146 officers in counties and cities or by any other suitable person designated by the court. However, in any case in  
 147 which custody or visitation of a minor child or children is at issue and a summons is issued for the attendance  
 148 and testimony of a teacher or other school personnel who is not a party to the proceeding, if such summons is  
 149 served on school property, it shall be served only by a sheriff or his deputy.

150 C. Proof of service may be made by the affidavit of the person other than an officer designated in  
 151 subsection B hereof who delivers a copy of the summons to the person summoned, but if served by a state,  
 152 county or municipal officer his return shall be sufficient without oath.

153 D. The summons shall be considered a mandate of the court and willful failure to obey its requirements  
 154 shall subject any person guilty thereof to liability for punishment as for contempt.

155 *Code 1950, §§ 16.1-167 to 16.1-170; 1956, c. 555; 1977, c. 559; 1984, c. 594; 1987, c. 632; 1991, c. 62;*  
 156 *2004, c. 588; 2011, c. 482.*

157 **§ 18.2-51.1. Malicious bodily injury to law-enforcement officers, firefighters, search and rescue  
 158 personnel, or emergency medical services personnel; penalty; lesser-included offense.**

159 If any person maliciously causes bodily injury to another by any means including the means set out in  
 160 § 18.2-52, with intent to maim, disfigure, disable or kill, and knowing or having reason to know that such  
 161 other person is a law-enforcement officer, as defined hereinafter, firefighter, as defined in § 65.2-102, search  
 162 and rescue personnel as defined hereinafter, or emergency medical services personnel, as defined in  
 163 § 32.1-111.1 engaged in the performance of his public duties as a law-enforcement officer, firefighter, search  
 164 and rescue personnel, or emergency medical services personnel, such person is guilty of a felony punishable  
 165 by imprisonment for a period of not less than five years nor more than 30 years and, subject to subdivision (g)  
 166 of § 18.2-10, a fine of not more than \$100,000. Upon conviction, the sentence of such person shall include a  
 167 mandatory minimum term of imprisonment of two years.

168 If any person unlawfully, but not maliciously, with the intent aforesaid, causes bodily injury to another by  
 169 any means, knowing or having reason to know such other person is a law-enforcement officer, firefighter, as  
 170 defined in § 65.2-102, search and rescue personnel, or emergency medical services personnel, engaged in the  
 171 performance of his public duties as a law-enforcement officer, firefighter, search and rescue personnel, or  
 172 emergency medical services personnel as defined in § 32.1-111.1, he is guilty of a Class 6 felony, and upon  
 173 conviction, the sentence of such person shall include a mandatory minimum term of imprisonment of one  
 174 year.

175 Nothing in this section shall be construed to affect the right of any person charged with a violation of this  
 176 section from asserting and presenting evidence in support of any defenses to the charge that may be available  
 177 under common law.

178 As used in this section, "law-enforcement officer" means any full-time or part-time employee of a police  
 179 department or, sheriff's office, or *fire marshal, as defined in § 27-34.2:1* that is part of or administered by the  
 180 Commonwealth or any political subdivision thereof, who is responsible for the prevention or detection of  
 181 crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth; any conservation  
 182 officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; any

183 conservation police officer appointed pursuant to § 29.1-200; and auxiliary police officers appointed or  
184 provided for pursuant to §§ 15.2-1731 and 15.2-1733 and auxiliary deputy sheriffs appointed pursuant to  
185 § 15.2-1603.

186 As used in this section, "search and rescue personnel" means any employee or member of a search and  
187 rescue organization that is authorized by a resolution or ordinance duly adopted by the governing body of any  
188 county, city, or town of the Commonwealth or any member of a search and rescue organization operating  
189 under a memorandum of understanding with the Virginia Department of Emergency Management.

190 The provisions of § 18.2-51 shall be deemed to provide a lesser-included offense hereof.

191 1983, c. 578; 1985, c. 444; 1994, cc. 205, 427; 1997, cc. 8, 120; 2002, cc. 588, 623; 2004, cc. 461, 841;  
192 2007, c. 87; 2010, c. 344; 2015, cc. 502, 503.

193 **§ 18.2-57. Assault and battery; penalty.**

194 A. Any person who commits a simple assault or assault and battery is guilty of a Class 1 misdemeanor,  
195 and if the person intentionally selects the person against whom a simple assault is committed because of his  
196 race, religious conviction, gender, disability, gender identity, sexual orientation, color, or ethnic or national  
197 origin, the penalty upon conviction shall include a term of confinement of at least six months.

198 B. However, if a person intentionally selects the person against whom an assault and battery resulting in  
199 bodily injury is committed because of his race, religious conviction, gender, disability, gender identity, sexual  
200 orientation, color, or ethnic or national origin, the person is guilty of a Class 6 felony, and the penalty upon  
201 conviction shall include a term of confinement of at least six months.

