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SENATE BILL NO. 486

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend and reenact § 19.2-152.11 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-152.10:1, relating to workplace violence protective orders; penalty.*

Patrons—McClellan; Delegate: Carr

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-152.11 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 19.2-152.10:1 as follows:

§ 19.2-152.10:1. Workplace violence protective orders.

A. For the purpose of a preliminary protective order sought pursuant to § 19.2-152.9, an employer or its authorized agent may petition the court for such an order to protect the health and safety of its employees by alleging that (i) an employee of the petitioner has been, within a reasonable period of time, subjected to an act of violence, force, or threat at the employer's workplace or (ii) a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat. Such petition shall specify the workplace from which the petitioner seeks to have the perpetrator prohibited. Upon the filing of such a petition, the court may issue an order to protect against the alleged perpetrator in order to protect the health and safety of the employees of the employer.

Such a preliminary protective order may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property;

2. Prohibiting such other contacts by the respondent with the employees of the petitioner as the court deems necessary for the health and safety of such persons; or

3. Such other conditions as the court deems necessary to prevent (i) acts of violence, force, or threat; (ii) criminal offenses that may result in injury to person or property; or (iii) threatening communication by the respondent to the employees of the petitioner.

B. For the purpose of a protective order sought pursuant to § 19.2-152.10, an employer or its authorized agent may petition the court for such an order to protect the health and safety of its employees upon (i) the issuance of a petition or warrant for, or a conviction of, any criminal offense resulting from the commission of an act of violence, force, or threat at the employer's workplace or (ii) a hearing held pursuant to subsection D of § 19.2-152.9, provided that at such hearing the court may issue a protective order if the court finds that the employer has proven the allegation that an employee of the employer has been, within a reasonable period of time, subjected to an act of violence, force, or threat by a preponderance of the evidence. Such petition shall specify the workplace from which the petitioner seeks to have the perpetrator prohibited. Such a protective order may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property;

2. Prohibiting such other contacts by the respondent with the employees of the petitioner as the court deems necessary for the health and safety of such persons; or

3. Such other conditions as the court deems necessary to prevent (i) acts of violence, force, or threat; (ii) criminal offenses that may result in injury to person or property, or (iii) threatening communication by the respondent to the employees of the petitioner.

C. Except for the provisions of § 19.2-152.8 and as otherwise provided, all other provisions of this chapter shall apply, *mutatis mutandis*, to an employer serving as petitioner on behalf of its employees.

D. Nothing in this section shall be construed as expanding, diminishing, altering, or modifying any duty of an employer.

§ 19.2-152.11. Venue for protective orders.

A. Proceedings in which a protective order is sought pursuant to this chapter, *except as provided in subsection B*, shall be commenced where (i) either party has his principal residence; (ii) the act of violence, force, or threat by the respondent against the petitioner occurred; or (iii) a protective order was issued if, at the time the proceeding is commenced, the order is in effect to protect the petitioner or a

59 family or household member of the petitioner.

60 *B. Proceedings in which a protective order is sought pursuant to § 19.2-152.10:1 shall be*
61 *commenced where the workplace is located from which the petitioner seeks to have the respondent*
62 *prohibited.*

63 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
64 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**
65 **necessary appropriation cannot be determined for periods of imprisonment in state adult**
66 **correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I,**
67 **requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of**
68 **\$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
69 **appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile**
70 **Justice.**