

11100875D

## SENATE BILL NO. 1243

Offered January 12, 2011

Prefiled January 12, 2011

A BILL to amend and reenact §§ 37.2-314, 37.2-408.1, 63.2-1719, and 63.2-1726 of the Code of Virginia, relating to barrier crimes.

Patron—Edwards

Referred to Committee on Rehabilitation and Social Services

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 37.2-314, 37.2-408.1, 63.2-1719, and 63.2-1726 of the Code of Virginia are amended and reenacted as follows:**

§ 37.2-314. Background check required.

A. As a condition of employment, the Department shall require any individual who (i) accepts a position of employment at a state facility and was not employed by that state facility prior to July 1, 1996, or (ii) accepts a position with the Department that receives, monitors, or disburses funds of the Commonwealth and was not employed by the Department prior to July 1, 1996, to submit to fingerprinting and provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the individual.

B. For purposes of clause (i) of subsection A, the Department shall not hire for compensated employment persons who have been (i) convicted of murder or manslaughter, as set out in Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2; malicious wounding by mob, as set out in § 18.2-41; abduction, as set out in subsection A of § 18.2-47; abduction for immoral purposes, as set out in § 18.2-48; assault and bodily wounding, as set out in Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2; robbery, as set out in § 18.2-58; earjacking, as set out in § 18.2-58.1; extortion by threat, as set out in § 18.2-59; threat, as set out in § 18.2-60; any felony stalking violation, as set out in § 18.2-60.3; sexual assault, as set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2; arson, as set out in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; burglary, as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2; any felony violation relating to distribution of drugs, as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2; drive-by shooting, as set out in § 18.2-286.1; use of a machine gun in a crime of violence, as set out in § 18.2-289; aggressive use of a machine gun, as set out in § 18.2-290; use of a sawed-off shotgun in a crime of violence, as set out in subsection A of § 18.2-300; pandering, as set out in § 18.2-355; crimes against nature involving children, as set out in § 18.2-361; taking indecent liberties with children, as set out in § 18.2-370 or 18.2-370.1; abuse or neglect of children, as set out in § 18.2-371.1, including failing to secure medical attention for an injured child, as set out in § 18.2-314; obscenity offenses, as set out in § 18.2-374.1; possession of child pornography, as set out in § 18.2-374.1.1; electronic facilitation of pornography, as set out in § 18.2-374.3; incest, as set out in § 18.2-366; abuse or neglect of incapacitated adults, as set out in § 18.2-369; 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, as set out in § 18.2-379; delivery of drugs to prisoners, as set out in § 18.2-474.1; escape from jail, as set out in § 18.2-477; felonies by prisoners, as set out in § 53.1-203; or an equivalent offense in another state;

1. Any of the following offenses or an equivalent offense in another state:

Capital murder, as set out in § 18.2-31;

First or second degree murder, as set out in § 18.2-32;

Murder of a pregnant woman, as set out in § 18.2-32.1;

Killing of a fetus, as set out in § 18.2-32.2;

Felony homicide, as set out in § 18.2-33;

Voluntary manslaughter, as set out in § 18.2-35;

Involuntary manslaughter, as set out in § 18.2-36.1 or 18.2-36.2;

Malicious wounding by mob, as set out in § 18.2-41;

Abduction, as set out in subsection A of § 18.2-47;

Abduction with intent to extort money or for immoral purpose, as set out in § 18.2-48;

Malicious wounding, as set out in § 18.2-51;

Malicious bodily injury to law enforcement officers, as set out in § 18.2-51.1;

Aggravated malicious wounding, as set out in § 18.2-51.2;

Reckless endangerment, as set out in § 18.2-51.3;

INTRODUCED

SB1243

59      *Maiming, etc., of another resulting from driving while intoxicated, as set out in § 18.2-51.4;*  
60      *Maiming, etc., of another resulting from operating a watercraft while intoxicated, as set out in*  
61      *§ 18.2-51.5;*  
62      *Malicious bodily injury by means of any caustic substance or agent or use of any explosive or fire,*  
63      *as set out in § 18.2-52;*  
64      *Possession of infectious biological substances or radiological agents, as set out in § 18.2-52.1;*  
65      *Shooting, etc., in committing or attempting a felony, as set out in § 18.2-53;*  
66      *Use or display of firearm in committing felony, as set out in § 18.2-53.1;*  
67      *Attempts to poison, as set out in § 18.2-54.1;*  
68      *Adulteration of food, drink, drugs, cosmetics, etc., as set out in § 18.2-54.2;*  
69      *Bodily injuries caused by prisoners, state juvenile probationers and state and local adult*  
70      *probationers or adult parolees, as set out in § 18.2-55;*  
71      *Hazing of youth gang members, as set out in § 18.2-55.1;*  
72      *Hazing, as set out in § 18.2-56;*  
73      *Reckless handling of firearms, as set out in § 18.2-56.1;*  
74      *Allowing access to firearms by children, as set out in § 18.2-56.2;*  
75      *Assault and battery, as set out in § 18.2-57;*  
76      *Pointing laser at law-enforcement officer, as set out in § 18.2-57.01;*  
77      *Disarming a law-enforcement or correctional officer, as set out in § 18.2-57.02;*  
78      *Assault and battery against a family or household member, as set out in § 18.2-57.2;*  
79      *Robbery, as set out in § 18.2-58;*  
80      *Carjacking, as set out in § 18.2-58.1;*  
81      *Extortion by threat, as set out in § 18.2-59;*  
82      *Threat, as set out in § 18.2-60;*  
83      *Felony stalking, as set out in § 18.2-60.3;*  
84      *Rape, as set out in § 18.2-61;*  
85      *Carnal knowledge of child between 13 and 15 years of age, as set out in § 18.2-63;*  
86      *Carnal knowledge of a minor, as set out in § 18.2-64.1;*  
87      *Carnal knowledge of an inmate, parolee, probationer, detainee or pretrial or posttrial offender, as*  
88      *set out in § 18.2-64.2;*  
89      *Forcible sodomy, as set out in § 18.2-67.1;*  
90      *Object sexual penetration, as set out in § 18.2-67.2;*  
91      *Aggravated sexual battery, as set out in § 18.2-67.3;*  
92      *Sexual battery, as set out in § 18.2-67.4;*  
93      *Infected sexual battery, as set out in § 18.2-67.4.1;*  
94      *Sexual abuse of a child under 15 years of age, as set out in § 18.2-67.4.2;*  
95      *Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual*  
96      *battery, as set out in § 18.2-67.5;*  
97      *Burning or destroying dwelling house, as set out in § 18.2-77;*  
98      *Burning or destroying meeting house, as set out in § 18.2-79;*  
99      *Burning or destroying any other building or structure, as set out in § 18.2-80;*  
100      *Burning or destroying personal property, standing grain, etc., as set out in § 18.2-81;*  
101      *Burning building or structure while in such building or structure with intent to commit felony, as set*  
102      *out in § 18.2-82;*  
103      *Threats to bomb or damage buildings or means of transportation; false information as to danger to*  
104      *such buildings, etc., as set out in § 18.2-83;*  
105      *Causing, inciting, etc., commission of act proscribed by § 18.2-83, as set out in § 18.2-84;*  
106      *Manufacture, possession, use, etc., of fire bombs or explosive materials or devices, as set out in*  
107      *§ 18.2-85;*  
108      *Setting fire to woods, fences, grass, etc., as set out in § 18.2-86;*  
109      *Setting woods, etc., on fire intentionally whereby another is damaged or jeopardized, as set out in*  
110      *§ 18.2-87;*  
111      *Setting off chemical bombs capable of producing smoke in certain public buildings, as set out in*  
112      *§ 18.2-87.1;*  
113      *Carelessly damaging property by fire, as set out in § 18.2-88;*  
114      *Burglary, as set out in § 18.2-89;*  
115      *Entering dwelling house, etc., with intent to commit murder, rape, robbery or arson, as set out in*  
116      *§ 18.2-90;*  
117      *Entering dwelling house, etc., with intent to commit larceny, assault and battery or other felony, as*  
118      *set out in § 18.2-91;*  
119      *Breaking and entering dwelling house with intent to commit other misdemeanor, as set out in*  
120      *§ 18.2-92;*

