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1 **SENATE BILL NO. 653**

2 Offered January 14, 2026

3 Prefiled January 14, 2026

4 *A BILL to amend and reenact §§ 16.1-253.4 and 19.2-152.8 of the Code of Virginia, relating to emergency*
5 *protective orders; statement of alleged act of abuse.*

6 Patron—Mulchi

7 Referred to Committee for Courts of Justice

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That §§ 16.1-253.4 and 19.2-152.8 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. *Any order issued pursuant to this section shall include a statement specifying the grounds for the
81 request for such order, including any alleged act of violence, force, or threat, signed by and sworn to by the
82 law-enforcement officer or allegedly abused person who requested such order. Such sworn statement shall be
83 included in or attached to the copy of the order served upon the respondent and with the copy filed with the
84 clerk.* Upon service, the agency making service shall enter the date and time of service and other appropriate
85 information required by the Department of State Police into the Virginia Criminal Information Network and
86 make due return to the court. One copy of the order shall be given to the allegedly abused person when it is
87 issued, and one copy shall be filed with the written report required by subsection D of § 19.2-81.3. The judge
88 or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement officer shall
89 verify the written order to determine whether the officer who reduced it to writing accurately transcribed the
90 contents of the oral order. The original copy shall be filed with the clerk of the juvenile and domestic
91 relations district court within five business days of the issuance of the order. If the order is later dissolved or
92 modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the
93 primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of
94 the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any
95 modification as necessary to the identifying information and other appropriate information required by the
96 Department of State Police into the Virginia Criminal Information Network as described above and the order
97 shall be served forthwith and due return made to the court. Upon request, the clerk shall provide the allegedly
98 abused person with information regarding the date and time of service.

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

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

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

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

115 J. As used in this section:

116 "Copy" includes a facsimile copy.

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

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

120 L. Except as provided in § 16.1-253.2, a violation of a protective order issued under this section shall

121 constitute contempt of court.

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

125 **§ 19.2-152.8. Emergency protective orders authorized.**

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

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

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

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

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

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

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

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

155 D. A law-enforcement officer may request an emergency protective order pursuant to this section and, if
156 the person in need of protection is physically or mentally incapable of filing a petition pursuant to
157 § 19.2-152.9 or 19.2-152.10, may request the extension of an emergency protective order for an additional
158 period of time not to exceed three days after expiration of the original order. The request for an emergency
159 protective order or extension of an order may be made orally, in person or by electronic means, and the judge
160 of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate may
161 issue an oral emergency protective order. An oral emergency protective order issued pursuant to this section
162 shall be reduced to writing, by the law-enforcement officer requesting the order or the magistrate, on a
163 preprinted form approved and provided by the Supreme Court of Virginia. The completed form shall include
164 a statement of the grounds for the order asserted by the officer or the alleged victim of such crime.

165 E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on
166 which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network
167 the respondent's identifying information and the name, date of birth, sex, and race of each protected person
168 provided to the court or magistrate. A copy of an emergency protective order issued pursuant to this section
169 containing any such identifying information shall be forwarded forthwith to the primary law-enforcement
170 agency responsible for service and entry of protective orders. Upon receipt of the order by the primary
171 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the
172 identifying information and other appropriate information required by the Department of State Police into the
173 Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2
174 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made
175 to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith
176 forward an attested copy of the order containing the respondent's identifying information and the name, date
177 of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency
178 providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement
179 agency shall enter the name of the person subject to the order and other appropriate information required by
180 the Department of State Police into the Virginia Criminal Information Network established and maintained
181 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith
182 upon the respondent. *Any order issued pursuant to this section shall include a statement specifying the*

183 grounds for the request for such order, including any alleged act of violence, force, or threat, signed by and
184 sworn to by the law-enforcement officer or allegedly abused person who requested such order. Such sworn
185 statement shall be included in or attached to the copy of the order served upon the respondent and with the
186 copy filed with the clerk. Upon service, the agency making service shall enter the date and time of service and
187 other appropriate information required into the Virginia Criminal Information Network and make due return
188 to the court. One copy of the order shall be given to the alleged victim of such crime. The judge or magistrate
189 who issues an oral order pursuant to an electronic request by a law-enforcement officer shall verify the
190 written order to determine whether the officer who reduced it to writing accurately transcribed the contents of
191 the oral order. The original copy shall be filed with the clerk of the appropriate district court within five
192 business days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution
193 or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency
194 responsible for service and entry of protective orders, and upon receipt of the order by the primary
195 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the
196 identifying information and other appropriate information required by the Department of State Police into the
197 Virginia Criminal Information Network as described above and the order shall be served forthwith and due
198 return made to the court. Upon request, the clerk shall provide the alleged victim of such crime with
199 information regarding the date and time of service.

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

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

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

213 I. As used in this section:

214 "Copy" includes a facsimile copy.

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

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

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

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