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SENATE BILL NO. 616

Offered January 14, 2026

Prefiled January 14, 2026

A BILL to amend and reenact §§ 16.1-253.4 and 19.2-152.8 of the Code of Virginia, relating to emergency protective orders; duration.

Patron—Mulchi

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-253.4 and 19.2-152.8 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-253.4. Emergency protective orders authorized in certain cases; penalty.

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

B. When a law-enforcement officer or an allegedly abused person asserts under oath to a judge or magistrate, and on that assertion or other evidence the judge or magistrate (i) finds that a warrant for a 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 probable danger of further acts of family abuse against a family or household member by the respondent or (ii) finds that reasonable grounds exist to believe that the respondent has committed family abuse and there is probable danger of a further such offense against a family or household member by the respondent, the judge or magistrate shall issue an ex parte emergency protective order, except if the respondent is a minor, an emergency protective order shall not be required, imposing one or more of the following conditions 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 allegedly abused person or family or household members of the allegedly abused person, including prohibiting the respondent from being in the physical presence of the allegedly abused person or family or household members of the allegedly abused person, as the judge or magistrate deems necessary to protect the safety of such persons;
- 3. Granting the family or household member possession of the premises 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; and
- 4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

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

When the judge or magistrate considers the issuance of an emergency protective order pursuant to clause (i), he shall presume that there is probable danger of further acts of family abuse against a family or household member by the respondent unless the presumption is rebutted by the allegedly abused person.

C. An emergency protective order issued pursuant to this section may be issued for a specified period of time up to a maximum of two weeks. The emergency protective order shall expire at 11:59 p.m. on the third last day specified following issuance. If the expiration occurs on a day that the court is not in session, the emergency protective order shall be extended until 11:59 p.m. on the next day that the juvenile and domestic relations district court is in session. Prior to the expiration of an emergency protective order, a petitioner may file a written motion requesting to extend such emergency protective order. Proceedings to extend an emergency protective order shall be given precedence on the docket of the court. The court, upon good cause shown, may extend the emergency protective order for an additional period of time not to exceed two weeks after expiration of the original order. However, if a warrant or petition for a criminal offense related to an active emergency protective order has been issued, the court shall extend such emergency protective order until the first hearing on the related criminal offense.

When issuing an emergency protective order under this section, the judge or magistrate shall provide the protected person or the law-enforcement officer seeking the emergency protective order with the form for use in filing petitions pursuant to § 16.1-253.1 and written information regarding protective orders that shall include the telephone numbers of domestic violence agencies and legal referral sources on a form prepared by the Supreme Court. If these forms are provided to a law-enforcement officer, the officer may provide these forms to the protected person when giving the emergency protective order to the protected person. The respondent may at any time file a motion with the court requesting a hearing to dissolve or modify the order

59 issued hereunder. The hearing on the motion shall be given precedence on the docket of the court.

60 D. A law-enforcement officer may request an emergency protective order pursuant to this section and, if
61 the person in need of protection is physically or mentally incapable of filing a petition pursuant to
62 § 16.1-253.1 or 16.1-279.1, may request the extension of an emergency protective order for an additional
63 period of time not to exceed ~~three days~~ *two weeks* after expiration of the original order. The request for an
64 emergency protective order or extension of an order may be made orally, in person or by electronic means,
65 and the judge of a circuit court, general district court, or juvenile and domestic relations district court or a
66 magistrate may issue an oral emergency protective order. An oral emergency protective order issued pursuant
67 to this section shall be reduced to writing, by the law-enforcement officer requesting the order or the
68 magistrate on a preprinted form approved and provided by the Supreme Court of Virginia. The completed
69 form shall include a statement of the grounds for the order asserted by the officer or the allegedly abused
70 person.

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

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

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

109 H. As used in this section, "law-enforcement officer" means (i) any full-time or part-time employee of a
110 police department or sheriff's office which is part of or administered by the Commonwealth or any political
111 subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of
112 the penal, traffic, or highway laws of the Commonwealth; (ii) any member of an auxiliary police force
113 established pursuant to § 15.2-1731; and (iii) any special conservator of the peace who meets the certification
114 requirements for a law-enforcement officer as set forth in § 15.2-1706. Part-time employees are compensated
115 officers who are not full-time employees as defined by the employing police department or sheriff's office.

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

121 J. As used in this section:

122 "Copy" includes a facsimile copy.

