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MEMORANDUM

TO: Licensed Family Day Homes, Religious Exempt Child Day Centers, Voluntarily Registered Family Day Homes, Certified Preschools, and Family Day System

FROM: Lynne Williams, Director
VDSS - Division of Licensing Programs

DATE: June 8, 2012

RE: Legislative Update, 2012

This year, the Virginia General Assembly passed legislation that will change portions of the Code of Virginia related to background checks and barrier crimes (§63.2-1719) and the Child Day-Care Council (§63.2-1735). The legislative changes resulting from the passage of the following bills will be effective July 1, 2012.

Background Checks and Barrier Crimes

House Bill (HB) 971 **adds** the following crimes to the definition of "barrier crime" at § 63.2-1719 of the Code:

- Felony violation of a protective order as set out in § 16.1-253.2;
- Abduction as set out in subsection B of § 18.2-47 – "Any person who, by force, intimidation or deception, and without legal justification or excuse, seizes, takes, transports, detains or secretes another person with the intent to subject him to forced labor or services shall be deemed guilty of "abduction";
- Extortion by threat as set out in § 18.2-59; and
- Felony violation of a protective order as set out in § 18.2-60.4.

These changes will affect the inspection of background checks in the following way:

- Criminal history record reports received on or after July 1, 2012 by facilities for individuals required to have background checks must be screened for these additional crimes. Criminal history record reports received before July 1, 2012 by facilities are not to be screened for these new barrier crimes.

If you have any questions or need clarification on any of the information contained in this memo, please contact your licensing inspector.