

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact §§ 9.1-102, 9.1-112, 15.2-1731, 16.1-253.4, 19.2-81.3, 19.2-152.8, and  
3 53.1-31.1 of the Code of Virginia, relating to auxiliary police forces.

4 [S 541]  
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That §§ 9.1-102, 9.1-112, 15.2-1731, 16.1-253.4, 19.2-81.3, 19.2-152.8, and 53.1-31.1 of the Code**  
8 **of Virginia are amended and reenacted as follows:**

9 § 9.1-102. Powers and duties of the Board and the Department.

10 The Department, under the direction of the Board, which shall be the policy-making body for  
11 carrying out the duties and powers hereunder, shall have the power and duty to:

12 1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the  
13 administration of this chapter including the authority to require the submission of reports and  
14 information by law-enforcement officers within the Commonwealth. Any proposed regulations  
15 concerning the privacy, confidentiality, and security of criminal justice information shall be submitted  
16 for review and comment to any board, commission, or committee or other body which may be  
17 established by the General Assembly to regulate the privacy, confidentiality, and security of information  
18 collected and maintained by the Commonwealth or any political subdivision thereof;

19 2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement  
20 officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time  
21 required for completion of such training;

22 3. Establish minimum training standards and qualifications for certification and recertification for  
23 law-enforcement officers serving as field training officers;

24 4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and  
25 programs for schools, whether located in or outside the Commonwealth, which are operated for the  
26 specific purpose of training law-enforcement officers;

27 5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize  
28 radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in  
29 § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum  
30 qualifications for certification and recertification of instructors who provide such training;

31 6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating  
32 to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be  
33 completed by law-enforcement officers who have not completed the compulsory training standards set  
34 out in subdivision 2, prior to assignment of any such officers to undercover investigation work. Failure  
35 to complete the training shall not, for that reason, constitute grounds to exclude otherwise properly  
36 admissible testimony or other evidence from such officer resulting from any undercover investigation;

37 7. Establish compulsory minimum entry-level, in-service and advanced training standards for those  
38 persons designated to provide courthouse and courtroom security pursuant to the provisions of  
39 § 53.1-120, and to establish the time required for completion of such training;

40 8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy  
41 sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time  
42 required for the completion of such training;

43 9. Establish compulsory minimum entry-level, in-service, and advanced training standards for persons  
44 employed as deputy sheriffs and jail officers by local criminal justice agencies and for correctional  
45 officers employed by the Department of Corrections under the provisions of Title 53.1, and establish the  
46 time required for completion of such training;

47 10. Establish compulsory minimum training standards for all dispatchers employed by or in any local  
48 or state government agency, whose duties include the dispatching of law-enforcement personnel. Such  
49 training standards shall apply only to dispatchers hired on or after July 1, 1988;

50 11. Establish compulsory minimum training standards for all auxiliary police officers employed by or  
51 in any local or state government agency. Such training shall be graduated and based on the type of  
52 duties to be performed by the auxiliary police officers. Such training standards shall not apply to  
53 auxiliary police officers exempt pursuant to § 15.2-1731;

54 ~~12.~~ 12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other  
55 state and federal governmental agencies, and with universities, colleges, community colleges, and other  
56 institutions, whether located in or outside the Commonwealth, concerning the development of police

