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SENATE BILL NO. 673
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee for Courts of Justice
on _____)
(Patron Prior to Substitute—Senator Mulchi)

A BILL to amend and reenact §§ 18.2-308.1:4 and 22.1-279.3:2 of the Code of Virginia and to amend the Code of Virginia by adding in Article 6 of Chapter 4 of Title 18.2 a section numbered 18.2-60.6, relating to cyberstalking; penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.1:4 and 22.1-279.3:2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 6 of Chapter 4 of Title 18.2 a section numbered 18.2-60.6 as follows:

§ 18.2-60.6. Cyberstalking; penalty.

A. For purposes of this section:

"Electronically transmitted communication" includes (i) communication by telephone, computer, or other electronic device and (ii) the use or monitoring of location services on an application or device to remotely determine or track the position and movement of another person, regardless if such person has previously given consent for the accused to use or monitor such location services.

"Family or household member" has the same meaning as provided in § 16.1-228.

"Substantial emotional distress" means a state of emotional pain or distress resulting from the actions of another person when the intent of such actions is to threaten or intimidate, cause sorrow to or fear for, humiliate, change the behavior of, or ridicule a person and there is observable or documented evidence that such actions caused such emotional pain or distress.

B. Any person who on two or more occasions within a 90-day period engages in cyberstalking by sending an electronically transmitted communication directed at another person, without the consent of the victim or after previously given consent has been withdrawn by the victim, with the intent to place, or when he knows or reasonably should know that such conduct places, that other person in substantial emotional distress or in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member or intimate partner is guilty of a Class 6 felony.

C. Upon finding a person guilty under this section, the court shall, in addition to the sentence imposed, issue an order prohibiting contact between the defendant and the victim, the Commonwealth's attorney for the jurisdiction where the crime was committed, or the victim's family or household member.

33 *D. The Department of Corrections, sheriff, or regional jail director shall give notice prior to the release*
34 *from a state correctional facility or a local or regional jail of any person incarcerated upon conviction of a*
35 *violation of this section to any victim of the offense who, in writing, requests notice or to any person*
36 *designated in writing by the victim. The notice shall be given at least 15 days prior to release of such person*
37 *sentenced to a term of incarceration of more than 30 days or, if such person was sentenced to a term of*
38 *incarceration of at least 48 hours but no more than 30 days, 24 hours prior to release. If the person escapes*
39 *from such state correctional facility or a local or regional jail, such notice shall be given as soon as*
40 *practicable following the escape. The victim shall keep the Department of Corrections, sheriff, or regional*
41 *jail director informed of the current mailing address and telephone number of the person named in the*
42 *writing submitted to receive notice.*

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

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

48 *No civil liability shall attach to the Department of Corrections or to any sheriff or local or regional jail*
49 *director or their deputies or employees for a failure to comply with the requirements of this subsection.*

50 **§ 18.2-308.1:4. Purchase or transportation of firearm by persons subject to protective orders;**
51 **penalties.**

52 A. It is unlawful for any person who is subject to (i) a protective order entered pursuant to § 16.1-253.1,
53 16.1-253.4, 16.1-278.2, 16.1-279.1, 19.2-152.8, 19.2-152.9, or 19.2-152.10; (ii) an order issued pursuant to
54 subsection B of § 20-103; (iii) an order entered pursuant to subsection D of § 18.2-60.3; (iv) *an order entered*
55 *pursuant to subsection C of § 18.2-60.6;* (v) a preliminary protective order entered pursuant to subsection F of
56 § 16.1-253 where a petition alleging abuse or neglect has been filed; or ~~(v)~~ (vi) an order issued by a tribunal
57 of another state, the United States or any of its territories, possessions, or commonwealths, or the District of
58 Columbia pursuant to a statute that is substantially similar to those cited in ~~clauses~~ clause (i), (ii), (iii), or ~~(iv)~~
59 (v) to purchase or transport any firearm while the order is in effect. Any person with a concealed handgun
60 permit shall be prohibited from carrying any concealed firearm, and shall surrender his permit to the court
61 entering the order, for the duration of any protective order referred to herein. A violation of this subsection is
62 a Class 1 misdemeanor.

63 B. In addition to the prohibition set forth in subsection A, it is unlawful for any person who is subject to a

64 protective order entered pursuant to § 16.1-279.1 or 19.2-152.10 or an order issued by a tribunal of another
65 state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia
66 pursuant to a statute that is substantially similar to § 16.1-279.1 or 19.2-152.10 to knowingly possess any
67 firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective
68 order in accordance with subsection C of § 16.1-279.1 or subsection D of § 19.2-152.10 such person may
69 continue to possess and, notwithstanding the provisions of subsection A, transport any firearm possessed by
70 such person at the time of service for the purposes of surrendering any such firearm to a law-enforcement
71 agency in accordance with subsection C or selling or transferring any such firearm to a dealer as defined in
72 § 18.2-308.2:2 or to any person who is not otherwise prohibited by law from possessing such firearm in
73 accordance with subsection C. A violation of this subsection is a Class 6 felony.