121 *Entering bank, armed, with intent to commit larceny, as set out in § 18.2-93;*  
 122 *Possession of burglarious tools, etc., as set out in § 18.2-94;*  
 123 *Shooting from vehicles so as to endanger persons, as set out in § 18.2-286.1;*  
 124 *Use of machine gun for crime of violence, as set out in § 18.2-289;*  
 125 *Aggressive use of a machine gun, as set out in § 18.2-290;*  
 126 *Use of a sawed-off shotgun in a crime of violence, as set out in subsection A of § 18.2-300;*  
 127 *Pandering, as set out in § 18.2-355;*  
 128 *Crimes against nature involving children, as set out in § 18.2-361;*  
 129 *Taking indecent liberties with children, as set out in § 18.2-370 or 18.2-370.1;*  
 130 *Abuse or neglect of children, as set out in § 18.2-371.1;*  
 131 *Failing to secure medical attention for an injured child, as set out in § 18.2-314;*  
 132 *Production, publication, sale, financing, etc., of child pornography, as set out in § 18.2-374.1;*  
 133 *Possession of child pornography, as set out in § 18.2-374.1:1;*  
 134 *Electronic facilitation of pornography, as set out in § 18.2-374.3;*  
 135 *Incest, as set out in § 18.2-366;*  
 136 *Abuse or neglect of incapacitated adults, as set out in § 18.2-369;*  
 137 *Employing or permitting a minor to assist in an act constituting an offense under Article 5*  
 138 *(§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, as set out in § 18.2-379;*  
 139 *Delivery of drugs to prisoners, as set out in § 18.2-474.1;*  
 140 *Escape from jail, as set out in § 18.2-477;*  
 141 *Felonies by prisoners, as set out in § 53.1-203;*  
 142 *2. Any of the following felony offenses relating to the distribution of drugs or an equivalent offense*  
 143 *in another state:*  
 144 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
 145 *distribute a controlled substance or an imitation controlled substance prohibited, as set out in*  
 146 *§ 18.2-248;*  
 147 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
 148 *distribute methamphetamine, as set out in § 18.2-248.03;*  
 149 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
 150 *distribute illegal stimulants and steroids, as set out in § 18.2-248.5;*  
 151 *Distribution of flunitrazepam, as set out in § 18.2-251.2;*  
 152 *Distribution of gamma-butyrolactone; 1, 4-butanediol, as set out in § 18.2-251.3; or*  
 153 *(ii) convicted of any 3. Any of the following felony violation violations relating to possession of*  
 154 *drugs, as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, in the five years prior to*  
 155 *the application date for employment; or (iii) convicted of any felony violation relating to possession of*  
 156 *drugs, as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, and continue or an*  
 157 *equivalent offense in another state (i) in the five years prior to the application date for employment or*  
 158 *(ii) if the person continues on probation or parole or have has failed to pay required court costs:*  
 159 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
 160 *distribute a controlled substance or an imitation controlled substance, as set out in § 18.2-248;*  
 161 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
 162 *distribute methamphetamine, as set out in § 18.2-248.03;*  
 163 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
 164 *distribute illegal stimulants and steroids, as set out in § 18.2-248.5;*  
 165 *Possession of controlled substances, as set out in § 18.2-250;*  
 166 *Possession of marijuana, as set out in § 18.2-250.1;*  
 167 *Possession of flunitrazepam, as set out in § 18.2-251.2;*  
 168 *Possession and distribution of gamma-butyrolactone; 1, 4-butanediol, as set out in § 18.2-251.3.*  
 169 *C. The Central Criminal Records Exchange, upon receipt of an individual's record or notification that*  
 170 *no record exists, shall submit a report to the state facility or to the Department. If an individual is*  
 171 *denied employment because of information appearing on his criminal history record and the applicant*  
 172 *disputes the information upon which the denial was based, the Central Criminal Records Exchange shall,*  
 173 *upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history*  
 174 *record from the FBI. The information provided to the state facility or Department shall not be*  
 175 *disseminated except as provided in this section.*  
 176 *D. Those individuals listed in clause (i) of subsection A also shall provide to the state facility or*  
 177 *Department a copy of information from the central registry maintained pursuant to § 63.2-1515 on any*  
 178 *investigation of child abuse or neglect undertaken on them.*  
 179 *E. The Board may adopt regulations to comply with the provisions of this section. Copies of any*  
 180 *information received by the state facility or Department pursuant to this section shall be available to the*  
 181 *Department and to the applicable state facility but shall not be disseminated further, except as permitted*

182 by state or federal law. The cost of obtaining the criminal history record and the central registry  
183 information shall be borne by the applicant, unless the Department or state facility decides to pay the  
184 cost.

185 § 37.2-408.1. Background check required; children's residential facilities.

186 A. Notwithstanding the provisions of § 37.2-416, as a condition of employment, volunteering or  
187 providing services on a regular basis, every children's residential facility that is regulated or operated by  
188 the Department shall require any individual who (i) accepts a position of employment at such a facility  
189 who was not employed by that facility prior to July 1, 2008, (ii) volunteers for such a facility on a  
190 regular basis and will be alone with a juvenile in the performance of his duties who was not a volunteer  
191 at such facility prior to July 1, 2008, or (iii) provides contractual services directly to a juvenile for such  
192 facility on a regular basis and will be alone with a juvenile in the performance of his duties who did not  
193 provide such services prior to July 1, 2008, to submit to fingerprinting and to provide personal  
194 descriptive information, to be forwarded along with the applicant's fingerprints through the Central  
195 Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal  
196 history record information regarding such applicant. The children's residential facility shall inform the  
197 applicant that he is entitled to obtain a copy of any background check report and to challenge the  
198 accuracy and completeness of any such report and obtain a prompt resolution before a final  
199 determination is made of the applicant's eligibility to have responsibility for the safety and well-being of  
200 children. The applicant shall provide the children's residential facility with a written statement or  
201 affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for  
202 any offense within or outside the Commonwealth. The results of the criminal history background check  
203 must be received prior to permitting an applicant to work with children.

