

BARRIER CRIMES FOR LICENSED ASSISTED LIVING FACILITIES AND ADULT DAY CARE CENTERS

(§§ 19.2-392.02, 63.2-1720 and 63.2-1721 of the Code of Virginia)

"Barrier crime" under Code § 19.2-392.02, Clause (i) applies to assisted living facilities and adult day care centers.

NOTE: A licensed assisted living facility or adult day care center may hire an applicant convicted of one misdemeanor barrier crime not involving abuse or neglect, or any substantially similar offense under the laws of another jurisdiction, if five years have elapsed following the conviction.

Clause (i) includes:

Any FELONY violation of:

OFFENSE or Substantially Similar Offense Under the Laws of Another Jurisdiction	VA Code Section
Brandishing a machete or other bladed weapon with intent to intimidate	18.2-282.1
Criminal Street Gang - Recruitment of persons for criminal street gang	18.2-46.3
Criminal Street Gang – Enhanced punishment for gang activity taking place in a gang-free zone	18.2-46.3:3
Criminal Street Gang - Third or subsequent conviction of criminal street gang crimes	18.2-46.3:1
Criminal Street Gang Participation	18.2-46.2
Discharging firearms or missiles within or at building or dwelling house	18.2-279
Pointing, holding, or brandishing firearm, air or gas operated weapon or object similar in appearance	18.2-282
Prostitution; commercial sexual conduct; commercial exploitation of a minor	18.2-346
Rioting	18.2-405
Setting spring gun or other deadly weapon	18.2-281
Shooting from vehicles so as to endanger persons	18.2-286.1
Stalking	18.2-60.3
Unlawful assembly	18.2-406
Violation of a Protective Order	16.1-253.2
Violation of a Protective Order	18.2-60.4
Wearing of body armor while committing a crime	18.2-287.2
Willfully discharging firearms in public places	18.2-280

Any violation of:

Abduction - Threatening, attempting or assisting in such abduction	18.2-49
Abduction (Kidnapping)	18.2-47.A or 18.2-47.B
Abduction for Immoral Purposes	18.2-48
Abuse and Neglect of Children	18.2-371.1
Abuse and Neglect of Incapacitated Adults	18.2-369
Advocacy of change in government by force, violence or other unlawful means [“coup” or “coup d’etat”]	18.2-484
Aggressive Use of a Machine Gun	18.2-290

Arson	
Arson – Burning Building or Structure While in Such Building or Structure with Intent to Commit Felony	18.2-82
Arson – Burning or Destroying Any Other Building or Structure	18.2-80
Arson – Burning or Destroying Dwelling House, Etc.	18.2-77
Arson – Burning or Destroying Meeting House, Etc.	18.2-79
Arson – Burning or Destroying Personal Property, Standing Grain, Etc.	18.2-81
Arson – Causing, Inciting, Etc. Threats to Bomb or Damage Buildings or Means of Transportation; False Information as to Danger to Such Buildings, Etc.	18.2-84
Arson – Manufacture, Possession, Use, Etc., of Fire Bombs or Explosive Materials or Devices	18.2-85
Arson – Setting Fire to Woods, Fences, Grass, Etc.	18.2-86
Arson – Setting Off Chemical Bombs Capable of Producing Smoke in Certain Public Buildings	18.2-87.1
Arson – Setting Woods, Etc., on Fire Intentionally Whereby Another is Damaged or Jeopardized	18.2-87
Arson – Threats to Bomb or Damage Buildings or Means of Transportation; False Information as to Danger to Such Buildings, Etc.	18.2-83
Arson- Carelessly Damaging Property by Fire	18.2-88
Assaults and Bodily Wounding	
Assault or Battery by Mob	18.2-42
Assaults and Bodily Wounding – Adulteration of Food, Drink, Drugs, Cosmetics, Etc.	18.2-54.2
Assaults and Bodily Wounding – Aggravated Malicious Wounding	18.2-51.2
Assaults and Bodily Wounding – Allowing Access to Firearms by Children	18.2-56.2
Assaults and Bodily Wounding – Assault and Battery	18.2-57
Assaults and Bodily Wounding – Assault and Battery Against a Family or Household Member	18.2-57.2
Assaults and Bodily Wounding – Attempts to Poison	18.2-54.1
Assaults and Bodily Wounding – Bodily Injuries Caused by Prisoners, State Juvenile Probationers, and State and Local Adult Probationers or Adult Parolees	18.2-55
Assaults and Bodily Wounding – Disarming a Law-Enforcement or Correctional Officer	18.2-57.02
Assaults and Bodily Wounding – Hazing of Youth Gang Members	18.2-55.1
Assaults and Bodily Wounding – Hazing of a Student at Any School, College, or University	18.2-56
Assaults and Bodily Wounding – Maiming, Etc., of Another Resulting From Driving While Intoxicated	18.2-51.4
Assaults and Bodily Wounding – Maiming, Etc., of Another Resulting From Operating a Watercraft While Intoxicated	18.2-51.5
Assaults and Bodily Wounding - Malicious Wounding by Mob	18.2-41
Assaults and Bodily Wounding – Malicious Bodily Injury by Means of Any Caustic Substance or Agent or Use of Any Explosive or Fire	18.2-52
Assaults and Bodily Wounding – Malicious Bodily Injury to Law-Enforcement Officers, Firefighters, Search and Rescue Personnel, or Emergency Medical Service Providers	18.2-51.1
Assaults and Bodily Wounding – Pointing Laser at Law-Enforcement Officer	18.2-57.01
Assaults and Bodily Wounding – Possession of Infectious Biological Substances or Radiological Agents	18.2-52.1
Assaults and Bodily Wounding – Reckless Endangerment of Others by Throwing Objects from Places Higher than One Story	18.2-51.3
Assaults and Bodily Wounding – Reckless Handling of Firearms; Reckless Handling While Hunting	18.2-56.1

