

## **BARRIER CRIMES FOR CHILD PLACING AGENCIES AND FOR FOSTER, ADOPTIVE HOMES APPROVED BY CHILD PLACING AGENCIES, AND LICENSED INDEPENDENT FOSTER HOMES**

**Va Code Ann. §§ 19.2-392.02; 63.2-901.1; 63.2-1719; 63.2-1720; 63.2-1721**

Child-placing agency/licensed independent foster homes cannot hire or approve as a foster/adoptive parent anyone who has:

- A convicted of or subject of pending charges for any barrier crime as defined in § 19.2-392.02. Convictions include prior adult convictions and juvenile convictions or adjudications of delinquency based on a crime that would be a felony if committed by an adult within or outside the Commonwealth.
- A founded complaint of child abuse or neglect within or outside the Commonwealth
- Any other felony not included in clause (i), (ii), (iii), (iv), or (v) unless five years have elapsed from the date of conviction.

The list of barrier crimes is broken into six clauses. All six clauses apply to Child Placing Agencies, Foster and Adoptive Homes approved by Child Placing Agencies, and Licensed Independent Foster Homes.

**"Barrier crime" under Code § 19.2-392.02, Clause (i) includes:**

**Any FELONY violation of:**

| <b>OFFENSE<br/>Or Substantially Similar Offense Under the Laws of Another Jurisdiction</b>            | <b>VA CODE<br/>SECTION</b> |
|---|----------------------------|
| Violation of a Protective Order   | 16.1-253.2                 |
| Criminal Street Gang Participation  | 18.2-46.2                  |
| Criminal Street Gang - Recruitment of Persons for Criminal Street Gang                                | 18.2-46.3                  |
| Criminal Street Gang - Third or subsequent conviction of criminal street gang crimes                  | 18.2-46.3:1                |
| Criminal Street Gang – Enhanced punishment for gang activity taking place in a gang-free zone         | 18.2-46.3:3                |
| Stalking  | 18.2-60.3                  |
| Violation of a Protective Order   | 18.2-60.4                  |
| Discharging Firearms or Missiles Within or at Building or Dwelling House                              | 18.2-279                   |
| Willfully Discharging Firearms in Public Places   | 18.2-280                   |
| Setting Spring Gun or Other Deadly Weapon   | 18.2-281                   |
| Pointing, holding, or brandishing firearm, air or gas operated weapon or object similar in appearance | 18.2-282                   |
| Brandishing a machete or other bladed weapon with intent to intimidate                                | 18.2-282.1                 |
| Shooting from vehicles so as to endanger persons  | 18.2-286.1                 |
| Wearing of body armor while committing a crime  | 18.2-287.2                 |
| Prostitution; commercial sexual conduct; commercial exploitation of a minor                           | 18.2-346                   |
| Rioting   | 18.2-405                   |
| Unlawful assembly   | 18.2-406                   |

**Any violation of:**

| <b>OFFENSE<br/>Or Substantially Similar Offense Under the Laws of Another Jurisdiction</b>   | <b>VA CODE<br/>SECTION</b> |
|--|----------------------------|
| Murder or Manslaughter – Murder, Capital   | 18.2-31                    |
| Murder or Manslaughter – Murder, First or Second Degree  | 18.2-32                    |
| Murder or Manslaughter – Murder of a Pregnant Woman  | 18.2-32.1                  |
| Murder or Manslaughter – Killing a Fetus   | 18.2-32.2                  |
| Murder or Manslaughter – Felony Homicide   | 18.2-33                    |
| Murder or Manslaughter – Voluntary Manslaughter  | 18.2-35                    |
| 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 Water Craft While Under the Influence   | 18.2-36.2                  |
| Assaults and Bodily Wounding - Malicious wounding by Mob   | 18.2-41                    |
| Assault or battery by mob  | 18.2-42                    |
| Terrorism - Committing, conspiring and aiding and abetting acts of terrorism   | 18.2-46.5                  |
| Terrorism - Possession, manufacture, distribution, etc. of weapon of terrorism or hoax device  | 18.2-46.6                  |
| Terrorism -Act of bioterrorism against agricultural crops or animals   | 18.2-46.7                  |
| Abduction (Kidnapping)   | 18.2-47 A or<br>18.2-47 B  |
| Abduction for Immoral Purpose  | 18.2-48                    |
| Abduction - Threatening, attempting or assisting in abduction  | 18.2-49                    |
| Enticing another into a dwelling house with intent to commit certain felonies  | 18.2-50.3                  |
| Assaults and Bodily Wounding - Shooting, Stabbing, etc., With Intent to Maim, Kill, etc  | 18.2-51                    |
| Assaults and Bodily Wounding - Malicious Bodily Injury to Law-Enforcement Officers, Firefighters, Search and Rescue Personnel, or Emergency Medical Services Providers | 18.2-51.1                  |
| Assaults and Bodily Wounding - Aggravated Malicious Wounding   | 18.2-51.2                  |
| 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 - 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 - Strangulation of another  | 18.2-51.6                  |
| 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 - Possession of Infectious Biological Substances or Radiological Agents   | 18.2-52.1                  |
| Assaults and Bodily Wounding - Shooting, etc., in Committing or Attempting a Felony  | 18.2-53                    |