202 C. In addition, if any person commits an assault or an assault and battery against another knowing or  
203 having reason to know that such other person is a judge, a magistrate, a law-enforcement officer as defined in  
204 subsection H, a correctional officer as defined in § 53.1-1, a person directly involved in the care, treatment, or  
205 supervision of inmates in the custody of the Department of Corrections or an employee of a local or regional  
206 correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the  
207 facility, a person directly involved in the care, treatment, or supervision of persons in the custody of or under  
208 the supervision of the Department of Juvenile Justice, an employee or other individual who provides control,  
209 care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral  
210 Health and Developmental Services, a firefighter as defined in § 65.2-102, or a volunteer firefighter or any  
211 emergency medical services personnel member who is employed by or is a volunteer of an emergency  
212 medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency  
213 medical services agency, regardless of whether a resolution has been adopted by the governing body of a  
214 political subdivision recognizing such firefighters or emergency medical services personnel as employees,  
215 engaged in the performance of his public duties anywhere in the Commonwealth, such person is guilty of a  
216 Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of  
217 confinement of six months.

218 Nothing in this subsection shall be construed to affect the right of any person charged with a violation of  
219 this section from asserting and presenting evidence in support of any defenses to the charge that may be  
220 available under common law.

221 D. In addition, if any person commits a battery against another knowing or having reason to know that  
222 such other person is a full-time or part-time employee of any public or private elementary or secondary  
223 school and is engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor and the  
224 sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall  
225 be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or  
226 other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory  
227 minimum sentence of confinement of six months.

228 E. In addition, any person who commits a battery against another knowing or having reason to know that  
229 such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the performance of his  
230 duties in a hospital or in an emergency room on the premises of any clinic or other facility rendering  
231 emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction,  
232 shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term  
233 of confinement.

234 F. In addition, any person who commits an assault or an assault and battery against another knowing or  
235 having reason to know that such individual is an operator of a vehicle operated by a public transportation  
236 service as defined in § 18.2-160.2 who is engaged in the performance of his duties is guilty of a Class 1  
237 misdemeanor. The sentence of such person, upon conviction, shall also prohibit such person from entering or  
238 riding in any vehicle operated by the public transportation service that employed such operator for a period of  
239 not less than six months as a term and condition of such sentence.

240 G. In addition, any person who commits a battery against another knowing or having reason to know that  
241 such individual is a sports official for an entity sponsoring an interscholastic or intercollegiate sports event or  
242 any person performing services as a sports official for a public entity or a private, nonprofit organization that  
243 sponsors an amateur sports event who (i) is engaged in the performance of his duties or (ii) is on the premises  
244 of such event prior to engaging in his duties or upon conclusion of his duties is guilty of a Class 1

245 misdemeanor. The sentence of such person, upon conviction, may also prohibit such person from attending  
 246 any such sports event operated by the entity or organization that employed such sports official for a period of  
 247 not less than six months as a term and condition of such sentence.

248 H. As used in this section:

249 "Disability" means a physical or mental impairment that substantially limits one or more of a person's  
 250 major life activities.

251 "Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title  
 252 32.1 or Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2.

253 "Judge" means any justice or judge of a court of record of the Commonwealth including a judge  
 254 designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under  
 255 § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers' Compensation  
 256 Commission, and any judge of a district court of the Commonwealth or any substitute judge of such district  
 257 court.

258 "Law-enforcement officer" means any full-time or part-time employee of a police department or, sheriff's  
 259 office, or fire marshal, as defined in § 27-34.2:1 that is part of or administered by the Commonwealth or any  
 260 political subdivision thereof who is responsible for the prevention or detection of crime and the enforcement  
 261 of the penal, traffic or highway laws of the Commonwealth, any conservation officer of the Department of  
 262 Conservation and Recreation commissioned pursuant to § 10.1-115, any special agent of the Virginia  
 263 Alcoholic Beverage Control Authority, conservation police officers appointed pursuant to § 29.1-200,  
 264 full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed  
 265 pursuant to § 46.2-217, and any employee with internal investigations authority designated by the  
 266 Department of Corrections pursuant to subdivision 11 of § 53.1-10, and such officer also includes jail officers  
 267 in local and regional correctional facilities, all deputy sheriffs, whether assigned to law-enforcement duties,  
 268 court services or local jail responsibilities, auxiliary police officers appointed or provided for pursuant to  
 269 §§ 15.2-1731 and 15.2-1733, auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of  
 270 the Metropolitan Washington Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant  
 271 to § 27-30 when such fire marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1.

272 "School security officer" means the same as that term is defined in § 9.1-101.

273 "Sports official" includes an umpire, referee, judge, scorekeeper, timekeeper, or other person who is a  
 274 neutral participant in a sports event.

275 I. "Simple assault" or "assault and battery" shall not be construed to include the use of, by any school  
 276 security officer or full-time or part-time employee of any public or private elementary or secondary school  
 277 while acting in the course and scope of his official capacity, any of the following: (i) incidental, minor or  
 278 reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and  
 279 necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens  
 280 physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student  
 281 from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense  
 282 of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or  
 283 controlled substances or associated paraphernalia that are upon the person of the student or within his control.

284 In determining whether a person was acting within the exceptions provided in this subsection, due  
 285 deference shall be given to reasonable judgments that were made by a school security officer or full-time or  
 286 part-time employee of any public or private elementary or secondary school at the time of the event.