204 The Central Criminal Records Exchange, upon receipt of an individual's record or notification that no  
205 record exists, shall forward it to the state agency that operates or regulates the children's residential  
206 facility with which the applicant is affiliated. The state agency shall, upon receipt of an applicant's  
207 record lacking disposition data, conduct research in whatever state and local recordkeeping systems are  
208 available in order to obtain complete data. The state agency shall report to the children's facility whether  
209 the applicant is eligible to have responsibility for the safety and well-being of children. Except as  
210 otherwise provided in subsection B, no children's residential facility regulated or operated by the  
211 Department shall hire for compensated employment or allow to volunteer or provide contractual services  
212 persons who have been (a) convicted of or are the subject of pending charges for the following crimes:  
213 murder or manslaughter as set out in Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2; malicious  
214 wounding by mob as set out in § 18.2-41; abduction as set out in subsection A of § 18.2-47; abduction  
215 for immoral purposes as set out in § 18.2-48; assault and bodily woundings as set out in Article 4  
216 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2; robbery as set out in § 18.2-58; carjacking as set out in  
217 § 18.2-58.1; extortion by threat as set out in § 18.2-59; threat as set out in § 18.2-60; any felony stalking  
218 violation as set out in § 18.2-60.3; sexual assault as set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4  
219 of Title 18.2; arson as set out in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; burglary as set  
220 out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2; any felony violation relating to  
221 distribution of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2; drive-by  
222 shooting as set out in § 18.2-286.1; use of a machine gun in a crime of violence as set out in  
223 § 18.2-289; aggressive use of a machine gun as set out in § 18.2-290; use of a sawed-off shotgun in a  
224 crime of violence as set out in subsection A of § 18.2-300; pandering as set out in § 18.2-355; crimes  
225 against nature involving children as set out § 18.2-361; taking indecent liberties with children as set out  
226 in § 18.2-370 or 18.2-370.1; abuse or neglect of children as set out in § 18.2-371.1, including failure to  
227 secure medical attention for an injured child as set out in § 18.2-314; obscenity offenses as set out in  
228 § 18.2-374.1; possession of child pornography as set out in § 18.2-374.1:1; electronic facilitation of  
229 pornography as set out in § 18.2-374.3; incest as set out in § 18.2-366; abuse or neglect of incapacitated  
230 adults as set out in § 18.2-369; employing or permitting a minor to assist in an act constituting an  
231 offense under Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, as set out in § 18.2-379; delivery  
232 of drugs to prisoners as set out in § 18.2-474.1; escape from jail as set out in § 18.2-477; felonies by  
233 prisoners as set out in § 53.1-203; or an equivalent offense in another state; or (b) convicted of any  
234 felony violation relating to possession of drugs set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of  
235 Title 18.2 in the five years prior to the application date for employment, to be a volunteer, or to provide  
236 contractual services; or (c) convicted of any felony violation relating to possession of drugs as set out in  
237 Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 and continue on probation or parole or have  
238 failed to pay required court costs

239 1. Any of the following offenses or an equivalent offense in another state:

240 Capital murder, as set out in § 18.2-31;

241 First or second degree murder, as set out in § 18.2-32;

242 Murder of a pregnant woman, as set out in § 18.2-32.1;

243 Killing of a fetus, as set out in § 18.2-32.2;

- 244 *Felony homicide, as set out in § 18.2-33;*
- 245 *Voluntary manslaughter, as set out in § 18.2-35;*
- 246 *Involuntary manslaughter, as set out in § 18.2-36.1 or 18.2-36.2;*
- 247 *Malicious wounding by mob, as set out in § 18.2-41;*
- 248 *Abduction, as set out in subsection A of § 18.2-47;*
- 249 *Abduction with intent to extort money or for immoral purpose, as set out in § 18.2-48;*
- 250 *Malicious wounding, as set out in § 18.2-51;*
- 251 *Malicious bodily injury to law enforcement officers, as set out in § 18.2-51.1;*
- 252 *Aggravated malicious wounding, as set out in § 18.2-51.2;*
- 253 *Reckless endangerment, as set out in § 18.2-51.3;*
- 254 *Maiming, etc., of another resulting from driving while intoxicated, as set out in § 18.2-51.4;*
- 255 *Maiming, etc., of another resulting from operating a watercraft while intoxicated, as set out in*
- 256 *§ 18.2-51.5;*
- 257 *Malicious bodily injury by means of any caustic substance or agent or use of any explosive or fire,*
- 258 *as set out in § 18.2-52;*
- 259 *Possession of infectious biological substances or radiological agents, as set out in § 18.2-52.1;*
- 260 *Shooting, etc., in committing or attempting a felony, as set out in § 18.2-53;*
- 261 *Use or display of firearm in committing felony, as set out in § 18.2-53.1;*
- 262 *Attempts to poison, as set out in § 18.2-54.1;*
- 263 *Adulteration of food, drink, drugs, cosmetics, etc., as set out in § 18.2-54.2;*
- 264 *Bodily injuries caused by prisoners, state juvenile probationers and state and local adult*
- 265 *probationers or adult parolees, as set out in § 18.2-55;*
- 266 *Hazing of youth gang members, as set out in § 18.2-55.1;*
- 267 *Hazing, as set out in § 18.2-56;*
- 268 *Reckless handling of firearms, as set out in § 18.2-56.1;*
- 269 *Allowing access to firearms by children, as set out in § 18.2-56.2;*
- 270 *Assault and battery, as set out in § 18.2-57;*
- 271 *Pointing laser at law-enforcement officer, as set out in § 18.2-57.01;*
- 272 *Disarming a law-enforcement or correctional officer, as set out in § 18.2-57.02;*
- 273 *Assault and battery against a family or household member, as set out in § 18.2-57.2;*
- 274 *Robbery, as set out in § 18.2-58;*
- 275 *Carjacking, as set out in § 18.2-58.1;*
- 276 *Extortion by threat, as set out in § 18.2-59;*
- 277 *Threat, as set out in § 18.2-60;*
- 278 *Felony stalking, as set out in § 18.2-60.3;*
- 279 *Rape, as set out in § 18.2-61;*
- 280 *Carnal knowledge of child between 13 and 15 years of age, as set out in § 18.2-63;*
- 281 *Carnal knowledge of a minor, as set out in § 18.2-64.1;*
- 282 *Carnal knowledge of an inmate, parolee, probationer, detainee or pretrial or posttrial offender, as*
- 283 *set out in § 18.2-64.2;*
- 284 *Forcible sodomy, as set out in § 18.2-67.1;*
- 285 *Object sexual penetration, as set out in § 18.2-67.2;*
- 286 *Aggravated sexual battery, as set out in § 18.2-67.3;*
- 287 *Sexual battery, as set out in § 18.2-67.4;*
- 288 *Infected sexual battery, as set out in § 18.2-67.4.1;*
- 289 *Sexual abuse of a child under 15 years of age, as set out in § 18.2-67.4.2;*
- 290 *Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual*
- 291 *battery, as set out in § 18.2-67.5;*
- 292 *Burning or destroying dwelling house, as set out in § 18.2-77;*
- 293 *Burning or destroying meeting house, as set out in § 18.2-79;*
- 294 *Burning or destroying any other building or structure, as set out in § 18.2-80;*
- 295 *Burning or destroying personal property, standing grain, etc., as set out in § 18.2-81;*
- 296 *Burning building or structure while in such building or structure with intent to commit felony, as set*
- 297 *out in § 18.2-82;*
- 298 *Threats to bomb or damage buildings or means of transportation; false information as to danger to*
- 299 *such buildings, etc., as set out in § 18.2-83;*
- 300 *Causing, inciting, etc., commission of act proscribed by § 18.2-83, as set out in § 18.2-84;*
- 301 *Manufacture, possession, use, etc., of fire bombs or explosive materials or devices, as set out in*
- 302 *§ 18.2-85;*
- 303 *Setting fire to woods, fences, grass, etc., as set out in § 18.2-86;*
- 304 *Setting woods, etc., on fire intentionally whereby another is damaged or jeopardized, as set out in*

