

**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:

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

Any violation of:

VA CODE SECTION	OFFENSE Or Substantially Similar Offense Under the Laws of Another Jurisdiction
18.2-31	Murder or Manslaughter – Murder, Capital
18.2-32	Murder or Manslaughter – Murder, First and Second Degree
18.2-32.1	Murder or Manslaughter – Murder of a Pregnant Woman
18.2-32.2	Murder or Manslaughter – Killing a Fetus
18.2-33	Murder or Manslaughter – Felony Homicide
18.2-35	Murder or Manslaughter – Voluntary Manslaughter
18.2-36	Murder or Manslaughter – Involuntary Manslaughter
18.2-36.1	Murder or Manslaughter – Involuntary Manslaughter; Driving a Vehicle While Under the Influence
18.2-36.2	Murder or Manslaughter – Involuntary Manslaughter; Operating a Watercraft While Under the Influence

18.2-41	Assaults and Bodily Wounding - Malicious Wounding by Mob
18.2-42	Assault or Battery by Mob
18.2-46.5	Terrorism - Committing, conspiring and aiding and abetting acts of terrorism
18.2-46.6	Terrorism - Possession, manufacture, distribution, etc. of weapon of terrorism or hoax device
18.2-46.7	Terrorism - Act of bioterrorism against agricultural crops or animals
18.2-47.A or 18.2-47.B	Abduction (Kidnapping)
18.2-48	Abduction for Immoral Purposes
18.2-49	Abduction - Threatening, attempting or assisting in such abduction
18.2-50.3	Enticing another into a dwelling house with intent to commit certain felonies
18.2-51	Assaults and Bodily Wounding – Shooting, Stabbing, Etc. With Intent to Maim, Kill, Etc.
18.2-51.1	Assaults and Bodily Wounding – Malicious Bodily Injury to Law-Enforcement Officers, Firefighters, Search and Rescue Personnel, or Emergency Medical Service Providers
18.2-51.2	Assaults and Bodily Wounding – Aggravated Malicious Wounding
18.2-51.3	Assaults and Bodily Wounding – Reckless Endangerment of Others by Throwing Objects from Places Higher than One Story
18.2-51.4	Assaults and Bodily Wounding – Maiming, Etc., of Another Resulting From Driving While Intoxicated
18.2-51.5	Assaults and Bodily Wounding – Maiming, Etc., of Another Resulting From Operating a Watercraft While Intoxicated
18.2-51.6	Assaults and Bodily Wounding – Strangulation of Another
18.2-52	Assaults and Bodily Wounding – Malicious Bodily Injury by Means of Any Caustic Substance or Agent or Use of Any Explosive or Fire
18.2-52.1	Assaults and Bodily Wounding – Possession of Infectious Biological Substances or Radiological Agents
18.2-53	Assaults and Bodily Wounding – Shooting, Etc. in Committing or Attempting a Felony
18.2-53.1	Assaults and Bodily Wounding – Use or Display of Firearm in Committing a Felony
18.2-54.1	Assaults and Bodily Wounding – Attempts to Poison
18.2-54.2	Assaults and Bodily Wounding – Adulteration of Food, Drink, Drugs, Cosmetics, Etc.
18.2-55	Assaults and Bodily Wounding – Bodily Injuries Caused by Prisoners, State Juvenile Probationers, and State and Local Adult Probationers or Adult Parolees
18.2-55.1	Assaults and Bodily Wounding – Hazing of Youth Gang Members
18.2-56	Assaults and Bodily Wounding – Hazing of a Student at Any School, College, or University
18.2-56.1	Assaults and Bodily Wounding – Reckless Handling of Firearms; Reckless Handling While Hunting
18.2-56.2	Assaults and Bodily Wounding – Allowing Access to Firearms by Children
18.2-57	Assaults and Bodily Wounding – Assault and Battery
18.2-57.01	Assaults and Bodily Wounding – Pointing Laser at Law-Enforcement Officer
18.2-57.02	Assaults and Bodily Wounding – Disarming a Law-Enforcement or Correctional Officer
18.2-57.2	Assaults and Bodily Wounding – Assault and Battery Against a Family or Household Member
18.2-58	Robbery
18.2-58.1	Carjacking
18.2-59	Extortion by Threat
18.2-60	Threats of Death or Bodily Injury
18.2-60.1	Threats against the Governor or his immediate family
18.2-61	Sexual Assault – Rape
18.2-63	Sexual Assault – Carnal Knowledge of a Child Between 13 and 15 Years of Age
18.2-64.1	Sexual Assault – Carnal Knowledge of Certain Minors