287 1975, cc. 14, 15; 1994, c. 658; 1997, c. 833; 1999, cc. 771, 1036; 2000, cc. 288, 682; 2001, c. 129; 2002,  
 288 c. 817; 2004, cc. 420, 461; 2006, cc. 270, 709, 829; 2008, c. 460; 2009, c. 257; 2011, cc. 230, 233, 374;  
 289 2013, cc. 698, 707, 711, 748, 782; 2014, cc. 663, 714; 2015, cc. 38, 196, 730; 2016, c. 420; 2017, cc. 29, 56;  
 290 2019, c. 120; 2020, cc. 746, 1171; 2023, c. 549; 2024, cc. 266, 334; 2025, c. 361.

291 **§ 18.2-60.3. Stalking; penalty.**

292 A. Any person, except a law-enforcement officer, as defined in § 9.1-101, fire marshal, as defined in  
 293 § 27-34.2:1, and acting in the performance of his official duties, and a registered private investigator, as  
 294 defined in § 9.1-138, who is regulated in accordance with § 9.1-139 and acting in the course of his legitimate  
 295 business, who on more than one occasion engages in conduct, either in person or through any other means,  
 296 including by mail, telephone, or an electronically transmitted communication, directed at another person with  
 297 the intent to place, or when he knows or reasonably should know that the conduct places that other person in  
 298 reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's  
 299 family or household member is guilty of a Class 1 misdemeanor. If the person contacts or follows or attempts  
 300 to contact or follow the person at whom the conduct is directed after being given actual notice that the person  
 301 does not want to be contacted or followed, such actions shall be *prima facie* evidence that the person intended  
 302 to place that other person, or reasonably should have known that the other person was placed, in reasonable  
 303 fear of death, criminal sexual assault, or bodily injury to himself or a family or household member.

304 B. Any person who is convicted of a second offense of subsection A occurring within five years of a prior  
 305 conviction of such an offense under this section or for a substantially similar offense under the law of any  
 306 other jurisdiction is guilty of a Class 6 felony.

307       C. A person may be convicted under this section in any jurisdiction within the Commonwealth wherein  
308 the conduct described in subsection A occurred, if the person engaged in that conduct on at least one occasion  
309 in the jurisdiction where the person is tried or in the jurisdiction where the person at whom the conduct is  
310 directed resided at the time of such conduct. Evidence of any such conduct that occurred outside the  
311 Commonwealth may be admissible, if relevant, in any prosecution under this section.

312       D. Upon finding a person guilty under this section, the court shall, in addition to the sentence imposed,  
313 issue an order prohibiting contact between the defendant and the victim or the victim's family or household  
314 member.

315       E. The Department of Corrections, sheriff or regional jail director shall give notice prior to the release  
316 from a state correctional facility or a local or regional jail of any person incarcerated upon conviction of a  
317 violation of this section, to any victim of the offense who, in writing, requests notice, or to any person  
318 designated in writing by the victim. The notice shall be given at least 15 days prior to release of a person  
319 sentenced to a term of incarceration of more than 30 days or, if the person was sentenced to a term of  
320 incarceration of at least 48 hours but no more than 30 days, 24 hours prior to release. If the person escapes,  
321 notice shall be given as soon as practicable following the escape. The victim shall keep the Department of  
322 Corrections, sheriff or regional jail director informed of the current mailing address and telephone number of  
323 the person named in the writing submitted to receive notice.

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

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

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

331       F. For purposes of this section:

332       "Family or household member" has the same meaning as provided in § 16.1-228.  
333       1992, c. 888; 1994, cc. 360, 521, 739; 1995, c. 824; 1996, cc. 540, 866; 1998, c. 570; 2001, c. 197; 2002,  
334       c. 377; 2013, c. 759; 2016, cc. 545, 696, 745; 2022, c. 276.

335       **§ 19.2-152.8. Emergency protective orders authorized.**

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

339       B. When a law-enforcement officer or an alleged victim asserts under oath to a judge or magistrate that  
340 such person is being or has been subjected to an act of violence, force, or threat and on that assertion or other  
341 evidence the judge or magistrate finds that (i) there is probable danger of a further such act being committed  
342 by the respondent against the alleged victim or (ii) a petition or warrant for the arrest of the respondent has  
343 been issued for any criminal offense resulting from the commission of an act of violence, force, or threat, the  
344 judge or magistrate shall issue an ex parte emergency protective order imposing one or more of the following  
345 conditions on the respondent:

346       1. Prohibiting acts of violence, force, or threat or criminal offenses resulting in injury to person or  
347 property;

348       2. Prohibiting such contacts by the respondent with the alleged victim or the alleged victim's family or  
349 household members, including prohibiting the respondent from being in the physical presence of the alleged  
350 victim or the alleged victim's family or household members, as the judge or magistrate deems necessary to  
351 protect the safety of such persons;

352       3. Such other conditions as the judge or magistrate deems necessary to prevent (i) acts of violence, force,  
353 or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other  
354 contact of any kind by the respondent; and

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

357       In addition, if the respondent is a juvenile, the court may, upon its own motion or upon the motion of the  
358 attorney or guardian ad litem representing the respondent, enter an order requiring the local board of social  
359 services to provide services to the child and family.