305 § 18.2-87;  
306 *Setting off chemical bombs capable of producing smoke in certain public buildings, as set out in*  
307 *§ 18.2-87.1;*  
308 *Carelessly damaging property by fire, as set out in § 18.2-88;*  
309 *Burglary, as set out in § 18.2-89;*  
310 *Entering dwelling house, etc., with intent to commit murder, rape, robbery or arson, as set out in*  
311 *§ 18.2-90;*  
312 *Entering dwelling house, etc., with intent to commit larceny, assault and battery or other felony, as*  
313 *set out in § 18.2-91;*  
314 *Breaking and entering dwelling house with intent to commit other misdemeanor, as set out in*  
315 *§ 18.2-92;*  
316 *Entering bank, armed, with intent to commit larceny, as set out in § 18.2-93;*  
317 *Possession of burglarious tools, etc., as set out in § 18.2-94;*  
318 *Shooting from vehicles so as to endanger persons, as set out in § 18.2-286.1;*  
319 *Use of machine gun for crime of violence, as set out in § 18.2-289;*  
320 *Aggressive use of a machine gun, as set out in § 18.2-290;*  
321 *Use of a sawed-off shotgun in a crime of violence, as set out in subsection A of § 18.2-300;*  
322 *Pandering, as set out in § 18.2-355;*  
323 *Crimes against nature involving children, as set out in § 18.2-361;*  
324 *Taking indecent liberties with children, as set out in § 18.2-370 or 18.2-370.1;*  
325 *Abuse or neglect of children, as set out in § 18.2-371.1;*  
326 *Failing to secure medical attention for an injured child, as set out in § 18.2-314;*  
327 *Production, publication, sale, financing, etc., of child pornography, as set out in § 18.2-374.1;*  
328 *Possession of child pornography, as set out in § 18.2-374.1.1;*  
329 *Electronic facilitation of pornography, as set out in § 18.2-374.3;*  
330 *Incest, as set out in § 18.2-366;*  
331 *Abuse or neglect of incapacitated adults, as set out in § 18.2-369;*  
332 *Employing or permitting a minor to assist in an act constituting an offense under Article 5*  
333 *(§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, as set out in § 18.2-379;*  
334 *Delivery of drugs to prisoners, as set out in § 18.2-474.1;*  
335 *Escape from jail, as set out in § 18.2-477;*  
336 *Felonies by prisoners, as set out in § 53.1-203;*  
337 2. Any of the following felony offenses relating to the distribution of drugs or an equivalent offense  
338 in another state:  
339 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
340 *distribute a controlled substance or an imitation controlled substance prohibited, as set out in*  
341 *§ 18.2-248;*  
342 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
343 *distribute methamphetamine, as set out in § 18.2-248.03;*  
344 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
345 *distribute illegal stimulants and steroids, as set out in § 18.2-248.5;*  
346 *Distribution of flunitrazepam, as set out in § 18.2-251.2;*  
347 *Distribution of gamma-butyrolactone; 1, 4-butanediol, as set out in § 18.2-251.3; or*  
348 3. Any of the following felony violations relating to possession of drugs or an equivalent offense in  
349 another state (i) in the five years prior to the application date for employment or (ii) if the person  
350 continues on probation or parole or has failed to pay required court costs:  
351 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
352 *distribute a controlled substance or an imitation controlled substance, as set out in § 18.2-248;*  
353 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
354 *distribute methamphetamine, as set out in § 18.2-248.03;*  
355 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
356 *distribute illegal stimulants and steroids, as set out in § 18.2-248.5;*  
357 *Possession of controlled substances, as set out in § 18.2-250;*  
358 *Possession of marijuana, as set out in § 18.2-250.1;*  
359 *Possession of flunitrazepam, as set out in § 18.2-251.2;*  
360 *Possession and distribution of gamma-butyrolactone; 1, 4-butanediol, as set out in § 18.2-251.3.*  
361 The provisions of this section also shall apply to structured residential programs, excluding secure  
362 detention facilities, established pursuant to § 16.1-309.3 for juvenile offenders cited in a complaint for  
363 intake or in a petition before the court that alleges the juvenile is delinquent or in need of services or  
364 supervision.  
365 B. Notwithstanding the provisions of subsection A, a children's residential facility may hire for  
366 compensated employment or for volunteer or contractual service purposes persons who have been

convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, if 10 years have elapsed following the conviction, unless the person committed such offense in the scope of his employment, volunteer, or contractual services.

If the applicant is denied employment, or the opportunity to volunteer or provide services, at a children's residential facility because of information appearing on his criminal history record, and the applicant disputes the information upon which the denial was based, upon written request of the applicant the state agency shall furnish the applicant the procedures for obtaining his criminal history record from the Federal Bureau of Investigation. If the applicant has been permitted to assume duties that do not involve contact with children pending receipt of the report, the children's residential facility is not precluded from suspending the applicant from his position pending a final determination of the applicant's eligibility to have responsibility for the safety and well-being of children. The information provided to the children's residential facility shall not be disseminated except as provided in this section.

C. Those individuals listed in clauses (i), (ii), and (iii) of subsection A also shall authorize the children's residential facility to obtain a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on him. The applicant shall provide the children's residential facility with a written statement or affirmation disclosing whether he has ever been the subject of a founded case of child abuse or neglect within or outside the Commonwealth. The children's residential facility shall receive the results of the central registry search prior to permitting an applicant to work alone with children. Children's residential facilities regulated or operated by the Department shall not hire for compensated employment or allow to volunteer or provide contractual services, persons who have a founded case of child abuse or neglect.

D. The cost of obtaining the criminal history record and the central registry information shall be borne by the employee or volunteer unless the children's residential facility, at its option, decides to pay the cost.

§ 63.2-1719. Definitions.