18.2-64.2	Sexual Assault – Carnal Knowledge of an Inmate, Parolee, Probationer, Detainee, or Pretrial or Post Trial Offender
18.2-67.1	Sexual Assault – Forcible Sodomy
18.2-67.2	Sexual Assault – Object Sexual Penetration
18.2-67.3	Sexual Assault – Aggravated Sexual Battery
18.2-67.4	Sexual Assault – Sexual Battery
18.2-67.4:1	Sexual Assault – Infected Sexual Battery
18.2-67.4:2	Sexual Assault – Sexual Abuse of a Child under 15 Years of Age
18.2-67.5	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
18.2-67.5:1	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)
18.2-67.5:2	Sexual Assault – Repeat offender (maximum sentence for offense based on prior sexual assault convictions)
18.2-67.5:3	Sexual Assault – Repeat offender (life imprisonment for offense based on prior sexual assault convictions)
18.2-77	Arson – Burning or Destroying Dwelling House, Etc.
18.2-79	Arson – Burning or Destroying Meeting House, Etc.
18.2-80	Arson – Burning or Destroying Any Other Building or Structure
18.2-81	Arson – Burning or Destroying Personal Property, Standing Grain, Etc.
18.2-82	Arson – Burning Building or Structure While in Such Building or Structure with Intent to Commit Felony
18.2-83	Arson – Threats to Bomb or Damage Buildings or Means of Transportation; False Information as to Danger to Such Buildings, Etc.
18.2-84	Arson – Causing, Inciting, Etc. Threats to Bomb or Damage Buildings or Means of Transportation; False Information as to Danger to Such Buildings, Etc.
18.2-85	Arson – Manufacture, Possession, Use, Etc., of Fire Bombs or Explosive Materials or Devices
18.2-86	Arson – Setting Fire to Woods, Fences, Grass, Etc.
18.2-87	Arson – Setting Woods, Etc., on Fire Intentionally Whereby Another is Damaged or Jeopardized
18.2-87.1	Arson – Setting Off Chemical Bombs Capable of Producing Smoke in Certain Public Buildings
18.2-88	Arson- Carelessly Damaging Property by Fire
18.2-289	Use of a Machine Gun in a Crime of Violence
18.2-290	Aggressive Use of a Machine Gun
18.2-300	Possession or Use of a Sawed-Off Shotgun or Rifle
18.2-308.4	Possession of firearm while in possession of certain controlled substances
18.2-314	Failure to Secure Medical Attention for an Injured Child
18.2-355	Pandering
18.2-356	Receiving money for procuring person
18.2-357	Receiving money from earnings of prostitute
18.2-357.1	Commercial sex trafficking
18.2-361.B	Crimes Against Nature Involving Children (involving family member)
18.2-366	Incest

18.2-369	Abuse and Neglect of Incapacitated Adults
18.2-370	Taking Indecent Liberties with Children
18.2-370.1	Taking Indecent Liberties with Children (by person in custodial or supervisory position to child)
18.2-370.2	Sex offenses prohibiting proximity to children
18.2-370.3	Sex offenses prohibiting residing in proximity to children
18.2-370.4	Sex offenses prohibiting working on school property
18.2-370.5	Sex offenses prohibiting entry onto school or other property
18.2-370.6	Penetration of mouth of child with lascivious intent
18.2-371.1	Abuse and Neglect of Children
18.2-374	Employing or Permitting a Minor to Assist in – Production, Publication, Sale, Possession, Etc., of Obscene Items (included because of 18.2-379)
18.2-374.1	Employing or Permitting a Minor to Assist in – Production, Publication, Sale, Financing Etc., of Child Pornography
18.2-374.1:1	Employing or Permitting a Minor to Assist in – Possession, Reproduction, Distribution, Solicitation, and Facilitation of Child Pornography
18.2-374.3	Employing or Permitting a Minor to Assist in – Use of Communications Systems to Facilitate Certain Offenses Involving Children
18.2-374.4	Employing or Permitting a Minor to Assist in – Display of Child Pornography or Grooming Video or Materials to a Child
18.2-375	Employing or Permitting a Minor to Assist in – Obscene Exhibitions and Performances (included because of 18.2-379)
18.2-376	Employing or Permitting a Minor to Assist in – Advertising, Etc., Obscene Items, Exhibitions, or Performances (included because of 18.2-379)
18.2-378	Employing or Permitting a Minor to Assist in – Coercing Acceptance of Obscene Articles or Publications (included because of 18.2-379)
18.2-379	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
18.2-386.1	Employing or Permitting a Minor to Assist in – Creation of an Image of Another
18.2-386.2	Employing or Permitting a Minor to Assist in – Unlawful Dissemination or Sale of Images of Another
18.2-387	Employing or Permitting a Minor to Assist in – Indecent Exposure (included because of 18.2-379)
18.2-387.1	Employing or Permitting a Minor to Assist in – Obscene Sexual Display (included because of 18.2-379)
18.2-408	Conspiracy or incitement to riot
18.2-413	Commission of certain offenses in county, city or town declared by Governor to be in state of riot or insurrection
18.2-414	Injury to property or persons by persons unlawfully or riotously assembled
18.2-423	Burning cross on property of another or public place with intent to intimidate
18.2-423.01	Burning object on property of another or a highway or other public place with intent to intimidate
18.2-423.1	Placing swastika on certain property with intent to intimidate
18.2-423.2	Displaying noose on property of another or a highway or other public place with intent to intimidate
18.2-433.2	Unlawful Paramilitary activity
18.2-472.1	Providing false information or failing to provide sex offender registration information
18.2-474.1	Delivery of Drugs to Prisoners
18.2-477	Escape from jail
18.2-477.1	Escape from juvenile facility
18.2-477.2	Commission of felony while in juvenile facility or detention home
18.2-478	Escape from jail or custody by force or violence without setting fire to jail

18.2-479	Escape without force or violence or setting fire to jail
18.2-480	Escape by setting fire to jail
18.2-481	Treason
18.2-484	Advocacy of change in government by force, violence or other unlawful means ["coup" or "coup d'etat"]
18.2-485	Conspiring to incite one race to insurrection against another race
32.2-917	Escape by persons committed to facility for sexually violent predators
53.1-203	Commission of felony while in jail