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

365       D. A law-enforcement officer may request an emergency protective order pursuant to this section and, if  
366 the person in need of protection is physically or mentally incapable of filing a petition pursuant to  
367 § 19.2-152.9 or 19.2-152.10, may request the extension of an emergency protective order for an additional  
368 period of time not to exceed three days after expiration of the original order. The request for an emergency

369 protective order or extension of an order may be made orally, in person or by electronic means, and the judge  
 370 of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate may  
 371 issue an oral emergency protective order. An oral emergency protective order issued pursuant to this section  
 372 shall be reduced to writing, by the law-enforcement officer requesting the order or the magistrate, on a  
 373 preprinted form approved and provided by the Supreme Court of Virginia. The completed form shall include  
 374 a statement of the grounds for the order asserted by the officer or the alleged victim of such crime.

375 E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on  
 376 which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network  
 377 the respondent's identifying information and the name, date of birth, sex, and race of each protected person  
 378 provided to the court or magistrate. A copy of an emergency protective order issued pursuant to this section  
 379 containing any such identifying information shall be forwarded forthwith to the primary law-enforcement  
 380 agency responsible for service and entry of protective orders. Upon receipt of the order by the primary  
 381 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the  
 382 identifying information and other appropriate information required by the Department of State Police into the  
 383 Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2  
 384 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made  
 385 to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith  
 386 forward an attested copy of the order containing the respondent's identifying information and the name, date  
 387 of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency  
 388 providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement  
 389 agency shall enter the name of the person subject to the order and other appropriate information required by  
 390 the Department of State Police into the Virginia Criminal Information Network established and maintained  
 391 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith  
 392 upon the respondent. Upon service, the agency making service shall enter the date and time of service and  
 393 other appropriate information required into the Virginia Criminal Information Network and make due return  
 394 to the court. One copy of the order shall be given to the alleged victim of such crime. The judge or magistrate  
 395 who issues an oral order pursuant to an electronic request by a law-enforcement officer shall verify the  
 396 written order to determine whether the officer who reduced it to writing accurately transcribed the contents of  
 397 the oral order. The original copy shall be filed with the clerk of the appropriate district court within five  
 398 business days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution  
 399 or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency  
 400 responsible for service and entry of protective orders, and upon receipt of the order by the primary  
 401 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the  
 402 identifying information and other appropriate information required by the Department of State Police into the  
 403 Virginia Criminal Information Network as described above and the order shall be served forthwith and due  
 404 return made to the court. Upon request, the clerk shall provide the alleged victim of such crime with  
 405 information regarding the date and time of service.

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

408 G. As used in this section, a "law-enforcement officer" means any (i) person who is a full-time or  
 409 part-time employee of a police department or, sheriff's office, *or fire marshal, as defined in § 27-34.2:1*,  
 410 which is part of or administered by the Commonwealth or any political subdivision thereof and who is  
 411 responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway  
 412 laws of the Commonwealth and (ii) member of an auxiliary police force established pursuant to § 15.2-1731.  
 413 Part-time employees are compensated officers who are not full-time employees as defined by the employing  
 414 police department or sheriff's office.

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

420 I. As used in this section:

421 "Copy" includes a facsimile copy.

422 "Physical presence" includes (i) intentionally maintaining direct visual contact with the petitioner or (ii)  
 423 unreasonably being within 100 feet from the petitioner's residence or place of employment.

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

425 K. No emergency protective order shall be issued pursuant to this section against a law-enforcement  
 426 officer for any action arising out of the lawful performance of his duties.

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

430 1997, c. 831; 1998, cc. 569, 684; 1999, c. 371; 2001, c. 474; 2002, cc. 507, 706, 810, 818; 2003, c. 730;

431 2008, cc. 73, 246; 2009, cc. 341, 732; 2011, cc. 445, 480; 2012, cc. 146, 637, 827; 2014, c. 346; 2016, c.  
432 455; 2018, c. 652; 2025, c. 26.

433 **§ 19.2-249. Offenses committed on boundary of two counties, two cities, or county and city, etc.;**  
434 **where prosecuted.**

435 An offense committed on the boundary of two counties, or on the boundary of two cities, or on the  
436 boundary of a county and city, or within 300 yards thereof, may be alleged to have been committed, and may  
437 be prosecuted and punished, in either county, in either city, or the county or city, and any sheriff, deputy  
438 sheriff, *fire marshal*, as defined in § 27-34.2:1, or other police officer shall have jurisdiction to make arrests  
439 and preserve the peace for a like distance on either side of the boundary line between such counties, such  
440 cities, or such county and city.

441 *Code 1950, § 19.1-222; 1960, c. 366; 1975, c. 495; 1978, c. 354; 2003, c. 116.*

442 **§ 19.2-56.2. Application for and issuance of search warrant for a tracking device; installation and**  
443 **use.**

444 A. As used in this section, unless the context requires a different meaning:

445 "Judicial officer" means a judge, magistrate, or other person authorized to issue criminal warrants.