As used in this subtitle:

"Barrier crime" means a conviction of ~~murder or manslaughter as set out in Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2; malicious wounding by mob as set out in § 18.2-41; abduction as set out in subsection A of § 18.2-47; abduction for immoral purposes as set out in § 18.2-48; assaults and bodily woundings as set out in Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2; robbery as set out in § 18.2-58; earjacking as set out in § 18.2-58.1; threats of death or bodily injury as set out in § 18.2-60; felony stalking as set out in § 18.2-60.3; sexual assault as set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2; arson as set out in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; drive by shooting as set out in § 18.2-286.1; use of a machine gun in a crime of violence as set out in § 18.2-289; aggressive use of a machine gun as set out in § 18.2-290; use of a sawed-off shotgun in a crime of violence as set out in subsection A of § 18.2-300; pandering as set out in § 18.2-355; crimes against nature involving children as set out in § 18.2-361; incest as set out in § 18.2-366; taking indecent liberties with children as set out in § 18.2-370 or § 18.2-370.1; abuse and neglect of children as set out in § 18.2-371.1; failure to secure medical attention for an injured child as set out in § 18.2-314; obscenity offenses as set out in § 18.2-374.1; possession of child pornography as set out in § 18.2-374.1-1; electronic facilitation of pornography as set out in § 18.2-374.3; abuse and neglect of incapacitated adults as set out in § 18.2-369; 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 as set out in § 18.2-379; delivery of drugs to prisoners as set out in § 18.2-474.1; escape from jail as set out in § 18.2-477; felonies by prisoners as set out in § 53.1-203; any of the following offenses or an equivalent offense in another state:~~

*Capital murder, as set out in § 18.2-31;*

*First or second degree murder, as set out in § 18.2-32;*

*Murder of a pregnant woman, as set out in § 18.2-32.1;*

*Killing of a fetus, as set out in § 18.2-32.2;*

*Felony homicide, as set out in § 18.2-33;*

*Voluntary manslaughter, as set out in § 18.2-35;*

*Involuntary manslaughter, as set out in § 18.2-36.1 or 18.2-36.2;*

*Malicious wounding by mob, as set out in § 18.2-41;*

*Abduction, as set out in subsection A of § 18.2-47;*

*Abduction with intent to extort money or for immoral purpose, as set out in § 18.2-48;*

*Malicious wounding, as set out in § 18.2-51;*

*Malicious bodily injury to law enforcement officers, as set out in § 18.2-51.1;*

*Aggravated malicious wounding, as set out in § 18.2-51.2;*

*Reckless endangerment, as set out in § 18.2-51.3;*

*Maiming, etc., of another resulting from driving while intoxicated, as set out in § 18.2-51.4;*

428     *Maiming, etc., of another resulting from operating a watercraft while intoxicated, as set out in*  
429     § 18.2-51.5;  
430     *Malicious bodily injury by means of any caustic substance or agent or use of any explosive or fire,*  
431     *as set out in § 18.2-52;*  
432     *Possession of infectious biological substances or radiological agents, as set out in § 18.2-52.1;*  
433     *Shooting, etc., in committing or attempting a felony, as set out in § 18.2-53;*  
434     *Use or display of firearm in committing felony, as set out in § 18.2-53.1;*  
435     *Attempts to poison, as set out in § 18.2-54.1;*  
436     *Adulteration of food, drink, drugs, cosmetics, etc., as set out in § 18.2-54.2;*  
437     *Bodily injuries caused by prisoners, state juvenile probationers and state and local adult*  
438     *probationers or adult parolees, as set out in § 18.2-55;*  
439     *Hazing of youth gang members, as set out in § 18.2-55.1;*  
440     *Hazing, as set out in § 18.2-56;*  
441     *Reckless handling of firearms, as set out in § 18.2-56.1;*  
442     *Allowing access to firearms by children, as set out in § 18.2-56.2;*  
443     *Assault and battery, as set out in § 18.2-57;*  
444     *Pointing laser at law-enforcement officer, as set out in § 18.2-57.01;*  
445     *Disarming a law-enforcement or correctional officer, as set out in § 18.2-57.02;*  
446     *Assault and battery against a family or household member, as set out in § 18.2-57.2;*  
447     *Robbery, as set out in § 18.2-58;*  
448     *Carjacking, as set out in § 18.2-58.1;*  
449     *Extortion by threat, as set out in § 18.2-59;*  
450     *Threat, as set out in § 18.2-60;*  
451     *Felony stalking, as set out in § 18.2-60.3;*  
452     *Rape, as set out in § 18.2-61;*  
453     *Carnal knowledge of child between 13 and 15 years of age, as set out in § 18.2-63;*  
454     *Carnal knowledge of a minor, as set out in § 18.2-64.1;*  
455     *Carnal knowledge of an inmate, parolee, probationer, detainee or pretrial or posttrial offender, as*  
456     *set out in § 18.2-64.2;*  
457     *Forcible sodomy, as set out in § 18.2-67.1;*  
458     *Object sexual penetration, as set out in § 18.2-67.2;*  
459     *Aggravated sexual battery, as set out in § 18.2-67.3;*  
460     *Sexual battery, as set out in § 18.2-67.4;*  
461     *Infected sexual battery, as set out in § 18.2-67.4.1;*  
462     *Sexual abuse of a child under 15 years of age, as set out in § 18.2-67.4.2;*  
463     *Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual*  
464     *battery, as set out in § 18.2-67.5;*  
465     *Burning or destroying dwelling house, as set out in § 18.2-77;*  
466     *Burning or destroying meeting house, as set out in § 18.2-79;*  
467     *Burning or destroying any other building or structure, as set out in § 18.2-80;*  
468     *Burning or destroying personal property, standing grain, etc., as set out in § 18.2-81;*  
469     *Burning building or structure while in such building or structure with intent to commit felony, as set*  
470     *out in § 18.2-82;*  
471     *Threats to bomb or damage buildings or means of transportation; false information as to danger to*  
472     *such buildings, etc., as set out in § 18.2-83;*  
473     *Causing, inciting, etc., commission of act proscribed by § 18.2-83, as set out in § 18.2-84;*  
474     *Manufacture, possession, use, etc., of fire bombs or explosive materials or devices, as set out in*  
475     § 18.2-85;  
476     *Setting fire to woods, fences, grass, etc., as set out in § 18.2-86;*  
477     *Setting woods, etc., on fire intentionally whereby another is damaged or jeopardized, as set out in*  
478     § 18.2-87;  
479     *Setting off chemical bombs capable of producing smoke in certain public buildings, as set out in*  
480     § 18.2-87.1;  
481     *Carelessly damaging property by fire, as set out in § 18.2-88;*  
482     *Shooting from vehicles so as to endanger persons, as set out in § 18.2-286.1;*  
483     *Use of machine gun for crime of violence, as set out in § 18.2-289;*  
484     *Aggressive use of a machine gun, as set out in § 18.2-290;*  
485     *Use of a sawed-off shotgun in a crime of violence, as set out in subsection A of § 18.2-300;*  
486     *Pandering, as set out in § 18.2-355;*  
487     *Crimes against nature involving children, as set out in § 18.2-361;*  
488     *Taking indecent liberties with children, as set out in § 18.2-370 or 18.2-370.1;*  
489     *Abuse or neglect of children, as set out in § 18.2-371.1;*