| <b>OFFENSE<br/>Or Substantially Similar Offense Under the Laws of Another Jurisdiction</b>   | <b>VA CODE<br/>SECTION</b> |
|--|----------------------------|
| Assaults and Bodily Wounding - Use or Display of Firearm in Committing Felony  | 18.2-53.1                  |
| Assaults and Bodily Wounding - Attempts to Poison  | 18.2-54.1                  |
| Assaults and Bodily Wounding - Adulteration of Food, Drink, Drugs, Cosmetics, etc  | 18.2-54.2                  |
| 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 - 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 - Reckless Handling of Firearms; Reckless Handling While Hunting  | 18.2-56.1                  |
| Assaults and Bodily Wounding - Allowing access to firearms by children   | 18.2-56.2                  |
| Assault and Battery<br>(Exception: A child-placing agency may approve as a foster or adoptive parent an applicant convicted of not more than one misdemeanor under § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, not involving the abuse, neglect, or moral turpitude of a minor, provided 10 years have elapsed following the conviction. §§ 63.2-901.1; 63.2-1721) | 18.2-57                    |
| Assaults and Bodily Wounding - Pointing Laser at Law-Enforcement Officer   | 18.2-57.01                 |
| Assaults and Bodily Wounding - Disarming a Law-Enforcement or Correctional Officer   | 18.2-57.02                 |
| Assaults and Bodily Wounding - Assault and Battery Against a Family or Household Member  | 18.2-57.2                  |
| Robbery  | 18.2-58                    |
| Carjacking   | 18.2-58.1                  |
| Extortion by Threat  | 18.2-59                    |
| Threats of Death or Bodily Injury  | 18.2-60                    |
| Threatening the Governor or his immediate family   | 18.2-60.1                  |
| Sexual Assault - Rape  | 18.2-61                    |
| Sexual Assault - Carnal Knowledge of Child Between 13 and 15 Years of Age  | 18.2-63                    |
| Sexual Assault - Carnal Knowledge of Certain Minors  | 18.2-64.1                  |
| Sexual Assault - Carnal Knowledge of an Inmate, Parolee, Probationer, Detainee, or Pretrial or Post-Trial Offender   | 18.2-64.2                  |
| Sexual Assault –Forcible Sodomy  | 18.2-67.1                  |
| Sexual Assault –Object Sexual Penetration  | 18.2-67.2                  |
| Sexual Assault - Aggravated Sexual Battery   | 18.2-67.3                  |
| Sexual Assault –Sexual battery   | 18.2-67.4                  |
| Sexual Assault –Infected Sexual Battery  | 18.2-67.4:1                |
| Sexual Assault –Sexual abuse of a child under 15 years of age  | 18.2-67.4:2                |
| 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                  |