446 "Law-enforcement officer" shall have the same meaning as in § 9.1-101, and *fire marshal*, as defined in  
447 § 27-34.2:1.

448 "Tracking device" means an electronic or mechanical device that permits a person to remotely determine  
449 or track the position or movement of a person or object. "Tracking device" includes devices that store  
450 geographic data for subsequent access or analysis and devices that allow for the real-time monitoring of  
451 movement.

452 "Use of a tracking device" includes the installation, maintenance, and monitoring of a tracking device but  
453 does not include the interception of wire, electronic, or oral communications or the capture, collection,  
454 monitoring, or viewing of images.

455 B. A law-enforcement officer may apply for a search warrant from a judicial officer to permit the use of a  
456 tracking device. Each application for a search warrant authorizing the use of a tracking device shall be made  
457 in writing, upon oath or affirmation, to a judicial officer for the circuit in which the tracking device is to be  
458 installed, or where there is probable cause to believe the offense for which the tracking device is sought has  
459 been committed, is being committed, or will be committed.

460 The law-enforcement officer shall submit an affidavit, which may be filed by electronically transmitted (i)  
461 facsimile process or (ii) electronic record as defined in § 59.1-480, and shall include:

462 1. The identity of the applicant and the identity of the law-enforcement agency conducting the  
463 investigation;

464 2. The identity of the vehicle, container, item, or object to which, in which, or on which the tracking  
465 device is to be attached, placed, or otherwise installed; the name of the owner or possessor of the vehicle,  
466 container, item, or object described, if known; and the jurisdictional area in which the vehicle, container,  
467 item, or object described is expected to be found, if known;

468 3. Material facts constituting the probable cause for the issuance of the search warrant and alleging  
469 substantially the offense in relation to which such tracking device is to be used and a showing that probable  
470 cause exists that the information likely to be obtained will be evidence of the commission of such offense;  
471 and

472 4. The name of the county or city where there is probable cause to believe the offense for which the  
473 tracking device is sought has been committed, is being committed, or will be committed.

474 C. 1. If the judicial officer finds, based on the affidavit submitted, that there is probable cause to believe  
475 that a crime has been committed, is being committed, or will be committed and that there is probable cause to  
476 believe the information likely to be obtained from the use of the tracking device will be evidence of the  
477 commission of such offense, the judicial officer shall issue a search warrant authorizing the use of the  
478 tracking device. The search warrant shall authorize the use of the tracking device from within the  
479 Commonwealth to track a person or property for a reasonable period of time, not to exceed 30 days from the  
480 issuance of the search warrant. The search warrant shall authorize the collection of the tracking data  
481 contained in or obtained from the tracking device but shall not authorize the interception of wire, electronic,  
482 or oral communications or the capture, collection, monitoring, or viewing of images.

483 2. The affidavit shall be certified by the judicial officer who issues the search warrant and shall be  
484 delivered to and preserved as a record by the clerk of the circuit court of the county or city where there is  
485 probable cause to believe the offense for which the tracking device has been sought has been committed, is  
486 being committed, or will be committed. The affidavit shall be delivered by the judicial officer or his designee  
487 or agent in person; mailed by certified mail, return receipt requested; or delivered by electronically  
488 transmitted facsimile process or by use of filing and security procedures as defined in the Uniform Electronic  
489 Transactions Act (§ 59.1-479 et seq.) for transmitting signed documents.

490 3. By operation of law, the affidavit, search warrant, return, and any other related materials or pleadings  
491 shall be sealed. Upon motion of the Commonwealth or the owner or possessor of the vehicle, container, item,  
492 or object that was tracked, the circuit court may unseal such documents if it appears that the unsealing is

493 consistent with the ends of justice or is necessary to reasonably inform such person of the nature of the  
 494 evidence to be presented against him or to adequately prepare for his defense.

495     4. The circuit court may, for good cause shown, grant one or more extensions, not to exceed 30 days each.

496         D. 1. The search warrant shall command the law-enforcement officer to complete the installation  
 497 authorized by the search warrant within 15 days after issuance of the search warrant.

498         2. The law-enforcement officer executing the search warrant shall enter on it the exact date and time the  
 499 device was installed and the period during which it was used.

500         3. Law-enforcement officers shall be permitted to monitor the tracking device during the period  
 501 authorized in the search warrant, unless the period is extended as provided for in this section.

502         4. Law-enforcement officers shall remove the tracking device as soon as practical, but not later than 10  
 503 days after the use of the tracking device has ended. Upon request, and for good cause shown, the circuit court  
 504 may grant one or more extensions for such removal for a period not to exceed 10 days each.

505         5. In the event that law-enforcement officers are unable to remove the tracking device as required by  
 506 subdivision 4, the law-enforcement officers shall disable the device, if possible, and all use of the tracking  
 507 device shall cease.

508         6. Within 10 days after the use of the tracking device has ended, the executed search warrant shall be  
 509 returned to the circuit court of the county or city where there is probable cause to believe the offense for  
 510 which the tracking device has been sought has been committed, is being committed, or will be committed, as  
 511 designated in the search warrant, where it shall be preserved as a record by the clerk of the circuit court.