490 *Failing to secure medical attention for an injured child, as set out in § 18.2-314;*  
 491 *Production, publication, sale, financing, etc., of child pornography, as set out in § 18.2-374.1;*  
 492 *Possession of child pornography, as set out in § 18.2-374.1.1;*  
 493 *Electronic facilitation of pornography, as set out in § 18.2-374.3;*  
 494 *Incest, as set out in § 18.2-366;*  
 495 *Abuse or neglect of incapacitated adults, as set out in § 18.2-369;*  
 496 *Employing or permitting a minor to assist in an act constituting an offense under Article 5*  
 497 *(§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, as set out in § 18.2-379;*  
 498 *Delivery of drugs to prisoners, as set out in § 18.2-474.1;*  
 499 *Escape from jail, as set out in § 18.2-477;*  
 500 *Felonies by prisoners, as set out in § 53.1-203.*  
 501 In the case of child welfare agencies and foster and adoptive homes approved by child-placing  
 502 agencies, "barrier crime" shall also include convictions of ~~burglary as set out in Article 2 (§ 18.2-89 et~~  
 503 ~~seq.) of Chapter 5 of Title 18.2 and any:~~  
 504 1. *Burglary, as set out in § 18.2-89;*  
 505 *Entering dwelling house, etc., with intent to commit murder, rape, robbery or arson, as set out in*  
 506 *§ 18.2-90;*  
 507 *Entering dwelling house, etc., with intent to commit larceny, assault and battery or other felony, as*  
 508 *set out in § 18.2-91;*  
 509 *Breaking and entering dwelling house with intent to commit other misdemeanor, as set out in*  
 510 *§ 18.2-92;*  
 511 *Entering bank, armed, with intent to commit larceny, as set out in § 18.2-93;*  
 512 *Possession of burglarious tools, etc., as set out in § 18.2-94; or*  
 513 2. *Any of the following felony violation violations relating to possession or distribution of drugs as*  
 514 ~~set out in Article 4 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or an equivalent offense in another~~  
 515 ~~state:~~  
 516 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
 517 *distribute a controlled substance or an imitation controlled substance, as set out in § 18.2-248;*  
 518 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
 519 *distribute methamphetamine, as set out in § 18.2-248.03;*  
 520 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
 521 *distribute illegal stimulants and steroids, as set out in § 18.2-248.5;*  
 522 *Possession of controlled substances, as set out in § 18.2-250;*  
 523 *Possession of marijuana, as set out in § 18.2-250.1;*  
 524 *Possession of flunitrazepam, as set out in § 18.2-251.2;*  
 525 *Possession and distribution of gamma-butyrolactone; 1, 4-butanediol, as set out in § 18.2-251.3.*  
 526 "Offense" means a barrier crime and, in the case of child welfare agencies and foster and adoptive  
 527 homes approved by child-placing agencies, (i) a conviction of any other felony not included in the  
 528 definition of barrier crime unless five years have elapsed since conviction and (ii) a founded complaint  
 529 of child abuse or neglect within or outside the Commonwealth. In the case of child welfare agencies and  
 530 foster and adoptive homes approved by child-placing agencies, convictions shall include prior adult  
 531 convictions and juvenile convictions or adjudications of delinquency based on a crime that would be a  
 532 felony if committed by an adult within or outside the Commonwealth.  
 533 § 63.2-1726. Background check required; children's residential facilities.  
 534 A. As a condition of employment, volunteering or providing services on a regular basis, every  
 535 children's residential facility that is regulated or operated by the Departments of Social Services;  
 536 Education; Military Affairs; or Behavioral Health and Developmental Services shall require any  
 537 individual who (i) accepts a position of employment at such a facility who was not employed by that  
 538 facility prior to July 1, 2007, (ii) volunteers for such a facility on a regular basis and will be alone with  
 539 a juvenile in the performance of his duties who was not a volunteer at such facility prior to July 1,  
 540 2007, or (iii) provides contractual services directly to a juvenile for such facility on a regular basis and  
 541 will be alone with a juvenile in the performance of his duties who did not provide such services prior to  
 542 July 1, 2007; to submit to fingerprinting and to provide personal descriptive information, to be  
 543 forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the  
 544 Federal Bureau of Investigation for the purpose of obtaining criminal history record information  
 545 regarding such applicant. The children's residential facility shall inform the applicant that he is entitled  
 546 to obtain a copy of any background check report and to challenge the accuracy and completeness of any  
 547 such report and obtain a prompt resolution before a final determination is made of the applicant's  
 548 eligibility to have responsibility for the safety and well-being of children. The applicant shall provide the  
 549 children's residential facility with a written statement or affirmation disclosing whether he has ever been  
 550 convicted of or is the subject of pending charges for any offense within or outside the Commonwealth.

551 The results of the criminal history background check must be received prior to permitting an applicant  
552 to work with children.