74 C. Upon issuance of a protective order pursuant to § 16.1-279.1 or 19.2-152.10, the court shall order the
75 person who is subject to the protective order to (i) within 24 hours after being served with a protective order
76 in accordance with subsection C of § 16.1-279.1 or subsection D of § 19.2-152.10 (a) surrender any firearm
77 possessed by such person to a designated local law-enforcement agency, (b) sell or transfer any firearm
78 possessed by such person to a dealer as defined in § 18.2-308.2:2, or (c) sell or transfer any firearm possessed
79 by such person to any person who is not otherwise prohibited by law from possessing such firearm and (ii)
80 within 48 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 or
81 subsection D of § 19.2-152.10, certify in writing, on a form provided by the Office of the Executive Secretary
82 of the Supreme Court, that such person does not possess any firearms or that all firearms possessed by such
83 person have been surrendered, sold, or transferred and file such certification with the clerk of the court that
84 entered the protective order. The willful failure of any person to certify in writing in accordance with this
85 section that all firearms possessed by such person have been surrendered, sold, or transferred or that such
86 person does not possess any firearms shall constitute contempt of court.

87 D. The person who is subject to a protective order pursuant to § 16.1-279.1 or 19.2-152.10 shall be
88 provided with the address and hours of operation of a designated local law-enforcement agency and the
89 certification forms when such person is served with a protective order in accordance with subsection C of
90 § 16.1-279.1 or subsection D of § 19.2-152.10.

91 E. A law-enforcement agency that takes into custody a firearm surrendered to such agency pursuant to
92 subsection C by a person who is subject to a protective order pursuant to § 16.1-279.1 or 19.2-152.10 shall
93 prepare a written receipt containing the name of the person who surrendered the firearm and the
94 manufacturer, model, and serial number of the firearm and provide a copy to such person. Any firearm

95 surrendered to and held by a law-enforcement agency pursuant to subsection C shall be returned by such
96 agency to the person who surrendered the firearm upon the expiration or dissolution of the protective order
97 entered pursuant to § 16.1-279.1 or 19.2-152.10. Such agency shall return the firearm within five days of
98 receiving a written request for the return of the firearm by the person who surrendered the firearm and a copy
99 of the receipt provided to such person by the agency. Prior to returning the firearm to such person, the
100 law-enforcement agency holding the firearm shall confirm that such person is no longer subject to a
101 protective order issued pursuant to § 16.1-279.1 or 19.2-152.10 and is not otherwise prohibited by law from
102 possessing a firearm. A firearm surrendered to a law-enforcement agency pursuant to subsection C may be
103 disposed of in accordance with the provisions of § 15.2-1721 if (i) the person from whom the firearm was
104 seized provides written authorization for such disposal to the agency or (ii) the firearm remains in the
105 possession of the agency more than 120 days after such person is no longer subject to a protective order
106 issued pursuant to § 16.1-279.1 or 19.2-152.10 and such person has not submitted a request in writing for the
107 return of the firearm.

108 F. Any law-enforcement agency or law-enforcement officer that takes into custody, stores, possesses, or
109 transports a firearm pursuant to this section shall be immune from civil or criminal liability for any damage to
110 or deterioration, loss, or theft of such firearm.

111 G. The law-enforcement agencies of the counties, cities, and towns within each judicial circuit shall
112 designate, in coordination with each other, and provide to the chief judges of all circuit and district courts
113 within the judicial circuit, one or more local law-enforcement agencies to receive and store firearms pursuant
114 to this section. The law-enforcement agencies shall provide the chief judges with a list that includes the
115 addresses and hours of operation for any law-enforcement agencies so designated that such addresses and
116 hours of operation may be provided to a person served with a protective order in accordance with subsection
117 C of § 16.1-279.1 or subsection D of § 19.2-152.10.

118 **§ 22.1-279.3:2. Public elementary and secondary school students; protective orders; notification.**

119 Any school principal who receives notice that a circuit court, general district court, juvenile and domestic
120 relations district court, or magistrate has issued a protective order pursuant to § 16.1-253, 16.1-253.1,
121 16.1-253.4, or 16.1-279.1, subsection D of § 18.2-60.3, *subsection C of § 18.2-60.6*, or Chapter 9.1
122 (§ 19.2-152.7:1 et seq.) of Title 19.2 for the protection of any child who is enrolled at a public elementary or
123 secondary school in the Commonwealth where such principal is employed, or any other order prohibiting
124 contact with such a child, including an order issued as a condition of pretrial or posttrial supervision, shall
125 subsequently notify licensed instructional personnel and other school personnel who (i) provide direct

126 educational or support services to the protected child or the child subject to the order, (ii) have a legitimate
127 educational interest in such information, and (iii) are responsible for the direct supervision of the protected
128 child or the child subject to the order that such order has been issued.

129 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
130 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
131 **appropriation is _____ for periods of imprisonment in state adult correctional facilities; therefore,**
132 **Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing Commission to**
133 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the**
134 **estimated amount of the necessary appropriation is _____ for periods of commitment to the custody**
135 **of the Department of Juvenile Justice.**