57 training schools and programs or courses of instruction;  
58 ~~12.~~ 13. Approve institutions, curricula and facilities, whether located in or outside the  
59 Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but  
60 this shall not prevent the holding of any such school whether approved or not;  
61 ~~13.~~ 14. Establish and maintain police training programs through such agencies and institutions as the  
62 Board deems appropriate;  
63 ~~14.~~ 15. Establish compulsory minimum qualifications of certification and recertification for instructors  
64 in criminal justice training schools approved by the Department;  
65 ~~15.~~ 16. Conduct and stimulate research by public and private agencies which shall be designed to  
66 improve police administration and law enforcement;  
67 ~~16.~~ 17. Make recommendations concerning any matter within its purview pursuant to this chapter;  
68 ~~17.~~ 18. Coordinate its activities with those of any interstate system for the exchange of criminal  
69 history record information, nominate one or more of its members to serve upon the council or  
70 committee of any such system, and participate when and as deemed appropriate in any such system's  
71 activities and programs;  
72 ~~18.~~ 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this  
73 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to  
74 submit information, reports, and statistical data with respect to its policy and operation of information  
75 systems or with respect to its collection, storage, dissemination, and usage of criminal history record  
76 information and correctional status information, and such criminal justice agencies shall submit such  
77 information, reports, and data as are reasonably required;  
78 ~~19.~~ 20. Conduct audits as required by § 9.1-131;  
79 ~~20.~~ 21. Conduct a continuing study and review of questions of individual privacy and confidentiality  
80 of criminal history record information and correctional status information;  
81 ~~21.~~ 22. Advise criminal justice agencies and initiate educational programs for such agencies with  
82 respect to matters of privacy, confidentiality, and security as they pertain to criminal history record  
83 information and correctional status information;  
84 ~~22.~~ 23. Maintain a liaison with any board, commission, committee, or other body which may be  
85 established by law, executive order, or resolution to regulate the privacy and security of information  
86 collected by the Commonwealth or any political subdivision thereof;  
87 ~~23.~~ 24. Adopt regulations establishing guidelines and standards for the collection, storage, and  
88 dissemination of criminal history record information and correctional status information, and the privacy,  
89 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and  
90 court orders;  
91 ~~24.~~ 25. Operate a statewide criminal justice research center, which shall maintain an integrated  
92 criminal justice information system, produce reports, provide technical assistance to state and local  
93 criminal justice data system users, and provide analysis and interpretation of criminal justice statistical  
94 information;  
95 ~~25.~~ 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law  
96 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically  
97 update that plan;  
98 ~~26.~~ 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of  
99 the Commonwealth, and units of general local government, or combinations thereof, including planning  
100 district commissions, in planning, developing, and administering programs, projects, comprehensive  
101 plans, and other activities for improving law enforcement and the administration of criminal justice  
102 throughout the Commonwealth, including allocating and subgranting funds for these purposes;  
103 ~~27.~~ 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects  
104 and activities for the Commonwealth and units of general local government, or combinations thereof, in  
105 the Commonwealth, designed to strengthen and improve law enforcement and the administration of  
106 criminal justice at every level throughout the Commonwealth;  
107 ~~28.~~ 29. Review and evaluate programs, projects, and activities, and recommend, where necessary,  
108 revisions or alterations to such programs, projects, and activities for the purpose of improving law  
109 enforcement and the administration of criminal justice;  
110 ~~29.~~ 30. Coordinate the activities and projects of the state departments, agencies, and boards of the  
111 Commonwealth and of the units of general local government, or combination thereof, including planning  
112 district commissions, relating to the preparation, adoption, administration, and implementation of  
113 comprehensive plans to strengthen and improve law enforcement and the administration of criminal  
114 justice;  
115 ~~30.~~ 31. Do all things necessary on behalf of the Commonwealth and its units of general local  
116 government, to determine and secure benefits available under the Omnibus Crime Control and Safe  
117 Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and

118 programs for strengthening and improving law enforcement, the administration of criminal justice, and  
119 delinquency prevention and control;

120 ~~31.~~ 32. Receive, administer, and expend all funds and other assistance available to the Board and the  
121 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe  
122 Streets Act of 1968, as amended;

123 ~~32.~~ 33. Apply for and accept grants from the United States government or any other source in  
124 carrying out the purposes of this chapter and accept any and all donations both real and personal, and  
125 grants of money from any governmental unit or public agency, or from any institution, person, firm or  
126 corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section  
127 shall be detailed in the annual report of the Board. Such report shall include the identity of the donor,  
128 the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section  
129 shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall  
130 have the power to comply with conditions and execute such agreements as may be necessary;

131 ~~33.~~ 34. Make and enter into all contracts and agreements necessary or incidental to the performance  
132 of its duties and execution of its powers under this chapter, including but not limited to, contracts with  
133 the United States, units of general local government or combinations thereof, in Virginia or other states,  
134 and with agencies and departments of the Commonwealth;

135 ~~34.~~ 35. Adopt and administer reasonable regulations for the planning and implementation of  
136 programs and activities and for the allocation, expenditure and subgranting of funds available to the  
137 Commonwealth and to units of general local government, and for carrying out the purposes of this  
138 chapter and the powers and duties set forth herein;

139 ~~35.~~ 36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and  
140 15.2-1707;