553 The Central Criminal Records Exchange, upon receipt of an individual's record or notification that no  
554 record exists, shall forward it to the state agency which operates or regulates the children's residential  
555 facility with which the applicant is affiliated. The state agency shall, upon receipt of an applicant's  
556 record lacking disposition data, conduct research in whatever state and local recordkeeping systems are  
557 available in order to obtain complete data. The state agency shall report to the children's facility whether  
558 the applicant is eligible to have responsibility for the safety and well-being of children. Except as  
559 otherwise provided in subsection B, no children's residential facility regulated or operated by the  
560 Departments of Education; Behavioral Health and Developmental Services; Military Affairs; or Social  
561 Services shall hire for compensated employment or allow to volunteer or provide contractual services  
562 persons who have been (i) convicted of or are the subject of pending charges for the following crimes:  
563 murder or manslaughter as set out in Article 1 (~~§ 18.2-30 et seq.~~) of Chapter 4 of Title 18.2; malicious  
564 wounding by mob as set out in ~~§ 18.2-41~~; abduction as set out in ~~§ 18.2-47 A~~; abduction for immoral  
565 purposes as set out in ~~§ 18.2-48~~; assault and bodily woundings as set out in Article 4 (~~§ 18.2-51 et seq.~~)  
566 of Chapter 4 of Title 18.2; robbery as set out in ~~§ 18.2-58~~; carjacking as set out in ~~§ 18.2-58.1~~; extortion  
567 by threat as set out in ~~§ 18.2-59~~; threat as set out in ~~§ 18.2-60~~; any felony stalking violation as set out  
568 in ~~§ 18.2-60.3~~; sexual assault as set out in Article 7 (~~§ 18.2-61 et seq.~~) of Chapter 4 of Title 18.2; arson  
569 as set out in Article 1 (~~§ 18.2-77 et seq.~~) of Chapter 5 of Title 18.2; burglary as set out in Article 2  
570 (~~§ 18.2-89 et seq.~~) of Chapter 5 of Title 18.2; any felony violation relating to distribution of drugs as set  
571 out in Article 1 (~~§ 18.2-247 et seq.~~) of Chapter 7 of Title 18.2; drive-by shooting as set out in  
572 ~~§ 18.2-286.1~~; use of a machine gun in a crime of violence as set out in ~~§ 18.2-289~~; aggressive use of a  
573 machine gun as set out in ~~§ 18.2-290~~; use of a sawed off shotgun in a crime of violence as set out in  
574 subsection A of ~~§ 18.2-300~~; pandering as set out in ~~§ 18.2-355~~; crimes against nature involving children  
575 as set out ~~§ 18.2-361~~; taking indecent liberties with children as set out in ~~§ 18.2-370~~ or ~~18.2-370.1~~;  
576 abuse or neglect of children as set out in ~~§ 18.2-371.1~~, including failure to secure medical attention for  
577 an injured child as set out in ~~§ 18.2-314~~; obscenity offenses as set out in ~~§ 18.2-374.1~~; possession of  
578 child pornography as set out in ~~§ 18.2-374.1:1~~; electronic facilitation of pornography as set out in  
579 ~~§ 18.2-374.3~~; incest as set out in ~~§ 18.2-366~~; abuse or neglect of incapacitated adults as set out in  
580 ~~§ 18.2-369~~; employing or permitting a minor to assist in an act constituting an offense under Article 5  
581 (~~§ 18.2-372 et seq.~~) of Chapter 8 of Title 18.2, as set out in ~~§ 18.2-379~~; delivery of drugs to prisoners as  
582 set out in ~~§ 18.2-474.1~~; escape from jail as set out in ~~§ 18.2-477~~; felonies by prisoners as set out in  
583 ~~§ 53.1-203~~; or an equivalent offense in another state; or (ii) convicted of any felony violation relating to  
584 possession of drugs set out in Article 1 (~~§ 18.2-247 et seq.~~) of Chapter 7 of Title 18.2 in the five years  
585 prior to the application date for employment, to be a volunteer, or to provide contractual services; or  
586 (iii) convicted of any felony violation relating to possession of drugs as set out in Article 1 (~~§ 18.2-247~~  
587 ~~et seq.~~) of Chapter 7 of Title 18.2 and continue on probation or parole or have failed to pay required  
588 court costs:

589 1. Any of the following offenses or an equivalent offense in another state:

590 Capital murder, as set out in ~~§ 18.2-31~~;

591 First or second degree murder, as set out in ~~§ 18.2-32~~;

592 Murder of a pregnant woman, as set out in ~~§ 18.2-32.1~~;

593 Killing of a fetus, as set out in ~~§ 18.2-32.2~~;

594 Felony homicide, as set out in ~~§ 18.2-33~~;

595 Voluntary manslaughter, as set out in ~~§ 18.2-35~~;

596 Involuntary manslaughter, as set out in ~~§ 18.2-36.1~~ or ~~18.2-36.2~~;

597 Malicious wounding by mob, as set out in ~~§ 18.2-41~~;

598 Abduction, as set out in subsection A of ~~§ 18.2-47~~;

599 Abduction with intent to extort money or for immoral purpose, as set out in ~~§ 18.2-48~~;

600 Malicious wounding, as set out in ~~§ 18.2-51~~;

601 Malicious bodily injury to law enforcement officers, as set out in ~~§ 18.2-51.1~~;

602 Aggravated malicious wounding, as set out in ~~§ 18.2-51.2~~;

603 Reckless endangerment, as set out in ~~§ 18.2-51.3~~;

604 Maiming, etc., of another resulting from driving while intoxicated, as set out in ~~§ 18.2-51.4~~;

605 Maiming, etc., of another resulting from operating a watercraft while intoxicated, as set out in  
606 ~~§ 18.2-51.5~~;

607 Malicious bodily injury by means of any caustic substance or agent or use of any explosive or fire,  
608 as set out in ~~§ 18.2-52~~;

609 Possession of infectious biological substances or radiological agents, as set out in ~~§ 18.2-52.1~~;

610 Shooting, etc., in committing or attempting a felony, as set out in ~~§ 18.2-53~~;

611 Use or display of firearm in committing felony, as set out in ~~§ 18.2-53.1~~;

612 Attempts to poison, as set out in ~~§ 18.2-54.1~~;

- 613 *Adulteration of food, drink, drugs, cosmetics, etc., as set out in § 18.2-54.2;*
- 614 *Bodily injuries caused by prisoners, state juvenile probationers and state and local adult*
- 615 *probationers or adult parolees, as set out in § 18.2-55;*
- 616 *Hazing of youth gang members, as set out in § 18.2-55.1;*
- 617 *Hazing, as set out in § 18.2-56;*
- 618 *Reckless handling of firearms, as set out in § 18.2-56.1;*
- 619 *Allowing access to firearms by children, as set out in § 18.2-56.2;*
- 620 *Assault and battery, as set out in § 18.2-57;*
- 621 *Pointing laser at law-enforcement officer, as set out in § 18.2-57.01;*
- 622 *Disarming a law-enforcement or correctional officer, as set out in § 18.2-57.02;*
- 623 *Assault and battery against a family or household member, as set out in § 18.2-57.2;*
- 624 *Robbery, as set out in § 18.2-58;*
- 625 *Carjacking, as set out in § 18.2-58.1;*
- 626 *Extortion by threat, as set out in § 18.2-59;*
- 627 *Threat, as set out in § 18.2-60;*
- 628 *Felony stalking, as set out in § 18.2-60.3;*
- 629 *Rape, as set out in § 18.2-61;*
- 630 *Carnal knowledge of child between 13 and 15 years of age, as set out in § 18.2-63;*
- 631 *Carnal knowledge of a minor, as set out in § 18.2-64.1;*
- 632 *Carnal knowledge of an inmate, parolee, probationer, detainee or pretrial or posttrial offender, as*
- 633 *set out in § 18.2-64.2;*
- 634 *Forcible sodomy, as set out in § 18.2-67.1;*
- 635 *Object sexual penetration, as set out in § 18.2-67.2;*
- 636 *Aggravated sexual battery, as set out in § 18.2-67.3;*
- 637 *Sexual battery, as set out in § 18.2-67.4;*
- 638 *Infected sexual battery, as set out in § 18.2-67.4.1;*
- 639 *Sexual abuse of a child under 15 years of age, as set out in § 18.2-67.4.2;*
- 640 *Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual*
- 641 *battery, as set out in § 18.2-67.5;*
- 642 *Burning or destroying dwelling house, as set out in § 18.2-77;*
- 643 *Burning or destroying meeting house, as set out in § 18.2-79;*
- 644 *Burning or destroying any other building or structure, as set out in § 18.2-80;*
- 645 *Burning or destroying personal property, standing grain, etc., as set out in § 18.2-81;*
- 646 *Burning building or structure while in such building or structure with intent to commit felony, as set*
- 647 *out in § 18.2-82;*
- 648 *Threats to bomb or damage buildings or means of transportation; false information as to danger to*
- 649 *such buildings, etc., as set out in § 18.2-83;*
- 650 *Causing, inciting, etc., commission of act proscribed by § 18.2-83, as set out in § 18.2-84;*
- 651 *Manufacture, possession, use, etc., of fire bombs or explosive materials or devices, as set out in*
- 652 *§ 18.2-85;*
- 653 *Setting fire to woods, fences, grass, etc., as set out in § 18.2-86;*
- 654 *Setting woods, etc., on fire intentionally whereby another is damaged or jeopardized, as set out in*
- 655 *§ 18.2-87;*
- 656 *Setting off chemical bombs capable of producing smoke in certain public buildings, as set out in*
- 657 *§ 18.2-87.1;*
- 658 *Carelessly damaging property by fire, as set out in § 18.2-88;*
- 659 *Burglary, as set out in § 18.2-89;*
- 660 *Entering dwelling house, etc., with intent to commit murder, rape, robbery or arson, as set out in*
- 661 *§ 18.2-90;*
- 662 *Entering dwelling house, etc., with intent to commit larceny, assault and battery or other felony, as*
- 663 *set out in § 18.2-91;*
- 664 *Breaking and entering dwelling house with intent to commit other misdemeanor, as set out in*
- 665 *§ 18.2-92;*
- 666 *Entering bank, armed, with intent to commit larceny, as set out in § 18.2-93;*
- 667 *Possession of burglarious tools, etc., as set out in § 18.2-94;*
- 668 *Shooting from vehicles so as to endanger persons, as set out in § 18.2-286.1;*
- 669 *Use of machine gun for crime of violence, as set out in § 18.2-289;*
- 670 *Aggressive use of a machine gun, as set out in § 18.2-290;*
- 671 *Use of a sawed-off shotgun in a crime of violence, as set out in subsection A of § 18.2-300;*
- 672 *Pandering, as set out in § 18.2-355;*
- 673 *Crimes against nature involving children, as set out in § 18.2-361;*