| OFFENSE<br>Or Substantially Similar Offense Under the Laws of Another Jurisdiction  | VA CODE<br>SECTION |
|---|--------------------|
| 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 (maximum sentence for offense based on prior sexual assault convictions)   | 18.2-67.5:2        |
| Sexual Assault – Repeat offender (life imprisonment for offense based on prior sexual assault convictions)  | 18.2-67.5:3        |
| Arson - Burning or Destroying Dwelling House, etc.  | 18.2-77            |
| Arson -Burning or Destroying Meeting House, etc   | 18.2-79            |
| Arson -Burning or Destroying Any Other Building or Structure<br>(Exception: A child-placing agency may approve as a kinship foster parent an applicant convicted of any offence under § 18.2-80, or any substantially similar offense under the laws of another jurisdiction, not involving the abuse, neglect, or moral turpitude of a minor, provided 10 years have elapsed following the conviction. § 63.2-901.1)   | 18.2-80            |
| Arson -Burning or Destroying Personal Property, Standing Grain, etc.<br>(Exception: A child-placing agency may approve as a kinship foster parent an applicant convicted of any offence under § 18.2-81, or any substantially similar offense under the laws of another jurisdiction, not involving the abuse, neglect, or moral turpitude of a minor, provided 10 years have elapsed following the conviction. § 63.2-901.1)   | 18.2-81            |
| Arson -Burning Building or Structure While in Such Building or Structure With Intent to Commit Felony   | 18.2-82            |
| Arson -Threats to Bomb or Damage Buildings or Means of Transportation; False Information as to Danger to Such Buildings, etc<br>(Exception: A child-placing agency may approve as a kinship foster parent an applicant convicted of any offence under § 18.2-83, or any substantially similar offense under the laws of another jurisdiction, not involving the abuse, neglect, or moral turpitude of a minor, provided 10 years have elapsed following the conviction. § 63.2-901.1) | 18.2-83            |
| 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 Woods, etc., on Fire Intentionally Whereby Another is Damaged or Jeopardized.<br>(Exception: A child-placing agency may approve as a kinship foster parent an applicant convicted of any offence under § 18.2-87, or any substantially similar offense under the laws of another jurisdiction, not involving the abuse, neglect, or moral turpitude of a minor, provided 10 years have elapsed following the conviction. § 63.2-901.1)                                 | 18.2-87            |

| <b>OFFENSE<br/>Or Substantially Similar Offense Under the Laws of Another Jurisdiction</b>   | <b>VA CODE<br/>SECTION</b> |
|--|----------------------------|
| Arson -Setting Off Chemical Bombs Capable of Producing Smoke in Certain Public Buildings.<br>(Exception: A child-placing agency may approve as a kinship foster parent an applicant convicted of any offence under § 18.2-87.1, or any substantially similar offense under the laws of another jurisdiction, not involving the abuse, neglect, or moral turpitude of a minor, provided 10 years have elapsed following the conviction. § 63.2-901.1) | 18.2-87.1                  |
| Arson -Carelessly Damaging Property by Fire<br>(Exception: A child-placing agency may approve as a kinship foster parent an applicant convicted of any offence under § 18.2-88, or any substantially similar offense under the laws of another jurisdiction, not involving the abuse, neglect, or moral turpitude of a minor, provided 10 years have elapsed following the conviction. § 63.2-901.1)   | 18.2-88                    |
| Use of Machine Gun for Crime of Violence   | 18.2-289                   |
| Aggressive Use of a Machine Gun  | 18.2-290                   |
| Possession or Use of Sawed-off Shotgun or Rifle  | 18.2-300                   |
| Possession of Firearms While in Possession of Certain Controlled Substances  | 18.2-308.4                 |
| Failing to Secure Medical Attention for Injured Child  | 18.2-314                   |
| Pandering  | 18.2-355                   |
| Receiving money for procuring person   | 18.2-356                   |
| Receiving money from earnings of prostitute  | 18.2-357                   |
| Commercial sex trafficking   | 18.2-357.1                 |
| Crimes Against Nature Involving Children (involving family member)   | 18.2-361 B                 |
| 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 position to child)   | 18.2-370.1                 |
| 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                 |
| Sex offenses prohibiting entry onto school or other property   | 18.2-370.5                 |
| Penetration of mouth of child with lascivious intent   | 18.2-370.6                 |
| Abuse and Neglect of Children  | 18.2-371.1                 |
| 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 – Production, Publication, Sale, Financing Etc., of Child Pornography   | 18.2-374.1                 |
| 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 – Use of Communications Systems to Facilitate Certain Offenses Involving Children   | 18.2-374.3                 |
| 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 – Advertising, Etc., Obscene Items,   | 18.2-376                   |

