

## Citations for Barrier Crimes for Child Welfare Agencies

*Code* citations include felony and misdemeanor convictions. These misdemeanor convictions are barriers, unless the code specifically states "only felony violations." The *Code of Virginia* §63.1-198.1 specifies "only felony violations" for §18.2-60.3, stalking and Chapter 7, Article 1-Drugs.

### TITLE 18.2- CRIMES AND OFFENSES GENERALLY

#### CHAPTER FOUR - CRIMES AGAINST THE PERSON

##### ARTICLE ONE - HOMICIDE (§18.2-30 et seq. This includes §18.2-30 - §18.2-37):

Murder and manslaughter	18.2-30
Capital murder	18.2-31
First and second degree murder	18.2-32
Murder of a pregnant woman	18.2-32.1
<b>Killing a fetus</b>	<b>18.2-32.2</b>
Felony homicide	18.2-33
Voluntary manslaughter	18.2-35
Involuntary manslaughter	18.2-36.1
Death outside the Commonwealth	18.2-37

##### ARTICLE TWO - CRIMES BY MOB

Shooting, stabbing, etc. with intent to maim, kill, etc. by mob	18.2-41
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##### ARTICLE THREE - KIDNAPPING

Abduction and kidnapping	18.2-47 A
Abduction with intent to extort money or for immoral purposes	18.2-48

##### ARTICLE FOUR - ASSAULTS & BODILY WOUNDING (§18.2-51 et seq. This includes §18.2-51 - §18.2-57.2):

Shooting, stabbing, etc. with intent to maim, kill, etc.	18.2-51
Malicious bodily injury to law enforcement officers or firefighters	18.2-51.1
Aggravated malicious wounding	18.2-51.2
Prohibition against reckless endangerment throwing objects	19.2-51.3
Maiming of another resulting from driving intoxicated	18.2-51.4
Malicious bodily injury by means of caustic substance or agent or use of any explosive or fire	18.2-52
Possession of infectious biological substances	18.2-52.1
Shooting, etc, in committing or attempting to commit a felony	18.2-53
Use or display of firearm in committing felony	18.2-53.1
Conviction of assault and battery, as a lesser offense	18.2-54
Attempts to poison	18.2-54.1
Adulteration of food, drink, drugs, cosmetics, etc.	18.2-54.2
Bodily injuries caused by prisoners, probationers or parolees	18.2-55
<b>Hazing of youth gang members</b>	<b>18.2-55.1</b>
Hazing unlawful, civil and criminal liability	18.2-56

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Reckless handling of firearms; reckless handling while hunting	18.2-56.1
Allowing access to firearms by children	18.2-56.2
Assault and battery (simple assault or assault and battery)	18.2-57
Pointing laser at law enforcement	18.2-57.01
Disarming a law enforcement or correctional officer	18.2-57.02
Assault and battery against a family or household member	18.2-57.2

**ARTICLE FIVE - ROBBERY**

(Robbery) How punished	18.2-58
Carjacking	18.2-58.1

**ARTICLE SIX - EXTORTION AND OTHER THREATS**

Threats of death or bodily injury	18.2-60
Stalking ( <b>Only "FELONY " violations</b> )	18.2-60.3

**ARTICLE SEVEN - CRIMINAL SEXUAL ASSAULT (§18.2-61 et seq. This is §18.2-61 - §18.2-67.10):**

Rape	18.2-61
Carnal knowledge of child between 13 and 15 years of age	18.2-63
Death of victim	18.2-63.1
Carnal knowledge of certain minors	18.2-64.1
Carnal knowledge of an inmate, parolee, probationer, detainee, or pretrial or post-trial offender criminal	18.2-64.2
Marriage to child over fourteen	18.2-66
Depositions of complaining witnesses	18.2-67
Forcible Sodomy	18.2-67.1
Object sexual penetration	18.2-67.2
Marital sexual assault	18.2-67.2:1
Aggravated sexual battery	18.2-67.3
Sexual battery or attempted sexual battery	18.2-67.4
Infected sexual battery	18.2-67.4:1
Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual battery	18.2-67.5

**CHAPTER FIVE - CRIMES AGAINST PROPERTY**

**ARTICLE ONE - ARSON AND RELATED CRIMES (§18.2-77 et seq. This is §18.2-77 - §18.2-88):**

Burning or destroying dwelling house, etc.	18.2-77
What not deemed dwelling house	18.2-78
Burning or destroying meeting house	18.2-79
Burning or destroying any other building or structure	18.2-80
Burning or destroying personal property, standing grain, etc	18.2-81
Burning building or structure while in such building or structure with intent to commit felony	18.2-82
Threats to bomb or damage buildings or means of transportation; false information as to danger to such buildings, etc.	18.2-83