674 *Taking indecent liberties with children, as set out in § 18.2-370 or 18.2-370.1;*  
675 *Abuse or neglect of children, as set out in § 18.2-371.1;*  
676 *Failing to secure medical attention for an injured child, as set out in § 18.2-314;*  
677 *Production, publication, sale, financing, etc., of child pornography, as set out in § 18.2-374.1;*  
678 *Possession of child pornography, as set out in § 18.2-374.1.1;*  
679 *Electronic facilitation of pornography, as set out in § 18.2-374.3;*  
680 *Incest, as set out in § 18.2-366;*  
681 *Abuse or neglect of incapacitated adults, as set out in § 18.2-369;*  
682 *Employing or permitting a minor to assist in an act constituting an offense under Article 5*  
683 *(§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, as set out in § 18.2-379;*  
684 *Delivery of drugs to prisoners, as set out in § 18.2-474.1;*  
685 *Escape from jail, as set out in § 18.2-477;*  
686 *Felonies by prisoners, as set out in § 53.1-203;*  
687 2. *Any of the following felony offenses relating to the distribution of drugs or an equivalent offense*  
688 *in another state:*  
689 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
690 *distribute a controlled substance or an imitation controlled substance prohibited, as set out in*  
691 *§ 18.2-248;*  
692 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
693 *distribute methamphetamine, as set out in § 18.2-248.03;*  
694 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
695 *distribute illegal stimulants and steroids, as set out in § 18.2-248.5;*  
696 *Distribution of flunitrazepam, as set out in § 18.2-251.2;*  
697 *Distribution of gamma-butyrolactone; 1, 4-butanediol, as set out in § 18.2-251.3; or*  
698 3. *Any of the following felony violations relating to possession of drugs or an equivalent offense in*  
699 *another state (i) in the five years prior to the application date for employment or (ii) if the person*  
700 *continues on probation or parole or has failed to pay required court costs:*  
701 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
702 *distribute a controlled substance or an imitation controlled substance, as set out in § 18.2-248;*  
703 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
704 *distribute methamphetamine, as set out in § 18.2-248.03;*  
705 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*  
706 *distribute illegal stimulants and steroids, as set out in § 18.2-248.5;*  
707 *Possession of controlled substances, as set out in § 18.2-250;*  
708 *Possession of marijuana, as set out in § 18.2-250.1;*  
709 *Possession of flunitrazepam, as set out in § 18.2-251.2;*  
710 *Possession and distribution of gamma-butyrolactone; 1, 4-butanediol, as set out in § 18.2-251.3.*  
711 The provisions of this section also shall apply to structured residential programs, excluding secure  
712 detention facilities, established pursuant to § 16.1-309.3 for juvenile offenders cited in a complaint for  
713 intake or in a petition before the court that alleges the juvenile is delinquent or in need of services or  
714 supervision.  
715 B. Notwithstanding the provisions of subsection A, a children's residential facility may hire for  
716 compensated employment or for volunteer or contractual service purposes persons who have been  
717 convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, if 10 years have  
718 elapsed following the conviction, unless the person committed such offense in the scope of his  
719 employment, volunteer, or contractual services.  
720 If the applicant is denied employment, or the opportunity to volunteer or provide services at a  
721 children's residential facility because of information appearing on his criminal history record, and the  
722 applicant disputes the information upon which the denial was based, upon written request of the  
723 applicant the state agency shall furnish the applicant the procedures for obtaining his criminal history  
724 record from the Federal Bureau of Investigation. If the applicant has been permitted to assume duties  
725 that do not involve contact with children pending receipt of the report, the children's residential facility  
726 is not precluded from suspending the applicant from his position pending a final determination of the  
727 applicant's eligibility to have responsibility for the safety and well-being of children. The information  
728 provided to the children's residential facility shall not be disseminated except as provided in this section.  
729 C. Those individuals listed in clauses (i), (ii) and (iii) of subsection A also shall authorize the  
730 children's residential facility to obtain a copy of information from the central registry maintained  
731 pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on him. The applicant  
732 shall provide the children's residential facility with a written statement or affirmation disclosing whether  
733 he has ever been the subject of a founded case of child abuse or neglect within or outside the  
734 Commonwealth. The children's residential facility shall receive the results of the central registry search  
735 prior to permitting an applicant to work alone with children. Children's residential facilities regulated or

736 operated by the Departments of Education; Behavioral Health and Developmental Services; Military  
737 Affairs; and Social Services shall not hire for compensated employment or allow to volunteer or provide  
738 contractual services, persons who have a founded case of child abuse or neglect. Every residential  
739 facility for juveniles which is regulated or operated by the Department of Juvenile Justice shall be  
740 authorized to obtain a copy of the information from the central registry.

741 D. The Boards of Social Services; Education; Juvenile Justice; and Behavioral Health and  
742 Developmental Services, and the Department of Military Affairs, may adopt regulations to comply with  
743 the provisions of this section. Copies of any information received by a children's residential facility  
744 pursuant to this section shall be available to the agency that regulates or operates such facility but shall  
745 not be disseminated further. The cost of obtaining the criminal history record and the central registry  
746 information shall be borne by the employee or volunteer unless the children's residential facility, at its  
747 option, decides to pay the cost.