

**From:** Williams, Edwina (VDSS)

**Sent:** Tuesday, August 18, 2015 10:05 AM

**To:** DSS\_Licensing

**Subject:** Legislative Implementation 2015, Family Day Home Background Requirements and New Barrier Crimes List

The attached file is being sent to providers of family day homes, voluntarily registered family day homes and family day systems from the Virginia Department of Social Services Email Distribution Service.

**\*\*\*Please do not reply to this email.\*\*\***

**SCROLL DOWN TO VIEW ATTACHMENTS**



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF SOCIAL SERVICES

**DATE:** August 14, 2015

**TO:** Licensed Family Day Homes  
Voluntarily Registered Family Day Homes  
Licensed Family Day System

**FROM:** Charlene Vincent, Associate Director Senior  
Division of Licensing Programs

**SUBJECT:** Legislative Implementation 2015- Family Day Home Background  
Requirements and New Barrier Crimes List for Child Day Programs

Virginia law changed, effective July 1, 2015, making it a Class 1 misdemeanor to operate a family day home if the provider or any household member, employee, or volunteer in a family day home has been convicted of any offense that requires registration in the Sex Offender and Crimes Against Minors Registry, § 63.2-1727.

It is recommended but not required that providers search the Virginia Sex Offender Registry to determine if an individual is listed on this registry, and print out the results of the search. The link to this free search is: <http://sex-offender.vsp.virginia.gov/sor/index.html>; click on the left hand panel 'Search the Sex Offender Registry'. The list of crimes that convictions of which require registration in the Sex Offender Registry is found at: [http://www.dss.virginia.gov/files/division/licensing/fdh/intro\\_page/background\\_investigations/guidance\\_procedures/convictions.pdf](http://www.dss.virginia.gov/files/division/licensing/fdh/intro_page/background_investigations/guidance_procedures/convictions.pdf).

The Office of the Attorney General has revised the list of Barrier Crimes for Child Day Programs, found at [http://www.dss.virginia.gov/files/division/licensing/fdh/intro\\_page/background\\_investigations/guidance\\_procedures/barrier\\_crimes.pdf](http://www.dss.virginia.gov/files/division/licensing/fdh/intro_page/background_investigations/guidance_procedures/barrier_crimes.pdf). This list is effective immediately; please discard any other barrier crimes lists previously issued.

Attached is a copy of § 63.2-1727, the list of crimes that require registration in the Sex Offender Registry, and the revised list of Barrier Crimes for Child Day Programs.

Please contact your licensing inspector if you have any questions or need assistance with determining if a conviction is a prohibited conviction.

## BARRIER CRIMES FOR CHILD DAY PROGRAMS

- Including:**
- Licensed Child Day Centers
  - Religiously Exempt Child Day Centers
  - Certified Pre-Schools
  - Licensed Family Day Homes
  - Voluntarily Registered Family Day Homes
  - Licensed Family Day Systems
  - Licensed System-Approved Family Day Homes
  - The Following if Receiving Federal, State, or Local Child Care Funds:
    - Local ordinance – approved family day homes
    - Programs of recreational activities offered by local governments
    - Unregulated family day homes (including in-home care)

Va. Code Ann. §§ 63.2-1717(E) (7); 63.2-1719; 63.2-1720; 63.2-1720.1; 63.2-1721; 63.2-1721.1; 63.2-1725.

<p><b>In addition to the offenses listed below, the following are also barrier crimes: 1) the conviction of any other felony within or outside the Commonwealth unless 5 years have elapsed since the conviction; and 2) a founded complaint of child abuse or neglect within or outside the Commonwealth.</b></p> <p><b>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.</b></p> <p><b>Exceptions: See Assault and Battery below.</b></p>	<p><b>63.2-1719</b></p>
---	-------------------------