| <b>OFFENSE<br/>Or Substantially Similar Offense Under the Laws of Another Jurisdiction</b>  | <b>VA CODE<br/>SECTION</b> |
|---|----------------------------|
| Exhibitions, or Performances (included because of 18.2-379)   |                            |
| 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 – Coercing Acceptance of Obscene Articles or Publications (included because of 18.2-379)     | 18.2-378                   |
| 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                   |
| 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 – Unlawful Dissemination or Sale of Images of Another  | 18.2-386.2                 |
| 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 Sexual Display (included because of 18.2-379)                                      | 18.2-387.1                 |
| Conspiracy or incitement to riot  | 18.2-408                   |
| Commission of certain offenses in county, city or town declared by Governor to be in state of riot or insurrection                        | 18.2-413                   |
| Injury to property or persons by persons unlawfully or riotously assembled  | 18.2-414                   |
| 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                |
| Placing swastika on certain property with intent to intimidate  | 18.2-423.1                 |
| Displaying noose on property of another or a highway or other public place with intent to intimidate                                      | 18.2-423.2                 |
| Unlawful Paramilitary Activity  | 18.2-433.2                 |
| Providing false information or failing to provide sex offender registration information   | 18.2-472.1                 |
| Delivery of Drugs to Prisoners  | 18.2-474.1                 |
| Escape from jail  | 18.2-477                   |
| Escapes from juvenile facility  | 18.2-477.1                 |
| Commission of felony while in juvenile facility or detention home   | 18.2-477.2                 |
| Escape from jail or custody by force or violence without setting fire to jail   | 18.2-478                   |
| Escape without force or violence or setting fire to jail  | 18.2-479                   |
| Escape by setting fire to jail  | 18.2-480                   |
| Treason   | 18.2-481                   |
| Advocacy of change in government by force, violence or other unlawful means. [“coup” or “coup d’etat”]                                    | 18.2-484                   |
| Conspiring to incite one race to insurrection against another race  | 18.2-485                   |
| Escape by persons committed to facility for sexually violent predators  | 37.2-917                   |
| Commission of felony while in jail  | 53.1-203                   |

**"Barrier crime" under Code § 19.2-392.02, Clause (ii) includes:**

| <b>Type of Violation</b> | <b>OFFENSE<br/>Or Substantially Similar Offense Under the Laws of Another<br/>Jurisdiction</b>   | <b>VA CODE<br/>SECTION</b> |
|--------------------------|--|----------------------------|
| Any                      | Burglary   | 18.2-89                    |
| Any                      | Burglary - Entering Dwelling House, etc., with Intent to Commit Murder, Rape, Robbery or Arson   | 18.2-90                    |
| Any                      | Burglary - Entering Dwelling House, etc., with Intent to Commit Larceny, Assault and Battery or Other Felony<br>(Exception: A child-placing agency may approve as a foster parent an applicant convicted statutory burglary for breaking and entering a dwelling home or other structure with intent to commit larceny or any substantially similar offense under the laws of another jurisdiction, who has had his civil rights restored by the Governor or other appropriate authority, provided that 25 years have elapsed following the conviction. § 63.2-1721) | 18.2-91                    |
| Any                      | Burglary - Breaking and Entering Dwelling House with Intent to Commit Other Misdemeanor  | 18.2-92                    |
| Any                      | Burglary - Entering Bank, Armed, with Intent to Commit Larceny   | 18.2-93                    |
| Any                      | Burglary - Possession of Burglarious Tools, etc.   | 18.2-94                    |

**"Barrier crime" under Code § 19.2-392.02, Clause (iii) is:**

**Exception: A child-placing agency may approve as a foster/adoptive parent who has conviction of any offense in under clause (iii) of barrier crime definition in Code § 19.2-392.02 or any substantially similar offense in another jurisdiction, who has had civil rights restored by Governor or other authority, if twenty years have elapsed since conviction. (§ 63.2-1721)**

**Any FELONY violation of:**

| <b>Type of Violation</b> | <b>OFFENSE<br/>Or Substantially Similar Offense Under the Laws of Another<br/>Jurisdiction</b>  | <b>VA CODE<br/>SECTION</b> |
|--------------------------|---|----------------------------|
| Felony                   | Possession or Distribution of Drugs – Manufacturing, Selling, Giving, Distributing, or Possessing with Intent to Manufacture, Sell, Give, or Distribute a Controlled Substance or an Imitation Controlled Substance | 18.2-248                   |
| Felony                   | Possession or Distribution of Drugs – Transporting Controlled Substances into the Commonwealth  | 18.2-248.01                |
| Felony                   | Possession or Distribution of Drugs – Allowing a Minor or Incapacitated Person to be Present During Manufacture or Attempted Manufacture of Methamphetamine   | 18.2-248.02                |
| Felony                   | Possession or Distribution of Drugs – Manufacturing, Selling, Giving, Distributing, or Possessing with Intent to Manufacture, Sell, Give, or Distribute Methamphetamine   | 18.2-248.03                |
| Felony                   | Possession or Distribution of Drugs – Sale, Gift, Distribution, or  | 18.2-248.1                 |

