

12101248D

SENATE BILL NO. 97

Offered January 11, 2012

Prefiled January 9, 2012

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; (ii) convicted of any felony violation relating to possession of 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 the application date for employment; or (iii) convicted of any felony violation relating to possession of drugs, as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, and continue on probation or parole or have failed to pay required court costs:

1. Any of the following crimes against the person, 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;

INTRODUCED

SB97

59 Malicious wounding, as set out in § 18.2-51;
60 Malicious bodily injury to law-enforcement officers, firefighters, search and rescue personnel, or
61 emergency medical service providers as set out in § 18.2-51.1;
62 Aggravated malicious wounding, as set out in § 18.2-51.2;
63 Reckless endangerment, as set out in § 18.2-51.3;
64 Maiming, etc., of another resulting from driving while intoxicated, as set out in § 18.2-51.4;
65 Maiming, etc., of another resulting from operating a watercraft while intoxicated, as set out in
66 § 18.2-51.5;
67 Malicious bodily injury by means of any caustic substance or agent or use of any explosive or fire,
68 as set out in § 18.2-52;
69 Possession of infectious biological substances or radiological agents, as set out in § 18.2-52.1;
70 Shooting, etc., in committing or attempting a felony, as set out in § 18.2-53;
71 Use or display of firearm in committing felony, as set out in § 18.2-53.1;
72 Attempts to poison, as set out in § 18.2-54.1;
73 Adulteration of food, drink, drugs, cosmetics, etc., as set out in § 18.2-54.2;
74 Bodily injuries caused by prisoners, state juvenile probationers and state and local adult
75 probationers or adult parolees, as set out in § 18.2-55;
76 Hazing of youth gang members, as set out in § 18.2-55.1;
77 Hazing, as set out in § 18.2-56;
78 Reckless handling of firearms, as set out in § 18.2-56.1;
79 Allowing access to firearms by children, as set out in § 18.2-56.2;
80 Assault and battery, as set out in § 18.2-57;
81 Pointing laser at law-enforcement officer, as set out in § 18.2-57.01;
82 Disarming a law-enforcement or correctional officer, as set out in § 18.2-57.02;
83 Assault and battery against a family or household member, as set out in § 18.2-57.2;
84 Robbery, as set out in § 18.2-58;
85 Carjacking, as set out in § 18.2-58.1;
86 Extortion by threat, as set out in § 18.2-59;
87 Threat, as set out in § 18.2-60;
88 Any felony stalking offense, as set out in § 18.2-60.3;
89 Rape, as set out in § 18.2-61;
90 Carnal knowledge of child between 13 and 15 years of age, as set out in § 18.2-63;
91 Carnal knowledge of a minor, as set out in § 18.2-64.1;
92 Carnal knowledge of an inmate, parolee, probationer, detainee or pretrial or posttrial offender, as
93 set out in § 18.2-64.2;
94 Forcible sodomy, as set out in § 18.2-67.1;
95 Object sexual penetration, as set out in § 18.2-67.2;
96 Aggravated sexual battery, as set out in § 18.2-67.3;
97 Sexual battery, as set out in § 18.2-67.4;
98 Infected sexual battery, as set out in § 18.2-67.4.1;
99 Sexual abuse of a child under 15 years of age, as set out in § 18.2-67.4.2;
100 Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual
101 battery, as set out in § 18.2-67.5;
102 2. Any of the following crimes against property, or an equivalent offense in another state:
103 Burning or destroying dwelling house, as set out in § 18.2-77;
104 Burning or destroying meeting house, as set out in § 18.2-79;
105 Burning or destroying any other building or structure, as set out in § 18.2-80;
106 Burning or destroying personal property, standing grain, etc., as set out in § 18.2-81;
107 Burning building or structure while in such building or structure with intent to commit felony, as set
108 out in § 18.2-82;
109 Threats to bomb or damage buildings or means of transportation; false information as to danger to
110 such buildings, etc., as set out in § 18.2-83;
111 Causing, inciting, etc., commission of act proscribed by § 18.2-83, as set out in § 18.2-84;
112 Manufacture, possession, use, etc., of fire bombs or explosive materials or devices, as set out in
113 § 18.2-85;
114 Setting fire to woods, fences, grass, etc., as set out in § 18.2-86;
115 Setting woods, etc., on fire intentionally whereby another is damaged or jeopardized, as set out in
116 § 18.2-87;
117 Setting off chemical bombs capable of producing smoke in certain public buildings, as set out in
118 § 18.2-87.1;
119 Carelessly damaging property by fire, as set out in § 18.2-88;
120 Burglary, as set out in § 18.2-89;