<b>OFFENSE</b> Or Equivalent Offense in Another State ** Only Applies to Family Day Homes	<b>VA CODE SECTION</b>
<b>Abduction (Kidnapping)</b>	Subsection A or B of 18.2-47
<b>Abduction for Immoral Purposes</b>	18.2-48
<b>Abuse and Neglect of Children</b>	18.2-371.1
<b>Abuse and Neglect of Incapacitated Adults</b>	18.2-369
<b>Aggressive Use of a Machine Gun</b>	18.2-290
<b>Arson</b>	Article 1 (18.2-77 et seq.) of Chapter 5 of Title 18.2
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 - Carelessly Damaging Property by Fire	18.2-88
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
<b>Assaults and Bodily Woundings</b>	Article 4 (18.2-51 et seq.) of Chapter 4 of Title 18.2
Assaults and Bodily Woundings - Adulteration of Food, Drink, Drugs, Cosmetics, Etc.	18.2-54.2
Assaults and Bodily Woundings - Aggravated Malicious Wounding	18.2-51.2
Assaults and Bodily Woundings - Allowing Access to Firearms by Children	18.2-56.2
Assaults and Bodily Woundings - Assault and Battery ( <b>Exception:</b> A child day center may hire for compensated employment persons who have been convicted of not more than 1 misdemeanor offense under § 18.2-57 if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor. § 63.2-1720.1)	18.2-57
Assaults and Bodily Woundings - Assault and Battery Against a Family or Household Member	18.2-57.2
Assaults and Bodily Woundings - Attempts to Poison	18.2-54.1
Assaults and Bodily Woundings - Bodily Injuries Caused by Prisoners, State Juvenile Probationers, and State and Local Adult Probationers or Adult Parolees	18.2-55
Assaults and Bodily Woundings - Disarming a Law-Enforcement or Correctional Officer	18.2-57.02
Assaults and Bodily Woundings - Hazing of Student at Any School, College, or University	18.2-56
Assaults and Bodily Woundings - Hazing of Youth Gang Members	18.2-55.1
Assaults and Bodily Woundings - Maiming, Etc., of Another Resulting from Driving While Intoxicated	18.2-51.4
Assaults and Bodily Woundings - Maiming, Etc., of Another Resulting from Operating a Watercraft While Intoxicated	18.2-51.5
Assaults and Bodily Woundings - Malicious Bodily Injury by Means of Any Caustic Substance or Agent or Use of Any Explosive or Fire	18.2-52
Assaults and Bodily Woundings - Malicious Bodily Injury to Law-Enforcement Officers, Firefighters, Search and Rescue Personnel, or Emergency Medical Service Providers	18.2-51.1
Assaults and Bodily Woundings - Pointing Laser at Law-Enforcement Officer	18.2-57.01
Assaults and Bodily Woundings - Possession of Infectious Biological Substances or Radiological Agents	18.2-52.1

Assaults and Bodily Woundings - Reckless Endangerment of Others by Throwing Objects from Places Higher than One Story	18.2-51.3
Assaults and Bodily Woundings - Reckless Handling of Firearms; Reckless Handling While Hunting	18.2-56.1
Assaults and Bodily Woundings - Shooting, Etc., in Committing or Attempting a Felony	18.2-53
Assaults and Bodily Woundings - Shooting, Stabbing, Etc., with Intent to Maim, Kill, Etc.	18.2-51
Assaults and Bodily Woundings - Strangulation of Another	18.2-51.6
Assaults and Bodily Woundings - Use or Display of Firearm in Committing Felony	18.2-53.1
<b>Burglary</b>	Article 2 (18.2-89 et seq.) of Chapter 5 of Title 18.2
Burglary - Breaking and Entering Dwelling House with Intent to Commit Other Misdemeanor	18.2-92
Burglary - Entering Bank, Armed, with Intent to Commit Larceny	18.2-93
Burglary - Entering Dwelling House, Etc., with Intent to Commit Larceny, Assault and Battery, or Other Felony	18.2-91
Burglary - Entering Dwelling House, Etc., with Intent to Commit Murder, Rape, Robbery, or Arson	18.2-90
Burglary - Possession of Burglarious Tools, Etc.	18.2-94
<b>Carjacking</b>	18.2-58.1
<b>Convictions of Any Offense that Requires Registration on the Sex Offender and Crimes Against Minors Registry**</b>	9.1-902
<b>Crimes Against Nature Involving Children</b>	18.2-361
<b>Delivery of Drugs to Prisoners</b>	18.2-474.1
<b>Drive-By Shooting</b>	18.2-286.1
<b>Electronic Facilitation of Pornography</b>	18.2-374.3
<b>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</b>	18.2-379
Employing or Permitting a Minor to Assist in - Advertising, Etc., Obscene Items, Exhibitions, or Performances	18.2-376
Employing or Permitting a Minor to Assist in - Coercing Acceptance of Obscene Articles or Publications	18.2-378
Employing or Permitting a Minor to Assist in - Creation of 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	18.2-387
Employing or Permitting a Minor to Assist in - Obscene Exhibitions and Performances	18.2-375
Employing or Permitting a Minor to Assist in - Obscene Sexual Display	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, Possession, Etc., of Obscene Items	18.2-374
Employing or Permitting a Minor to Assist in - Production, Publication, Sale,	18.2-374.1