| <b>Type of Violation</b> | <b>OFFENSE<br/>Or Substantially Similar Offense Under the Laws of Another<br/>Jurisdiction</b>   | <b>VA CODE<br/>SECTION</b> |
|--------------------------|--|----------------------------|
|                          | Possession with Intent to Sell, Give, or Distribute Marijuana  |                            |
| Felony                   | Possession or Distribution of Drugs – Manufacturing, Selling, Giving, Distributing, or Possessing with the Intent to Manufacture, Sell, Give, or Distribute Any Anabolic Steroid   | 18.2-248.5                 |
| Felony                   | Possession or Distribution of Drugs – Possession and Distribution of Flunitrazepam   | 18.2-251.2                 |
| Felony                   | Possession or Distribution of Drugs – Manufacturing, Selling, Giving, Distributing, or Possessing with the Intent to Distribute the Substances Gamma-Butyrolactone or 1, 4- Butanediol When Intended for Human Consumption | 18.2-251.3                 |
| Felony                   | Possession or Distribution of Drugs – Distributing Certain Drugs to Persons under 18   | 18.2-255                   |
| Felony                   | Possession or Distribution of Drugs – Sale or Manufacture of Drugs On or Near Certain Properties   | 18.2-255.2                 |
| Felony                   | Possession or Distribution of Drugs – Certain Premises Deemed Common Nuisance  | 18.2-258                   |
| Felony                   | Possession or Distribution of Drugs – Maintaining a Fortified Drug House   | 18.2-258.02                |
| Felony                   | Possession or Distribution of Drugs – Obtaining Drugs, Procuring Administration of Controlled Substances, Etc., by Fraud, Deceit, or Forgery   | 18.2-258.1                 |
| Felony                   | Possession or Distribution of Drugs – Assisting Individuals in Unlawfully Procuring Prescription Drugs   | 18.2-258.2                 |

**"Barrier crime" under Code § 19.2-392.02, Clause (iv) is:**

**Exception: A child-placing agency may approve as a kinship foster parent, foster parent, or adoptive parent an applicant convicted of any offense set forth in § 18.2-250, or any substantially similar offense under the laws of another jurisdiction, not involving the abuse, neglect, or moral turpitude of a minor, who has had his civil rights restored by the Governor or other appropriate authority, provided 10 years have elapsed following the conviction.( §§ 63.2-901, 63.2-1721)**

**Any FELONY violation of:**

| <b>Type of Violation</b> | <b>OFFENSE<br/>Or Substantially Similar Offense Under the Laws of Another<br/>Jurisdiction</b> | <b>VA CODE<br/>SECTION</b> |
|--------------------------|--|----------------------------|
| Felony                   | Possession or Distribution of Drugs – Possession of Controlled Substances                      | 18.2-250                   |

**"Barrier crime" under Code § 19.2-392.02, Clause (v) is:**

- Any offense set forth in § 9.1-902 that results in the person's requirement to register with the



Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901, including any finding that a person is not guilty by reason of insanity in accordance with Chapter 11.1 (§ 19.2-182.2 et seq.) of Title 19.2 of an offense set forth in § 9.1-902 that results in the person's requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901; Offenses that require registration can be found at <http://sex-offender.vsp.virginia.gov/sor/statutes.html>.

- Any substantially similar offense under the laws of another jurisdiction; or
- Any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted

§ 9.1-902. Offenses requiring registration.