512         E. Within 10 days after the use of the tracking device has ended, a copy of the executed search warrant  
 513 shall be served on the person who was tracked and the person whose property was tracked. Service may be  
 514 accomplished by delivering a copy to the person who, or whose property, was tracked or by leaving a copy  
 515 with any individual found at the person's usual place of abode who is a member of the person's family, other  
 516 than a temporary sojourner or guest, and who is 16 years of age or older and by mailing a copy to the person's  
 517 last known address. Upon request, and for good cause shown, the circuit court may grant one or more  
 518 extensions for such service for a period not to exceed 30 days each. Good cause shall include, but not be  
 519 limited to, a continuing criminal investigation, the potential for intimidation, the endangerment of an  
 520 individual, or the preservation of evidence.

521         F. The disclosure or publication, without authorization of a circuit court, by a court officer, law-  
 522 enforcement officer, or other person responsible for the administration of this section of the existence of a  
 523 search warrant issued pursuant to this section, application for such search warrant, any affidavit filed in  
 524 support of such warrant, or any return or data obtained as a result of such search warrant that is sealed by  
 525 operation of law is punishable as a Class 1 misdemeanor.

526         2012, cc. 636, 679; 2018, cc. 84, 215.

**§ 19.2-59.1. Strip searches prohibited; exceptions; how strip searches conducted.**

527         A. No person in custodial arrest for a traffic infraction, Class 3 or Class 4 misdemeanor, or a violation of a  
 528 city, county, or town ordinance, which is punishable by no more than 30 days in jail shall be strip searched  
 529 unless there is reasonable cause to believe on the part of a law-enforcement officer authorizing the search that  
 530 the individual is concealing a weapon. All strip searches conducted under this section shall be performed by  
 531 persons of the same sex as the person arrested and on premises where the search cannot be observed by  
 532 persons not physically conducting the search.

533         B. A regional jail superintendent or the chief of police or the sheriff of the county or city shall develop a  
 534 written policy regarding strip searches.

535         C. A search of any body cavity must be performed under sanitary conditions and a search of any body  
 536 cavity, other than the mouth, shall be conducted either by or under the supervision of medically trained  
 537 personnel.

538         D. Strip searches authorized pursuant to the exceptions stated in subsection A shall be conducted by a  
 539 law-enforcement officer as defined in § 9.1-101, and fire marshal, as defined in § 27-34.2:1.

540         E. The provisions of this section shall not apply when the person is taken into custody by or remanded to a  
 541 law-enforcement officer pursuant to a circuit or district court order.

542         F. For purposes of this section, "strip search" means having an arrested person remove or arrange some or  
 543 all of his clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts, or  
 544 undergarments of such person.

545         G. Nothing in this section shall prohibit a sheriff or a regional jail superintendent from requiring that  
 546 inmates take hot water and soap showers and be subjected to visual inspection upon assignment to the general  
 547 population area of the jail or upon determination by the sheriff or regional jail superintendent that the inmate  
 548 must be held at the jail by reason of his inability to post bond after reasonable opportunity to do so.

549         H. Except for children committed to the Department of Juvenile Justice or confined or detained in a secure  
 550 local facility for juveniles or a jail or other facility for the detention of adults and except as provided in  
 551 subsection E, no child under the age of 18 shall be strip searched or subjected to a search of any body cavity  
 552 by a law-enforcement officer, as defined in § 9.1-101, or a jail officer unless the child is in custodial arrest  
 553 and there is reasonable cause to believe on the part of a law-enforcement officer or jail officer authorizing the

555 search that the child is concealing a weapon.

556 1981, c. 608; 1995, c. 112; 2020, c. 1236.

557 **§ 19.2-81. Arrest without warrant authorized in certain cases.**

558 A. The following officers shall have the powers of arrest as provided in this section:

559 1. Members of the State Police force of the Commonwealth;

560 2. Sheriffs of the various counties and cities, and their deputies;

561 3. Members of any county police force or any duly constituted police force of any city or town of the

562 Commonwealth;

563 4. The Commissioner, members and employees of the Marine Resources Commission granted the power  
564 of arrest pursuant to § 28.2-900;

565 5. Regular conservation police officers appointed pursuant to § 29.1-200;

566 6. United States Coast Guard and United States Coast Guard Reserve commissioned, warrant, and petty  
567 officers authorized under § 29.1-205 to make arrests;

568 7. Conservation officers appointed pursuant to § 10.1-115;

569 8. Full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed  
570 pursuant to § 46.2-217;

571 9. Special agents of the Virginia Alcoholic Beverage Control Authority;

572 10. Campus police officers appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; and

573 11. Members of the Division of Capitol Police.

574 12. *Fire Marshal, as defined in § 27-34.2:1.*

575 B. Such officers may arrest without a warrant any person who commits any crime in the presence of the  
576 officer and any person whom he has reasonable grounds or probable cause to suspect of having committed a  
577 felony not in his presence.