Financing, Etc., of Child Pornography	
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
<b>Escape from Jail</b>	18.2-477
<b>Extortion by Threat</b>	18.2-59
<b>Failure to Secure Medical Attention for an Injured Child</b>	18.2-314
<b>Felonies by Prisoners</b>	53.1-203
<b>Incest</b>	18.2-366
<b>Malicious Wounding by Mob</b>	18.2-41
<b>Murder or Manslaughter</b>	18.2-30 et seq. Article 1 of Chapter 4 of Title 18.2
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, Capital	18.2-31
Murder or Manslaughter - Murder, First and Second Degree	18.2-32
Murder or Manslaughter - Murder of a Pregnant Woman	18.2-32.1
Murder or Manslaughter - Voluntary Manslaughter	18.2-35
<b>Obscenity Offenses</b>	18.2-374.1
<b>Pandering</b>	18.2-355
<b>Possession of Child Pornography</b>	18.2-374.1:1
<b>Possession or Distribution of Drugs (Felony Convictions)</b>	Article 1 (18.2-247 et seq.) of Chapter 7 or Title 18.2
Possession or Distribution of Drugs - Allowing a Minor or Incapacitated Person to be Present during Manufacture or Attempted Manufacture of Methamphetamine (Felony Convictions)	18.2-248.02
Possession or Distribution of Drugs - Assisting Individuals in Unlawfully Procuring Prescription Drugs (Felony Convictions)	18.2-258.2
Possession or Distribution of Drugs - Certain Premises Deemed Common Nuisance (Felony Convictions)	18.2-258
Possession or Distribution of Drugs - Distributing Certain Drugs to Persons under 18 (Felony Convictions)	18.2-255
Possession or Distribution of Drugs - Drug Attempts (Felony Convictions)	18.2-257
Possession or Distribution of Drugs - Drug Conspiracy (Felony Convictions)	18.2-256
Possession or Distribution of Drugs - Maintaining a Fortified Drug House (Felony Convictions)	18.2-258.02
Possession or Distribution of Drugs - Manufacturing, Selling, Giving, Distributing, or	18.2-251.3

Possessing with the Intent to Distribute the Substances Gamma-Butyrolactone or 1, 4-Butanediol When Intended for Human Consumption (Felony Convictions)	
Possession or Distribution of Drugs - Manufacturing, Selling, Giving, Distributing, or Possessing with the Intent to Manufacture, Sell, Give, or Distribute Any Anabolic Steroid (Felony Convictions)	18.2-248.5
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 (Felony Convictions)	18.2-248
Possession or Distribution of Drugs - Manufacturing, Selling, Giving, Distributing, or Possessing with Intent to Manufacture, Sell, Give, or Distribute Methamphetamine (Felony Convictions)	18.2-248.03
Possession or Distribution of Drugs - Obtaining Drugs, Procuring Administration of Controlled Substances, Etc., by Fraud, Deceit, or Forgery (Felony Convictions)	18.2-258.1
Possession or Distribution of Drugs - Possession and Distribution of Flunitrazepam (Felony Convictions)	18.2-251.2
Possession or Distribution of Drugs - Possession of Controlled Substances (Felony Convictions)	18.2-250
Possession or Distribution of Drugs - Sale, Gift, Distribution, or Possession with Intent to Sell, Give, or Distribute Marijuana (Felony Convictions)	18.2-248.1
Possession or Distribution of Drugs - Sale or Manufacture of Drugs On or Near Certain Properties (Felony Convictions)	18.2-255.2
Possession or Distribution of Drugs - Transporting Controlled Substances into the Commonwealth (Felony Convictions)	18.2-248.01
<b>Robbery</b>	18.2-58
<b>Sexual Assault</b>	Article 7 (18.2-61 et seq.) of Chapter 4 of Title 18.2
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 Certain Minors	18.2-64.1
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 - 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 - Sexual Abuse of a Child under 15 Years of Age	18.2-67.4:2
Sexual Assault - Sexual Battery	18.2-67.4
<b>Stalking (Felony Convictions)</b>	18.2-60.3
<b>Taking Indecent Liberties with Children</b>	18.2-370; 18.2-370.1