141 ~~36.~~ 37. Establish training standards and publish a model policy for law-enforcement personnel in the  
142 handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for  
143 determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall  
144 provide technical support and assistance to law-enforcement agencies in carrying out the requirements  
145 set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation  
146 of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

147 ~~37.~~ 38. Establish training standards and publish a model policy for law-enforcement personnel in  
148 communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

149 ~~38.~~ 39. Establish compulsory training standards for basic training and the recertification of  
150 law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for  
151 biased policing;

152 ~~39.~~ 40. Review and evaluate community-policing programs in the Commonwealth, and recommend  
153 where necessary statewide operating procedures, guidelines, and standards which strengthen and improve  
154 such programs, including sensitivity to and awareness of cultural diversity and the potential for biased  
155 policing;

156 ~~40.~~ 41. Publish and disseminate a model policy or guideline that may be used by state and local  
157 agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and  
158 the potential for biased policing;

159 ~~41. [Expired.]~~

160 42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with  
161 Virginia law-enforcement agencies, provide technical assistance and administrative support, including  
162 staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center  
163 may provide accreditation assistance and training, resource material, and research into methods and  
164 procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia  
165 accreditation status;

166 43. Promote community policing philosophy and practice throughout the Commonwealth by  
167 providing community policing training and technical assistance statewide to all law-enforcement  
168 agencies, community groups, public and private organizations and citizens; developing and distributing  
169 innovative policing curricula and training tools on general community policing philosophy and practice  
170 and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia  
171 organizations with specific community policing needs; facilitating continued development and  
172 implementation of community policing programs statewide through discussion forums for community  
173 policing leaders, development of law-enforcement instructors; promoting a statewide community policing  
174 initiative; and serving as a statewide information source on the subject of community policing including,  
175 but not limited to periodic newsletters, a website and an accessible lending library;

176 44. Establish, in consultation with the Department of Education and the Virginia State Crime  
177 Commission, compulsory minimum standards for employment and job-entry and in-service training  
178 curricula and certification requirements for school security officers, which training and certification shall

179 be administered by the Virginia Center for School Safety pursuant to § 9.1-184. Such training standards  
180 shall include, but shall not be limited to, the role and responsibility of school security officers, relevant  
181 state and federal laws, school and personal liability issues, security awareness in the school environment,  
182 mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics.  
183 The Department shall establish an advisory committee consisting of local school board representatives,  
184 principals, superintendents, and school security personnel to assist in the development of these standards  
185 and certification requirements;

186 45. Establish training standards and publish a model policy and protocols for local and regional  
187 sexual assault response teams;

188 46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with  
189 Article 11 (§ 9.1-185 et seq.);

190 47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

191 48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal  
192 justice agencies regarding the investigation, registration, and dissemination of information requirements  
193 as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

194 49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula,  
195 and (iii) certification requirements for campus security officers. Such training standards shall include, but  
196 not be limited to, the role and responsibility of campus security officers, relevant state and federal laws,  
197 school and personal liability issues, security awareness in the campus environment, and disaster and  
198 emergency response. The Department shall provide technical support and assistance to campus police  
199 departments and campus security departments on the establishment and implementation of policies and  
200 procedures, including but not limited to: the management of such departments, investigatory procedures,  
201 judicial referrals, the establishment and management of databases for campus safety and security  
202 information sharing, and development of uniform record keeping for disciplinary records and statistics,  
203 such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an  
204 advisory committee consisting of college administrators, college police chiefs, college security  
205 department chiefs, and local law-enforcement officials to assist in the development of the standards and  
206 certification requirements and training pursuant to this subdivision;

207 50. Establish compulsory training standards and publish a model policy for law-enforcement  
208 personnel regarding death notification;

209 51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established  
210 pursuant to § 9.1-187;

211 52. Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for  
212 questioning individuals suspected of driving while intoxicated concerning the physical location of that  
213 individual's last consumption of an alcoholic beverage and for communicating that information to the  
214 Alcoholic Beverage Control Board;

215 53. Establish training standards and publish a model policy for law-enforcement personnel assigned  
216 to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency  
217 calls;

218 54. Establish training standards and publish a model policy for law-enforcement personnel involved  
219 in criminal investigations that embody current best practices for conducting photographic and live  
220 lineups;

221 55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and  
222 attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human  
223 trafficking offenses using the common law and existing criminal statutes in the Code of Virginia; and

224 56. Perform such other acts as may be necessary or convenient for the effective performance of its  
225 duties.