578 Such officers may arrest without a warrant any person whom the officer has probable cause to suspect of  
579 operating any watercraft or motorboat while (i) intoxicated in violation of subsection B of § 29.1-738 or a  
580 substantially similar ordinance of any county, city, or town in the Commonwealth or (ii) in violation of an  
581 order issued pursuant to § 29.1-738.4 and may thereafter transfer custody of the person arrested to another  
582 officer, who may obtain a warrant based upon statements made to him by the arresting officer.

583 C. Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as defined in  
584 § 29.1-733.2 or motorboat, or at any hospital or medical facility to which any person involved in such  
585 accident has been transported, or in the apprehension of any person charged with the theft of any motor  
586 vehicle, on any of the highways or waters of the Commonwealth, upon reasonable grounds to believe, based  
587 upon personal investigation, including information obtained from eyewitnesses, that a crime has been  
588 committed by any person then and there present, apprehend such person without a warrant of arrest. For  
589 purposes of this section, "the scene of any accident" shall include a reasonable location where a vehicle or  
590 person involved in an accident has been moved at the direction of a law-enforcement officer to facilitate the  
591 clearing of the highway or to ensure the safety of the motoring public.

592 D. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location  
593 any person whom the officer has probable cause to suspect of driving or operating a motor vehicle, watercraft  
594 or motorboat while intoxicated in violation of § 18.2-266, 18.2-266.1, 46.2-341.24, or subsection B of  
595 § 29.1-738; or a substantially similar ordinance of any county, city, or town in the Commonwealth, whether  
596 or not the offense was committed in such officer's presence. Such officers may, within three hours of the  
597 alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to  
598 suspect of operating a watercraft or motorboat in violation of an order issued pursuant to § 29.1-738.4,  
599 whether or not the offense was committed in such officer's presence.

600 E. Such officers may arrest, without a warrant or a capias, persons duly charged with a crime in another  
601 jurisdiction upon receipt of a photocopy of a warrant or a capias, telegram, computer printout, facsimile  
602 printout, a radio, telephone or teletype message, in which photocopy of a warrant, telegram, computer  
603 printout, facsimile printout, radio, telephone or teletype message shall be given the name or a reasonably  
604 accurate description of such person wanted and the crime alleged.

605 F. Such officers may arrest, without a warrant or a capias, for an alleged misdemeanor not committed in  
606 his presence when the officer receives a radio message from his department or other law-enforcement agency  
607 within the Commonwealth that a warrant or capias for such offense is on file.

608 G. Such officers may also arrest without a warrant for an alleged misdemeanor not committed in their  
609 presence involving (i) shoplifting in violation of § 18.2-96 or 18.2-103 or a similar local ordinance, (ii)  
610 carrying a weapon on school property in violation of § 18.2-308.1, (iii) assault and battery, (iv) brandishing a  
611 firearm in violation of § 18.2-282, or (v) destruction of property in violation of § 18.2-137, when such  
612 property is located on premises used for business or commercial purposes, or a similar local ordinance, when  
613 any such arrest is based on probable cause upon reasonable complaint of the person who observed the alleged  
614 offense. The arresting officer may issue a summons to any person arrested under this section for a  
615 misdemeanor violation involving shoplifting.

616 *Code 1950, § 19.1-100; 1960, c. 366; 1974, c. 241; 1975, c. 495; 1976, cc. 515, 570; 1977, c. 97; 1979, c.*

617 268; 1982, c. 272; 1983, c. 206; 1984, c. 534; 1985, c. 507; 1988, cc. 353, 744, 752, 853; 1989, c. 726; 1990,  
 618 cc. 635, 744, 784; 1995, c. 465; 1996, cc. 866, 929, 1015; 1998, c. 684; 2004, c. 949; 2005, cc. 88, 435;  
 619 2008, cc. 460, 737; 2010, c. 840; 2011, cc. 510, 643; 2012, c. 776; 2013, c. 787; 2014, c. 543; 2015, cc. 38,  
 620 730; 2017, c. 208.

**621 § 19.2-81.3. Arrest without a warrant authorized in cases of assault and battery against a family or  
 622 household member and stalking and for violations of protective orders; procedure, etc.**

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

627 B. A law-enforcement officer having probable cause to believe that a violation of § 18.2-57.2 or  
 628 16.1-253.2 has occurred shall arrest and take into custody the person he has probable cause to believe, based  
 629 on the totality of the circumstances, was the predominant physical aggressor unless there are special  
 630 circumstances which would dictate a course of action other than an arrest. The standards for determining who  
 631 is the predominant physical aggressor shall be based on the following considerations: (i) who was the first  
 632 aggressor, (ii) the protection of the health and safety of family and household members, (iii) prior complaints  
 633 of family abuse by the allegedly abusing person involving the family or household members, (iv) the relative  
 634 severity of the injuries inflicted on persons involved in the incident, (v) whether any injuries were inflicted in  
 635 self-defense, (vi) witness statements, and (vii) other observations.