A. For purposes of this chapter:

"Offense for which registration is required" includes:

1. Any offense listed in subsection B;
2. Criminal homicide;
3. Murder;
4. A sexually violent offense;
5. Any offense similar to those listed in subdivisions 1 through 4 under the laws of any foreign country or any political subdivision thereof, the United States or any political subdivision thereof; and
6. Any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

B. The offenses included under this subsection include any violation of, attempted violation of, or conspiracy to violate:

1. § 18.2-63 unless registration is required pursuant to subdivision E 1; § 18.2-64.1; former § 18.2-67.2:1; § 18.2-90 with the intent to commit rape; former § 18.1-88 with the intent to commit rape; any felony violation of § 18.2-346; any violation of subdivision (4) of § 18.2-355; any violation of subsection C of § 18.2-357.1; subsection B or C of § 18.2-374.1:1; former subsection D of § 18.2-374.1:1 as it was in effect from July 1, 1994, through June 30, 2007; former clause (iv) of subsection B of § 18.2-374.3 as it was in effect on June 30, 2007; subsection B, C, or D of § 18.2-374.3; or a third or subsequent conviction of (i) § 18.2-67.4, (ii) § 18.2-67.4:2, (iii) subsection C of § 18.2-67.5, or (iv) § 18.2-386.1.

If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section; subsection A of § 18.2-374.1:1; or a felony under § 18.2-67.5:1.

2. Where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, clause (i) of § 18.2-48, § 18.2-67.4, subsection C of § 18.2-67.5, § 18.2-361, § 18.2-366, or a felony violation of former §

18.1-191.

3. § 18.2-370.6.

4. If the offense was committed on or after July 1, 2016, and where the perpetrator is 18 years of age or older and the victim is under the age of 13, any violation of § 18.2-51.2.

5. If the offense was committed on or after July 1, 2016, any violation of § 18.2-356 punishable as a Class 3 felony or any violation of § 18.2-357 punishable as a Class 3 felony.

C. "Criminal homicide" means a homicide in conjunction with a violation of, attempted violation of, or conspiracy to violate clause (i) of § 18.2-371 or § 18.2-371.1, when the offenses arise out of the same incident.

D. "Murder" means a violation of, attempted violation of, or conspiracy to violate § 18.2-31 or § 18.2-32 where the victim is (i) under 15 years of age or (ii) where the victim is at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section or a violation of former § 18.1-21 where the victim is (a) under 15 years of age or (b) at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section.

E. "Sexually violent offense" means a violation of, attempted violation of, or conspiracy to violate:

1. Clause (ii) and (iii) of § 18.2-48, former § 18.1-38 with the intent to defile or, for the purpose of concubinage or prostitution, a felony violation of subdivision (2) or (3) of former § 18.1-39 that involves assisting or aiding in such an abduction, § 18.2-61, former § 18.1-44 when such act is accomplished against the complaining witness's will, by force, or through the use of the complaining witness's mental incapacity or physical helplessness, or if the victim is under 13 years of age, subsection A of § 18.2-63 where the perpetrator is more than five years older than the victim, § 18.2-67.1, § 18.2-67.2, § 18.2-67.3, former § 18.1-215 when the complaining witness is under 13 years of age, § 18.2-67.4 where the perpetrator is 18 years of age or older and the victim is under the age of six, subsections A and B of § 18.2-67.5, § 18.2-370, subdivision (1), (2), or (4) of former § 18.1-213, former § 18.1-214, §18.2-370.1, or § 18.2-374.1; or

2. § 18.2-63, § 18.2-64.1, former § 18.2-67.2:1, § 18.2-90 with the intent to commit rape or, where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, § 18.2-67.4, subsection C of § 18.2-67.5, clause (i) of § 18.2-48, § 18.2-361, § 18.2-366, or subsection C of § 18.2-374.1:1. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that person had been at liberty between such convictions or adjudications;

3. If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has been convicted or

adjudicated delinquent of any two or more such offenses, provided that the person had been at liberty between such convictions or adjudications; or

4. Chapter 117 (18 U.S.C. § 2421 et seq.) of Title 18 of the United States Code or sex trafficking (as described in § 1591 of Title 18, U.S.C.).

F. "Any offense listed in subsection B," "criminal homicide" as defined in this section, "murder" as defined in this section, and "sexually violent offense" as defined in this section includes (i) any similar offense under the laws of any foreign country or any political subdivision thereof, the United States or any political subdivision thereof or (ii) any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

G. Juveniles adjudicated delinquent shall not be required to register; however, where the offender is a juvenile over the age of 13 at the time of the offense who is tried as a juvenile and is adjudicated delinquent on or after July 1, 2005, of any offense for which registration is required, the court may, in its discretion and upon motion of the attorney for the Commonwealth, find that the circumstances of the offense require offender registration...

**"Barrier crime" under Code § 19.2-392.02, Clause (vi) is:**

Any other felony not included in clause (i), (ii), (iii), (iv), or (v) unless five years have elapsed from the date of the conviction.