<b>Threats of Death or Bodily Injury</b>	18.2-60
<b>Use of a Machine Gun in a Crime of Violence</b>	18.2-289
<b>Use of a Sawed-Off Shotgun in a Crime of Violence</b>	Subsection A of 18.2-300
<b>Violation of a Protective Order (Felony Convictions)</b>	18.2-60.4; 16.1- 253.2

## Convictions Requiring Registration in the Sex Offender and Crimes Against Minors Registry

<b>Convictions of Any Offense that Requires Registration on the Sex Offender and Crimes Against Minors Registry</b>	<b>9.1-902</b>
Abduction of Any Child under 16 Years of Age for the Purpose of Concubinage or Prostitution (Including Attempt or Conspiracy)	Clause (iii) of 18.2-48
Abduction of Any Person with Intent to Defile Such Person (Including Attempt or Conspiracy)	Clause (ii) of 18.2-48
Abduction and Kidnapping of a Victim who is a Minor or is Physically Helpless or Mentally Incapacitated as Defined in 18.2-67.10	Subsection A of 18.2-47
Abduction with Intent to Extort Money or for Immoral Purpose	18.2-48
Abduction with Intent to Extort Money or for Immoral Purpose Where the Victim is a Minor or is Physically Helpless or Mentally Incapacitated as Defined in 18.2-67.10	Clause (i) of 18.2-48
Abuse and Neglect of Children; Abandoned Infant	18.2-371.1
Abuse and Neglect of Incapacitated Adults	18.2-369
Adultery and Fornication by Persons Forbidden to Marry; Incest	18.2-366
Adultery and Fornication by Persons Forbidden to Marry; Incest; Where the Victim is a Minor or is Physically Helpless or Mentally Incapacitated as Defined in 18.2-67.10	18.2-366
Aggravated Sexual Battery (Including Attempt or Conspiracy) When the Complaining Witness is Less than 13 Years of Age	18.2-67.3
Attempted Rape, Forcible Sodomy, Object Sexual Penetration, Aggravated Sexual Battery, and Sexual Battery (Including Conspiracy)	18.2-67.5
Attempted Sexual Battery Where the Victim is a Minor or Is Physically Helpless or Mentally Incapacitated as Defined in 18.2-67.10	Subsection C of 18.2-67.5
Capital Murder (Including Attempt or Conspiracy) Where the Victim is (i) Under 15 Years of Age or (ii) At Least 15 Years of Age but Under 18 Years of Age and the Murder is Related to an Offense in 9.1-902	18.2-31
Carnal Knowledge of Certain Minors (Including Attempt or Conspiracy)	18.2-64.1
Carnal Knowledge of Child Between 13 and 15 Years of Age (Including Attempt or Conspiracy)	18.2-63
Carnal Knowledge of Child Between 13 and 15 Years of Age Where the Perpetrator is More than 5 Years Older than the Victim (Including Attempt and Conspiracy)	Subsection A of 18.2-63
Coercion and Enticement of Individuals to Travel in Interstate or Foreign Commerce	18 USC 2422
Commercial Sex Trafficking with a Person Under the Age of 18 (Including Attempt or Conspiracy)	Subsection C of 18.2-357.1
Convictions or Delinquent Adjudications of any Two or More Offenses Under: 18.2-63; 18.2-64.1; 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; Subsection C of 18.2-67.5; Clause (i) of 18.2-48; 18.2-361; 18.2-366; Subsection C of 18.2-374.1:1; or an Offense Committed with Intent to Commit Any Felony under 18.2-91 if committed on or after July 1, 2006	9.1-902
Crimes Against Nature	18.2-361
Crimes Against Nature Where the Victim is a Minor or is Physically Helpless or Mentally Incapacitated as Defined in 18.2-67.10	18.2-361
Entering Dwelling House, Etc., with the Intent to Commit Rape (Including Attempt or Conspiracy)	18.2-90
Entering Dwelling House, Etc. with the Intent to Commit Larceny, Assault and Battery, or any Other Felony in 18.2-91, if Offense Committed on or After July 1,	18.2-91