636 C. A law-enforcement officer having probable cause to believe that a violation of § 18.2-60.4 has  
 637 occurred that involves physical aggression shall arrest and take into custody the person he has probable cause  
 638 to believe, based on the totality of the circumstances, was the predominant physical aggressor unless there are  
 639 special circumstances which would dictate a course of action other than an arrest. The standards for  
 640 determining who is the predominant physical aggressor shall be based on the following considerations: (i)  
 641 who was the first aggressor, (ii) the protection of the health and safety of the person to whom the protective  
 642 order was issued and the person's family and household members, (iii) prior acts of violence, force, or threat,  
 643 as defined in § 19.2-152.7:1, by the person against whom the protective order was issued against the person  
 644 protected by the order or the protected person's family or household members, (iv) the relative severity of the  
 645 injuries inflicted on persons involved in the incident, (v) whether any injuries were inflicted in self-defense,  
 646 (vi) witness statements, and (vii) other observations.

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

656 E. In every case in which a law-enforcement officer makes an arrest under this section for a violation of  
 657 § 18.2-57.2, he shall petition for an emergency protective order as authorized in § 16.1-253.4 when the  
 658 person arrested and taken into custody is brought before the magistrate, except if the person arrested is a  
 659 minor, a petition for an emergency protective order shall not be required. Regardless of whether an arrest is  
 660 made, if the officer has probable cause to believe that a danger of acts of family abuse exists, the  
 661 law-enforcement officer shall seek an emergency protective order under § 16.1-253.4, except if the suspected  
 662 abuser is a minor, a petition for an emergency protective order shall not be required.

663 F. A law-enforcement officer investigating any complaint of family abuse, including but not limited to  
 664 assault and battery against a family or household member shall, upon request, transport, or arrange for the  
 665 transportation of an abused person to a hospital or safe shelter, or to appear before a magistrate. Any local  
 666 law-enforcement agency may adopt a policy requiring an officer to transport or arrange for transportation of  
 667 an abused person as provided in this subsection.

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

669 H. As used in this section:

670 "Law-enforcement officer" means (i) any full-time or part-time employee of a police department or  
 671 sheriff's office, *or fire marshal, as defined in § 27-34.2:1*, which is part of or administered by the  
 672 Commonwealth or any political subdivision thereof, and any campus police officer appointed under Article 3  
 673 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1, and who is responsible for the prevention and detection of  
 674 crime and the enforcement of the penal, traffic or highway laws of this Commonwealth; (ii) any member of  
 675 an auxiliary police force established pursuant to § 15.2-1731; and (iii) any special conservator of the peace  
 676 who meets the certification requirements for a law-enforcement officer as set forth in § 15.2-1706. Part-time  
 677 employees are compensated officers who are not full-time employees as defined by the employing police  
 678 department or sheriff's office.

679 "Special circumstances" may include the existence of an emergency custody order pursuant to § 37.2-808,  
680 a temporary detention order pursuant to § 37.2-809, or an involuntary admission order pursuant to  
681 § 37.2-817.

682 1991, c. 715; 1992, c. 886; 1995, cc. 413, 433; 1996, c. 866; 1997, c. 603; 1998, c. 569; 1999, cc. 697,  
683 721, 807; 2002, cc. 810, 818; 2004, c. 1016; 2008, cc. 551, 691; 2011, cc. 445, 480; 2012, cc. 776, 827;  
684 2014, cc. 779, 797; 2025, cc. 619, 639.

**685 § 65.2-102. Coverage of firefighters and law-enforcement officers in off-duty capacity.**

686 A. Notwithstanding any other provision of law, a claim for workers' compensation benefits shall be  
687 deemed to be in the course of employment of any firefighter or law-enforcement officer who, in an off-duty  
688 capacity or outside an assigned shift or work location, undertakes any law-enforcement or rescue activity.  
689 Nothing in this section shall prohibit an employer from using any defense otherwise available under this title.

690 B. For purposes of this section:

691 "Firefighter" means all (i) salaried firefighters, including special forest wardens designated pursuant to  
692 § 10.1-1135, emergency medical services personnel, and arson investigators and (ii) volunteer firefighters  
693 and emergency medical services personnel, if the governing body of the political subdivision in which the  
694 principal office of such volunteer fire company or volunteer emergency medical services agency is located  
695 has adopted a resolution acknowledging such volunteer fire company or volunteer emergency medical  
696 services agency as employees for purposes of this title.

697 "Law-enforcement officer" means all (i) members of county, city, town, or authority police departments,  
698 (ii) sheriffs and deputy sheriffs, (iii) auxiliary or reserve police and auxiliary or reserve deputy sheriffs, if the  
699 governing body of the political subdivision in which the principal office of such auxiliary or reserve police  
700 and auxiliary or reserve deputy sheriff force is located has adopted a resolution acknowledging such auxiliary  
701 or reserve police and auxiliary or reserve deputy sheriffs as employees for purposes of this title, (iv) members  
702 of the State Police Officers' Retirement System, and (v) members of the Capitol Police as described in  
703 § 30-34.2:1, (vi) *fire marshal, as defined in § 27-34.2:1.*

704 1993, c. 719; 2001, c. 330; 2008, c. 109; 2015, cc. 502, 503.