Assaults and Bodily Wounding – Shooting, Etc. in Committing or Attempting a Felony	18.2-53
Assaults and Bodily Wounding – Shooting, Stabbing, Etc. With Intent to Maim, Kill, Etc.	18.2-51
Assaults and Bodily Wounding – Strangulation of Another	18.2-51.6
Assaults and Bodily Wounding – Use or Display of Firearm in Committing a Felony	18.2-53.1
Burning cross on property of another or public place with intent to intimidate	18.2-423
Burning object on property of another or a highway or other public place with intent to intimidate	18.2-423.01
Carjacking	18.2-58.1
Commercial sex trafficking	18.2-357.1
Commission of certain offenses in county, city or town declared by Governor to be in state of riot or insurrection	18.2-413
Commission of felony while in jail	53.1-203
Commission of felony while in juvenile facility or detention home	18.2-477.2
Conspiracy or incitement to riot	18.2-408
Conspiring to incite one race to insurrection against another race	18.2-485
Crimes Against Nature Involving Children (involving family member)	18.2-361.B
Delivery of Drugs to Prisoners	18.2-474.1
Displaying noose on property of another or a highway or other public place with intent to intimidate	18.2-423.2
Employing or Permitting a Minor to Assist in – Advertising, Etc., Obscene Items, Exhibitions, or Performances (included because of 18.2-379)	18.2-376
Employing or Permitting a Minor to Assist in – Coercing Acceptance of Obscene Articles or Publications (included because of 18.2-379)	18.2-378
Employing or Permitting a Minor to Assist in – Creation of an Image of Another	18.2-386.1
Employing or Permitting a Minor to Assist in – Display of Child Pornography or Grooming Video or Materials to a Child	18.2-374.4
Employing or Permitting a Minor to Assist in – Indecent Exposure (included because of 18.2-379)	18.2-387
Employing or Permitting a Minor to Assist in – Obscene Exhibitions and Performances (included because of 18.2-379)	18.2-375
Employing or Permitting a Minor to Assist in – Obscene Sexual Display (included because of 18.2-379)	18.2-387.1
Employing or Permitting a Minor to Assist in – Possession, Reproduction, Distribution, Solicitation, and Facilitation of Child Pornography	18.2-374.1:1
Employing or Permitting a Minor to Assist in – Production, Publication, Sale, Financing Etc., of Child Pornography	18.2-374.1
Employing or Permitting a Minor to Assist in – Production, Publication, Sale, Possession, Etc., of Obscene Items (included because of 18.2-379)	18.2-374
Employing or Permitting a Minor to Assist in – Unlawful Dissemination or Sale of Images of Another	18.2-386.2
Employing or Permitting a Minor to Assist in – Use of Communications Systems to Facilitate Certain Offenses Involving Children	18.2-374.3
Employing or Permitting a Minor to Assist in an Act Constituting an Offense Under Article 5 (18.2-372 et seq.) of Chapter 8 of Title 18.2	18.2-379
Enticing another into a dwelling house with intent to commit certain felonies	18.2-50.3
Escape by persons committed to facility for sexually violent predators	37.2-917
Escape by setting fire to jail	18.2-480
Escape from jail	18.2-477
Escape from jail or custody by force or violence without setting fire to jail	18.2-478
Escape from juvenile facility	18.2-477.1
Escape without force or violence or setting fire to jail	18.2-479