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

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

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

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

131 **§ 19.2-152.8. Emergency protective orders authorized.**

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

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

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

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

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

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

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

156 C. An emergency protective order issued pursuant to this section *may be issued for a specified period of*
157 *time up to a maximum of two weeks. The emergency protective order shall expire at 11:59 p.m. on the ~~third~~*
158 *last day specified* following issuance. If the expiration occurs on a day that the court is not in session, the
159 emergency protective order shall be extended until 11:59 p.m. on the next day that the court which issued the
160 order is in session. *Prior to the expiration of the emergency protective order, a petitioner may file a written*
161 *motion requesting to extend such emergency protective order. Proceedings to extend the duration of an*
162 *emergency protective order shall be given precedence on the docket of the court. The court, upon good cause*
163 *shown, may extend the emergency protective order for an additional period of time not to exceed two weeks*
164 *after expiration of the original order. However, if a warrant or petition for a criminal offense related to an*
165 *active emergency protective order has been issued, the court shall extend such emergency protective order*
166 *until the first hearing on the related criminal offense. The respondent may at any time file a motion with the*
167 *court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given*
168 *precedence on the docket of the court.*

169 D. A law-enforcement officer may request an emergency protective order pursuant to this section and, if
170 the person in need of protection is physically or mentally incapable of filing a petition pursuant to
171 § 19.2-152.9 or 19.2-152.10, may request the extension of an emergency protective order for an additional
172 period of time not to exceed ~~three days~~ *two weeks* after expiration of the original order. The request for an
173 emergency protective order or extension of an order may be made orally, in person or by electronic means,
174 and the judge of a circuit court, general district court, or juvenile and domestic relations district court or a
175 magistrate may issue an oral emergency protective order. An oral emergency protective order issued pursuant
176 to this section shall be reduced to writing, by the law-enforcement officer requesting the order or the
177 magistrate, on a preprinted form approved and provided by the Supreme Court of Virginia. The completed
178 form shall include a statement of the grounds for the order asserted by the officer or the alleged victim of
179 such crime.

180 E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on
181 which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network
182 (VCIN), *established and maintained by the Department of State Police pursuant to Chapter 2 (§ 52-12 et*

183 *seq.) of Title 52*, the respondent's identifying information and the name, date of birth, sex, and race of each
184 protected person provided to the court or magistrate. A copy of an emergency protective order issued
185 pursuant to this section containing any such identifying information shall be forwarded forthwith to the
186 primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the
187 order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as
188 necessary to the identifying information and other appropriate information required by the Department of
189 State Police into ~~the Virginia Criminal Information Network established and maintained by the Department~~
190 ~~pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52~~ VCIN and the order shall be served forthwith upon the
191 respondent and due return made to the court. However, if the order is issued by the circuit court, the clerk of
192 the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying
193 information and the name, date of birth, sex, and race of each protected person provided to the court to the
194 primary law-enforcement agency providing service and entry of protective orders and upon receipt of the
195 order, the primary law-enforcement agency shall enter the name of the person subject to the order and other
196 appropriate information required by the Department of State Police into ~~the Virginia Criminal Information~~
197 ~~Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52~~
198 VCIN and the order shall be served forthwith upon the respondent. Upon service, the agency making service
199 shall enter the date and time of service and other appropriate information required into ~~the Virginia Criminal~~
200 ~~Information Network~~ VCIN and make due return to the court. One copy of the order shall be given to the
201 alleged victim of such crime. The judge or magistrate who issues an oral order pursuant to an electronic
202 request by a law-enforcement officer shall verify the written order to determine whether the officer who
203 reduced it to writing accurately transcribed the contents of the oral order. The original copy shall be filed with
204 the clerk of the appropriate district court within five business days of the issuance of the order. If the order is
205 later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded
206 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and
207 upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter
208 any modification as necessary to the identifying information and other appropriate information required by
209 the Department of State Police into ~~the Virginia Criminal Information Network~~ VCIN as described above and
210 the order shall be served forthwith and due return made to the court. Upon request, the clerk shall provide the
211 alleged victim of such crime with information regarding the date and time of service.

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

214 G. As used in this section, a "law-enforcement officer" means any (i) person who is a full-time or
215 part-time employee of a police department or sheriff's office which is part of or administered by the
216 Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection
217 of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth and (ii) member of
218 an auxiliary police force established pursuant to § 15.2-1731. Part-time employees are compensated officers
219 who are not full-time employees as defined by the employing police department or sheriff's office.

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

225 I. As used in this section:

226 "Copy" includes a facsimile copy.

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

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

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

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