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Causing, inciting, etc., commission of act proscribed by §18.2-83	18.2-84
Manufacture, possession, use, etc., of fire bombs or explosive materials or devices	18.2-85
Setting fire to woods, fences, grass, etc.	18.2-86
Setting woods, etc., on fire intentionally whereby another is damaged or jeopardized	18.2-87
Setting off chemical bombs capable of producing smoke in certain public building	18.2-87.1
Carelessly damaging property by fire	18.2-88

**ARTICLE TWO -BURGLARY AND RELATED OFFENSES (§18.2-89 et seq. This is §18.2-89 - §18.2-94):**

Burglary	18.2-89
Entering dwelling house, etc. with intent to commit murder, rape, robbery or arson	18.2-90
Entering dwelling house, etc. with intent to commit larceny, assault and battery or other felony	18.2-91
Breaking and entering dwelling with intent to commit other misdemeanor	18.2-92
Entering bank, armed, with intent to commit larceny	18.2-93
Possession of burglarious tools, etc.	18.2-94

**CHAPTER SEVEN - CRIMES INVOLVING HEALTH AND SAFETY**

**ARTICLE ONE - DRUGS (§18.2-247 et seq. This is 18.2-247 – 265):**  
**(Only "FELONY" violations in Article One)**

Use of terms "controlled substances," "marijuana," Schedules I, II, III, IV, V and VI" and "imitation controlled substance"	18.2-247
Manufacturing, selling, giving, distributing or possessing with intent to manufacture, sell, give or distribute a controlled substance or an imitation controlled substance prohibited; penalties	18.2-248
Transporting controlled substances into the Commonwealth	18.2-248.01
Penalties for sale, gift, distribution or possession with intent to sell, give or distribute marijuana.	18.2-248.1
Professional use of imitation controlled substances	18.2-248.3
Prohibiting advertisement of imitation controlled substances	18.2-248.4
Illegal stimulants and steroids; penalty	18.2-248.5
Money laundering; penalty	18.2-248.7
Seizure of property	18.2-249
Possession of controlled substances unlawful	18.2-250
Persons charged with first offense	18.2-251
Substance abuse screening and assessment for felony convictions	18.2-251.01
Drug Offender Assessment Fund	18.2-251.02
Possession or distribution of marijuana for medical purposes permitted	18.2-251.1
Possession and distribution of flunitrazepam	18.2-251.2

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Penalty for possession and distribution of gamma-butyrolactone or 1,4-butanediol	18.2-251.3
Penalty for defeating drug and alcohol screening tests	18.2-251.4
Suspended sentence conditioned on submission to periodic Medical examinations and tests	18.2-252
Disposal of seized substances	18.2-253
Destruction of seized substances prior to trial	18.2-253.1
Maintenance of custody of controlled substances	18.2-253.2
Commitment of convicted person to treatment for drug or alcohol abuse	18.2-254
Distribution of certain drugs to persons under eighteen prohibited	18.2-255
Distribution, sale or display of printed material advertising instruments used in administering marijuana or controlled substances to minors	18.2-255.1
Prohibiting the sale of drugs on or near certain properties	18.2-255.2
Conspiracy to commit any offense in this article	18.2-256
Attempts to commit any offense defined in this article	18.2-257
Certain premises deemed common nuisance	18.2-258
Enjoining nuisances involving illegal drug transactions	18.2-258.01
Maintaining a fortified drug house; penalty	18.2-258.02
Obtaining drugs, procuring administration of controlled substances, etc., by fraud, deceit or forgery	18.2-258.1
<b>Assisting individuals in unlawfully procuring prescription drugs</b>	<b>18.2-258.2</b>
Penalties to be in addition to civil or administrative sanctions	18.2-259
Forfeiture of driver's license for violations of article	18.2-259.1
Prescribing, dispensing, etc., drug except as authorized in article and Drug Control Act	18.2-260
Monetary penalty	18.2-261
Witnesses not excused from testifying or producing evidence	18.2-262
Exemptions	18.2-263
Inhaling drugs or other noxious chemical substance or causing, etc. others to do so	18.2-264
Charges for forensic laboratory analysis	18.2-264.01

ARTICLE FOUR-DANGEROUS USE OF FIREARMS OR OTHER WEAPONS

Shooting from vehicles so as to endanger persons	18.2-286.1
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ARTICLE FIVE- UNIFORM MACHINE GUN ACT

Use of machine gun in crime of violence	18.2-289
Use of machine gun for aggressive purpose	18.2-290