Extortion by Threat	18.2-59
Failure to Secure Medical Attention for an Injured Child	18.2-314
Incest	18.2-366
Injury to property or persons by persons unlawfully or riotously assembled	18.2-414
Murder or Manslaughter	
Murder or Manslaughter – Felony Homicide	18.2-33
Murder or Manslaughter – Involuntary Manslaughter	18.2-36
Murder or Manslaughter – Involuntary Manslaughter; Driving a Vehicle While Under the Influence	18.2-36.1
Murder or Manslaughter – Involuntary Manslaughter; Operating a Watercraft While Under the Influence	18.2-36.2
Murder or Manslaughter – Killing a Fetus	18.2-32.2
Murder or Manslaughter – Murder of a Pregnant Woman	18.2-32.1
Murder or Manslaughter – Murder, Capital	18.2-31
Murder or Manslaughter – Murder, First and Second Degree	18.2-32
Murder or Manslaughter – Voluntary Manslaughter	18.2-35
Pandering	18.2-355
Penetration of mouth of child with lascivious intent	18.2-370.6
Placing swastika on certain property with intent to intimidate	18.2-423.1
Possession of firearm while in possession of certain controlled substances	18.2-308.4
Possession or Use of a Sawed-Off Shotgun or Rifle	18.2-300
Providing false information or failing to provide sex offender registration information	18.2-472.1
Receiving money for procuring person	18.2-356
Receiving money from earnings of prostitute	18.2-357
Robbery	18.2-58
Sex offenses prohibiting entry onto school or other property	18.2-370.5
Sex offenses prohibiting proximity to children	18.2-370.2
Sex offenses prohibiting residing in proximity to children	18.2-370.3
Sex offenses prohibiting working on school property	18.2-370.4
Sexual Assault	
Sexual Assault – Aggravated Sexual Battery	18.2-67.3
Sexual Assault – Attempted Aggravated Sexual Battery	18.2-67.5
Sexual Assault – Attempted Forcible Sodomy	18.2-67.5
Sexual Assault – Attempted Object Sexual Penetration	18.2-67.5
Sexual Assault – Attempted Rape	18.2-67.5
Sexual Assault – Attempted Sexual Battery	18.2-67.5
Sexual Assault – Carnal Knowledge of a Child Between 13 and 15 Years of Age	18.2-63
Sexual Assault – Carnal Knowledge of an Inmate, Parolee, Probationer, Detainee, or Pretrial or Post Trial Offender	18.2-64.2
Sexual Assault – Carnal Knowledge of Certain Minors	18.2-64.1
Sexual Assault – Forcible Sodomy	18.2-67.1
Sexual Assault – Infected Sexual Battery	18.2-67.4:1
Sexual Assault – Object Sexual Penetration	18.2-67.2
Sexual Assault – Rape	18.2-61
Sexual Assault – Repeat offender (felony conviction after prior misdemeanor convictions of sexual battery in violation of § 18.2-67.4, attempted sexual battery in violation of § 18.2-67.5.C, a violation of § 18.2-371 involving consensual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus with a child, indecent exposure of himself or procuring another to expose himself in violation of § 18.2-387, or a violation of § 18.2-130)	18.2-67.5:1

Sexual Assault – Repeat offender (life imprisonment for offense based on prior sexual assault convictions)	18.2-67.5:3
Sexual Assault – Repeat offender (maximum sentence for offense based on prior sexual assault convictions)	18.2-67.5:2
Sexual Assault – Sexual Abuse of a Child under 15 Years of Age	18.2-67.4:2
Sexual Assault – Sexual Battery	18.2-67.4
Taking Indecent Liberties with Children	18.2-370
Taking Indecent Liberties with Children (by person in custodial or supervisory position to child)	18.2-370.1
Terrorism - Committing, conspiring and aiding and abetting acts of terrorism	18.2-46.5
Terrorism - Act of bioterrorism against agricultural crops or animals	18.2-46.7
Terrorism - Possession, manufacture, distribution, etc. of weapon of terrorism or hoax device	18.2-46.6
Threats against the Governor or his immediate family	18.2-60.1
Threats of Death or Bodily Injury	18.2-60
Treason	18.2-481
Unlawful Paramilitary activity	18.2-433.2
Use of a Machine Gun in a Crime of Violence	18.2-289