## Convictions Requiring Registration in the Sex Offender and Crimes Against Minors Registry

2006	
Failure to File Factual Statement about Alien Individuals Kept, Maintained, Controlled, Supported, or Harbored for the Purpose of Prostitution or any Other Immoral Purpose	18 USC 2424
Forcible Sodomy (Including Attempt or Conspiracy)	18.2-67.1
Homicide in Conjunction with a Violation of, Attempted Violation of, or Conspiracy to Violation Clause (i) of 18.2-371 or 18.2-371.1 Where the Offenses Arise out of the Same Incident	9.1-902
Object Sexual Penetration (Including Attempt or Conspiracy)	18.2-67.2
Penetration of Mouth of Child with Lascivious Intent	18.2-370.6
Possession, Reproduction, Distribution, Solicitation, and Facilitation of Child Pornography (Including Attempt or Conspiracy)	Subsection B and C or 18.2-374.1:1
Possession, Reproduction, Distribution, Solicitation, and Facilitation of Child Pornography, if Offense Committed On or After July 1, 2006	Subsection A of 18.2-374.1:1
Production, Publication, Sale, Financing, Etc., of Child Pornography (Including Attempt or Conspiracy)	18.2-374.1
Prostitution; Commercial Sexual Conduct; Commercial Exploitation of a Minor (Felony Convictions) (Including Attempt or Conspiracy)	18.2-346
Punishment upon Conviction of Third Misdemeanor Offense	18.2-67.5:1
Rape (Including Attempt or Conspiracy)	18.2-61
Sex Trafficking of Children or by Force, Fraud, or Coercion	18 USC 1591
Sexual Battery Where the Perpetrator is 18 Years of Age and the Victim is Under the Age of 6	18.2-67.4
Sexual Battery Where the Victim is a Minor or is Physically Helpless or Mentally Incapacitated as Defined in 18.2-67.10	18.2-67.4
Taking, Detaining, Etc., Person for Prostitution, Etc., or Consenting Thereto; Human Trafficking (Including Attempt or Conspiracy)	Subsection 4 of 18.2-355
Taking Indecent Liberties with Child by Person in Custodial or Supervisory Relationship (Including Attempt or Conspiracy)	18.2-370.1
Taking Indecent Liberties with Children (Including Attempt or Conspiracy)	18.2-370
Third or Subsequent Conviction of Sexual Battery; Sexual Abuse of Child under 15 Years of Age; Attempted Sexual Battery; Unlawful Creation of Image of Another	18.2-67.4; 18.2-67.4:2; Subsection C of 18.2-67.5; 18.2-386.1
Transportation or Attempted Transportation of Any Individual in Interstate or Foreign Commerce with Intent that Such Individual Engage in Prostitution, or in any Criminal Sexual Activity	18 USC 2421
Transportation with Intent to Engage in Criminal Sexual Activity of Minors or Intent to Engage in Illicit Sexual Conduct	18 USC 2423
Use of Communications Systems to Facilitate Certain Offenses Involving Children (Including Attempt or Conspiracy)	Subsections B, C, and D of 18.2-374.3
Use of Interstate Facilities to Transmit Information about a Minor	18 USC 2425

Code of Virginia

Title 63.2. Welfare (Social Services)

Chapter 17. Licensure and Registration Procedures

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

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, is employed by, or volunteers 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](#), has been convicted of any offense that requires registration on the Sex Offender and Crimes Against Minors Registry pursuant to § [9.1-902](#), or is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. A violation of this section is punishable as a Class 1 misdemeanor.

1994, c. [126](#), § 63.1-198.3; 1998, cc. [551](#), [581](#); 2002, c. [747](#); 2006, cc. [796](#), [804](#); 2015, cc. [758](#), [770](#).