226 § 9.1-112. Committee on Training; membership.

227 There is created a permanent Committee on Training under the Board that shall be the policy-making  
228 body responsible to the Board for effecting the provisions of subdivisions 2 through 46 17 of § 9.1-102.  
229 The Committee on Training shall be composed of 14 members of the Board as follows: the  
230 Superintendent of the Department of State Police; the Director of the Department of Corrections; a  
231 member of the Private Security Services Advisory Board; the Executive Secretary of the Supreme Court  
232 of Virginia; two sheriffs representing the Virginia State Sheriffs Association; two representatives of the  
233 Chiefs of Police Association; the active-duty law-enforcement officer representing police and fraternal  
234 associations; the attorney for the Commonwealth representing the Association of Commonwealth's  
235 Attorneys; a representative of the Virginia Municipal League; a representative of the Virginia  
236 Association of Counties; a regional jail superintendent representing the Virginia Association of Regional  
237 Jails; and one member designated by the chairman of the Board from among the other appointments  
238 made by the Governor.

239 The Committee on Training shall annually elect its chairman from among its members.

240 § 15.2-1731. Establishment, etc., authorized; powers, authority and immunities generally.  
 241 A. Localities, for the further preservation of the public peace, safety and good order of the  
 242 community, may establish, equip and maintain auxiliary police forces, the members of which when  
 243 called into service as hereinafter provided shall have all the powers and authority and all the immunities  
 244 of constables at common law.

245 B. Localities also, for the further preservation of the public peace, safety, and good order of the  
 246 community, may establish, equip, and maintain auxiliary police forces which that have all the powers  
 247 and authority and all the immunities of full-time law-enforcement officers, if all such forces have met  
 248 the training requirements established by the Department of Criminal Justice Services under § 9.1-101  
 249 9.1-102. Any

250 B. Notwithstanding any other provision of this section, an auxiliary officer employed prior to July 1,  
 251 1987, shall be exempted from any initial training requirement established under § 9.1-102 until a date  
 252 one year subsequent to the approval by the Criminal Justice Services Board of compulsory minimum  
 253 training standards for auxiliary police officers, except that (i) any such officer shall not be permitted to  
 254 carry or use a firearm while serving as an auxiliary police officer unless such officer has met the  
 255 firearms training requirements established in accordance with in-service training standards for  
 256 law-enforcement officers as prescribed by the Criminal Justice Services Board, and (ii) any such officer  
 257 shall have one year following the approval by the Board to comply with the compulsory minimum  
 258 training standards.

259 § 16.1-253.4. Emergency protective orders authorized in certain cases; penalty.  
 260 A. Any judge of a circuit court, general district court, juvenile and domestic relations district court or  
 261 magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in  
 262 order to protect the health or safety of any person.

263 B. When a law-enforcement officer or an allegedly abused person asserts under oath to a judge or  
 264 magistrate, and on that assertion or other evidence the judge or magistrate (i) finds that a warrant for a  
 265 violation of § 18.2-57.2 has been issued or issues a warrant for violation of § 18.2-57.2 and finds that  
 266 there is probable danger of further acts of family abuse against a family or household member by the  
 267 respondent or (ii) finds that reasonable grounds exist to believe that the respondent has committed  
 268 family abuse and there is probable danger of a further such offense against a family or household  
 269 member by the respondent, the judge or magistrate shall issue an ex parte emergency protective order,  
 270 except if the respondent is a minor, an emergency protective order shall not be required, imposing one  
 271 or more of the following conditions on the respondent:

- 272 1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
- 273 2. Prohibiting such contacts by the respondent with family or household members of the respondent
- 274 as the judge or magistrate deems necessary to protect the safety of such persons; and
- 275 3. Granting the family or household member possession of the premises occupied by the parties to
- 276 the exclusion of the respondent; however, no such grant of possession shall affect title to any real or
- 277 personal property.