ARTICLE SIX - "SAWED-OFF SHOTGUN" AND "SAWED-OFF RIFLE ACT"

Possession or use of "sawed-off " shotgun or rifle in crime of violence	18.2-300 A
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ARTICLE EIGHT- MISCELLANEOUS DANGEROUS CONDUCT

Failing to secure medical attention for injured child	18.2-314
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**CHAPTER EIGHT - CRIMES MORALS AND DECENCY**

ARTICLE THREE - SEXUAL OFFENSES AND PROSTITUTION

Taking, detaining, etc. person for prostitution, etc. or consenting thereto	18.2-355
Crimes against nature ( <b>only if children are involved</b> )	18.2-361

ARTICLE FOUR - FAMILY OFFENSES; CRIMES AGAINST CHILDREN, ETC.

Adultery and fornication by persons forbidden to marry; incest	18.2-366
Abuse and neglect of incapacitated adults	18.2-369
Taking indecent liberties with children	18.2-370
Taking indecent liberties with child by person in custodial or Supervisory relationship	18.2-370.1
Abuse and neglect of children	18.2-371.1

ARTICLE 5 - OBSCENITY AND RELATED OFFENSES

Production, publication, sale, possession with intent to distribute, financing, etc., of sexually explicit items involving children; presumption as to age; severability	18.2-374.1
Possession of child pornography	18.2-374.1:1
Use of communications systems to facilitate certain offenses involving children	18.2-374.3
Employing or permitting a minor to assist in offense under this article	18.2-379

**A conviction of the below offenses is only a barrier if a minor is employed or permitted to assist in the offense (§ 18.2-372 et seq. This is 18.2-372 – 389):**

"Obscene" defined.	18.2-372
Obscene items enumerated	18.2-373
Production, publication, sale, possession, etc., of obscene items.	18.2-374
Seizure and forfeiture of property used in connection with production of sexually explicit items involving children	18.2-374.2
Obscene exhibitions and performances	18.2-375
Advertising, etc., obscene items, exhibitions or performances	18.2-376
Placards, posters, bills, etc.	18.2-377
Coercing acceptance of obscene articles or publications	18.2-378
(This citation is in Article 5 list above)	18.2-379
Punishment for first offense	18.2-380
Punishment for subsequent offenses; additional penalty for owner	18.2-381
Photographs, slides and motion pictures	18.2-382
Exceptions to application of article	18.2-383
Proceeding against book alleged to be obscene	18.2-384
Section 18.2-384 applicable to motion picture films.	18.2-385
Showing previews of certain motion pictures.	18.2-386
Unlawful filming, videotaping or photographing of another; penalty.	18.2-386.1

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Indecent exposure.	18.2-387
Profane swearing and intoxication in public; penalty; transportation of public inebriates to detoxification center.	18.2-388
Adoption of ordinances prohibiting obscenity.	18.2-389

### CHAPTER TEN CRIMES AGAINST THE ADMINISTRATION OF JUSTICE

#### ARTICLE SEVEN - ESCAPE OF, COMMUNICATIONS WITH AND DELIVERIES TO PRISONERS

Delivery of drugs, firearms, explosives, etc. to prisoners	18.2-474.1
Prisoner escaping from jail	18.2-477

### TITLE 53.1 - PRISONS AND OTHER METHODS OF CORRECTION

#### CHAPTER 7 - CRIMES AND CRIMINAL PROCEEDINGS INVOLVING PRISONERS

##### ARTICLE ONE-CRIMES BY PRISONERS

Felonies by Prisoners	53.1-203
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Below are additional disqualifying conditions:

- Also included, as a barrier crime is any other felony, for which a person has been convicted in the five years prior to the application date for employment, volunteer service, approval, registration or licensure.
- All convictions include prior adult convictions, juvenile convictions and adjudications of juvenile delinquency, if the offenses involved would have been barrier crimes had the offender been an adult at the time of the offense.
- Barrier crimes include convictions in other states that are equivalent to those specified.
- A person is disqualified if the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth.
- It is unlawful for any person to operate a family day home when the operator or a person who resides in the home is a sex offender.

Below is wording of §63.2-1727.

§63.2-1727. Sex offender or child abuser prohibited from operating or residing in family day home.

It shall be unlawful for any person to operate a family day home if he, or if he knows that any other person who resides in the home, has been convicted of a felony in violation of §§ 18.2-48, 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.5, 18.2-355, 18.2-361, 18.2-366, 18.2-369, 18.2-370, 18.2-370.1, 18.2-371.1, or 18.2-374.1, or is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. A violation of this section shall be punishable as a Class 1 misdemeanor.