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

282 C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the  
 283 third day following issuance. If the expiration occurs on a day that the court is not in session, the  
 284 emergency protective order shall be extended until 11:59 p.m. on the next day that the juvenile and  
 285 domestic relations district court is in session. When issuing an emergency protective order under this  
 286 section, the judge or magistrate shall provide the protected person or the law-enforcement officer seeking  
 287 the emergency protective order with the form for use in filing petitions pursuant to § 16.1-253.1 and  
 288 written information regarding protective orders that shall include the telephone numbers of domestic  
 289 violence agencies and legal referral sources on a form prepared by the Supreme Court. If these forms  
 290 are provided to a law-enforcement officer, the officer may provide these forms to the protected person  
 291 when giving the emergency protective order to the protected person. The respondent may at any time  
 292 file a motion with the court requesting a hearing to dissolve or modify the order issued hereunder. The  
 293 hearing on the motion shall be given precedence on the docket of the court.

294 D. A law-enforcement officer may request an emergency protective order pursuant to this section  
 295 and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant  
 296 to § 16.1-253.1 or 16.1-279.1, may request the extension of an emergency protective order for an  
 297 additional period of time not to exceed three days after expiration of the original order. The request for  
 298 an emergency protective order or extension of an order may be made orally, in person or by electronic  
 299 means, and the judge of a circuit court, general district court, or juvenile and domestic relations district  
 300 court or a magistrate may issue an oral emergency protective order. An oral emergency protective order

301 issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the  
302 order or the magistrate on a preprinted form approved and provided by the Supreme Court of Virginia.  
303 The completed form shall include a statement of the grounds for the order asserted by the officer or the  
304 allegedly abused person.

305 E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day  
306 on which the order was issued, enter and transfer electronically to the Virginia Criminal Information  
307 Network the respondent's identifying information and the name, date of birth, sex, and race of each  
308 protected person provided to the court or magistrate. A copy of an emergency protective order issued  
309 pursuant to this section containing any such identifying information shall be forwarded forthwith to the  
310 primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of  
311 the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any  
312 modification as necessary to the identifying information and other appropriate information required by  
313 the Department of State Police into the Virginia Criminal Information Network established and  
314 maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be  
315 served forthwith upon the respondent and due return made to the court. However, if the order is issued  
316 by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order  
317 containing the respondent's identifying information and the name, date of birth, sex, and race of each  
318 protected person provided to the court to the primary law-enforcement agency providing service and  
319 entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter  
320 the name of the person subject to the order and other appropriate information required by the  
321 Department of State Police into the Virginia Criminal Network established and maintained by the  
322 Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith  
323 on the respondent. Upon service, the agency making service shall enter the date and time of service and  
324 other appropriate information required by the Department of State Police into the Virginia Criminal  
325 Information Network and make due return to the court. One copy of the order shall be given to the  
326 allegedly abused person when it is issued, and one copy shall be filed with the written report required  
327 by subsection D of § 19.2-81.3. The judge or magistrate who issues an oral order pursuant to an  
328 electronic request by a law-enforcement officer shall verify the written order to determine whether the  
329 officer who reduced it to writing accurately transcribed the contents of the oral order. The original copy  
330 shall be filed with the clerk of the juvenile and domestic relations district court within five business  
331 days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution or  
332 modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency  
333 responsible for service and entry of protective orders, and upon receipt of the order by the primary  
334 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the  
335 identifying information and other appropriate information required by the Department of State Police  
336 into the Virginia Criminal Information Network as described above and the order shall be served  
337 forthwith and due return made to the court. Upon request, the clerk shall provide the allegedly abused  
338 person with information regarding the date and time of service.

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

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

343 H. As used in this section, a "law-enforcement officer" means any (i) full-time or part-time employee  
344 of a police department or sheriff's office which is part of or administered by the Commonwealth or any  
345 political subdivision thereof and who is responsible for the prevention and detection of crime and the  
346 enforcement of the penal, traffic, or highway laws of the Commonwealth and (ii) member of an  
347 auxiliary police force established pursuant to ~~subsection B~~ of § 15.2-1731. Part-time employees are  
348 compensated officers who are not full-time employees as defined by the employing police department or  
349 sheriff's office.

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

355 J. As used in this section, "copy" includes a facsimile copy.

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

357 § 19.2-81.3. Arrest without a warrant authorized in cases of assault and battery against a family or  
358 household member and stalking and for violations of protective orders; procedure, etc.

359 A. Any law-enforcement officer, as defined in § 19.2-81, may arrest without a warrant for an alleged  
360 violation of § 16.1-253.2, 18.2-57.2, or 18.2-60.4 regardless of whether such violation was committed in  
361 his presence, if such arrest is based on probable cause or upon personal observations or the reasonable

362 complaint of a person who observed the alleged offense or upon personal investigation.

363 B. A law-enforcement officer having probable cause to believe that a violation of § 18.2-57.2 or  
 364 16.1-253.2 has occurred shall arrest and take into custody the person he has probable cause to believe,  
 365 based on the totality of the circumstances, was the predominant physical aggressor unless there are  
 366 special circumstances which would dictate a course of action other than an arrest. The standards for  
 367 determining who is the predominant physical aggressor shall be based on the following considerations:  
 368 (i) who was the first aggressor, (ii) the protection of the health and safety of family and household  
 369 members, (iii) prior complaints of family abuse by the allegedly abusing person involving the family or  
 370 household members, (iv) the relative severity of the injuries inflicted on persons involved in the  
 371 incident, (v) whether any injuries were inflicted in self-defense, (vi) witness statements, and (vii) other  
 372 observations.

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

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

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

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

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

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

414 § 19.2-152.8. Emergency protective orders authorized.

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

418 B. When a law-enforcement officer or an alleged victim asserts under oath to a judge or magistrate  
 419 that such person is being or has been subjected to an act of violence, force, or threat and on that  
 420 assertion or other evidence the judge or magistrate finds that (i) there is probable danger of a further  
 421 such act being committed by the respondent against the alleged victim or (ii) a petition or warrant for  
 422 the arrest of the respondent has been issued for any criminal offense resulting from the commission of

423 an act of violence, force, or threat, the judge or magistrate shall issue an ex parte emergency protective  
424 order imposing one or more of the following conditions on the respondent:

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

427 2. Prohibiting such contacts by the respondent with the alleged victim or such person's family or  
428 household members as the judge or magistrate deems necessary to protect the safety of such persons;  
429 and

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

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

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

450 E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day  
451 on which the order was issued, enter and transfer electronically to the Virginia Criminal Information  
452 Network the respondent's identifying information and the name, date of birth, sex, and race of each  
453 protected person provided to the court or magistrate. A copy of an emergency protective order issued  
454 pursuant to this section containing any such identifying information shall be forwarded forthwith to the  
455 primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of  
456 the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any  
457 modification as necessary to the identifying information and other appropriate information required by  
458 the Department of State Police into the Virginia Criminal Information Network established and  
459 maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be  
460 served forthwith upon the respondent and due return made to the court. However, if the order is issued  
461 by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order  
462 containing the respondent's identifying information and the name, date of birth, sex, and race of each  
463 protected person provided to the court to the primary law-enforcement agency providing service and  
464 entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter  
465 the name of the person subject to the order and other appropriate information required by the  
466 Department of State Police into the Virginia Criminal Information Network established and maintained  
467 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served  
468 forthwith upon the respondent. Upon service, the agency making service shall enter the date and time of  
469 service and other appropriate information required into the Virginia Criminal Information Network and  
470 make due return to the court. One copy of the order shall be given to the alleged victim of such crime.  
471 The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement  
472 officer shall verify the written order to determine whether the officer who reduced it to writing  
473 accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of  
474 the appropriate district court within five business days of the issuance of the order. If the order is later  
475 dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded  
476 forthwith to the primary law-enforcement agency responsible for service and entry of protective orders,  
477 and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify  
478 and enter any modification as necessary to the identifying information and other appropriate information  
479 required by the Department of State Police into the Virginia Criminal Information Network as described  
480 above and the order shall be served forthwith and due return made to the court. Upon request, the clerk  
481 shall provide the alleged victim of such crime with information regarding the date and time of service.

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



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

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

496 I. As used in this section, "copy" includes a facsimile copy.

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

498 § 53.1-31.1. Transportation of prisoners.

499 Notwithstanding any other provision of law, the Department shall provide all transportation to and  
500 from court for any prisoner in connection with a crime committed within a state correctional facility, or  
501 a facility operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.), unless the  
502 affected sheriff and the Department agree on other transportation. Auxiliary police forces established  
503 under § 15.2-1731 who have met the training requirements of ~~§ 9.1-104~~ 9.1-102, with the concurrence of  
504 the sheriff or other chief law-enforcement officer as appropriate, are specifically authorized to provide  
505 such transportation.

506 **2. That an emergency exists and this act is in force from its passage.**