121 *Entering dwelling house, etc., with intent to commit murder, rape, robbery or arson, as set out in*
 122 *§ 18.2-90;*
 123 *Entering dwelling house, etc., with intent to commit larceny, assault and battery or other felony, as*
 124 *set out in § 18.2-91;*
 125 *Breaking and entering dwelling house with intent to commit other misdemeanor, as set out in*
 126 *§ 18.2-92;*
 127 *Entering bank, armed, with intent to commit larceny, as set out in § 18.2-93;*
 128 *Possession of burglarious tools, etc., as set out in § 18.2-94;*
 129 *3. Any of the following crimes involving health or safety, or an equivalent offense in another state:*
 130 *Shooting from vehicles so as to endanger persons, as set out in § 18.2-286.1;*
 131 *Use of machine gun for crime of violence, as set out in § 18.2-289;*
 132 *Use of a machine gun for aggressive purposes, as set out in § 18.2-290;*
 133 *Use of a sawed-off shotgun in a crime of violence, as set out in subsection A of § 18.2-300;*
 134 *Failing to secure medical attention for an injured child, as set out in § 18.2-314;*
 135 *4. Any of the following crimes involving morals and decency, or an equivalent offense in another*
 136 *state:*
 137 *Taking, detaining, etc., person for prostitution, etc., or consenting thereto, as set out in § 18.2-355;*
 138 *Crimes against nature, as set out in § 18.2-361, involving children;*
 139 *Incest, as set out in § 18.2-366;*
 140 *Abuse or neglect of incapacitated adults, as set out in § 18.2-369;*
 141 *Taking indecent liberties with children, as set out in § 18.2-370 or 18.2-370.1;*
 142 *Abuse or neglect of children, as set out in § 18.2-371.1;*
 143 *Production, publication, sale, financing, etc., of child pornography, as set out in § 18.2-374.1;*
 144 *Possession, reproduction, distribution, and facilitation of child pornography, as set out in*
 145 *§ 18.2-374.1:1;*
 146 *Use of communications systems to facilitate certain crimes involving children, as set out in*
 147 *§ 18.2-374.3;*
 148 *Employing or permitting a minor to assist in an act constituting an offense under Article 5*
 149 *(§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, as set out in § 18.2-379;*
 150 *5. Any of the following crimes against the administration of justice, or an equivalent offense in*
 151 *another state:*
 152 *Delivery of drugs to prisoners, as set out in § 18.2-474.1;*
 153 *Escape from jail, as set out in § 18.2-477;*
 154 *6. Any felony offense by prisoners as set out in § 53.1-203;*
 155 *7. Any of the following felony offenses relating to the possession of drugs or an equivalent offense in*
 156 *another state within the five years prior to the application date for employment:*
 157 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*
 158 *distribute a controlled substance or an imitation controlled substance, as set out in § 18.2-248;*
 159 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*
 160 *distribute methamphetamine, as set out in § 18.2-248.03;*
 161 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*
 162 *distribute illegal stimulants and steroids, as set out in § 18.2-248.5;*
 163 *Distribution of flunitrazepam, as set out in § 18.2-251.2;*
 164 *Distribution of gamma-butyrolactone; 1, 4-butanediol, as set out in § 18.2-251.3; or*
 165 *8. Any of the following felony offenses relating to the possession of drugs or an equivalent offense in*
 166 *another state if the person continues on probation or parole or has failed to pay required court costs:*
 167 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*
 168 *distribute a controlled substance or an imitation controlled substance, as set out in § 18.2-248;*
 169 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*
 170 *distribute methamphetamine, as set out in § 18.2-248.03;*
 171 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*
 172 *distribute illegal stimulants and steroids, as set out in § 18.2-248.5;*
 173 *Possession of controlled substances, as set out in § 18.2-250;*
 174 *Possession of marijuana, as set out in § 18.2-250.1;*
 175 *Possession of flunitrazepam, as set out in § 18.2-251.2;*
 176 *Possession and distribution of gamma-butyrolactone; 1, 4-butanediol, as set out in § 18.2-251.3.*
 177 *C. The Central Criminal Records Exchange, upon receipt of an individual's record or notification that*
 178 *no record exists, shall submit a report to the state facility or to the Department. If an individual is*
 179 *denied employment because of information appearing on his criminal history record and the applicant*
 180 *disputes the information upon which the denial was based, the Central Criminal Records Exchange shall,*
 181 *upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history*

record from the FBI. The information provided to the state facility or Department shall not be disseminated except as provided in this section.

D. Those individuals listed in clause (i) of subsection A also shall provide to the state facility or Department a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on them.

E. The Board may adopt regulations to comply with the provisions of this section. Copies of any information received by the state facility or Department pursuant to this section shall be available to the Department and to the applicable state facility but shall not be disseminated further, except as permitted by state or federal law. The cost of obtaining the criminal history record and the central registry information shall be borne by the applicant, unless the Department or state facility decides to pay the cost.

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

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

The Central Criminal Records Exchange, upon receipt of an individual's record or notification that no record exists, shall forward it to the state agency that operates or regulates the children's residential facility with which the applicant is affiliated. The state agency shall, upon receipt of an applicant's record lacking disposition data, conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data. The state agency shall report to the children's facility whether the applicant is eligible to have responsibility for the safety and well-being of children. Except as otherwise provided in subsection B, no children's residential facility regulated or operated by the Department shall hire for compensated employment or allow to volunteer or provide contractual services persons who have been (a) convicted of or are the subject of pending charges for the following crimes: 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 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; carjacking 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 § 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 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; 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; or (b) convicted of any felony violation relating to possession of drugs set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 in the five years prior to the application date for employment, to be a volunteer, or to provide

contractual services; or (c) convicted of any felony violation relating to possession of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 and continue on probation or parole or have failed to pay required court costs. The provisions of this section also shall apply to structured residential programs, excluding secure detention facilities, established pursuant to § 16.1-309.3 for juvenile offenders cited in a complaint for intake or in a petition before the court that alleges the juvenile is delinquent or in need of services or supervision:

1. Any of the following crimes against the person, 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, firefighters, search and rescue personnel, or emergency medical service providers 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;
 - Maiming, etc., of another resulting from operating a watercraft while intoxicated, as set out in § 18.2-51.5;
 - Malicious bodily injury by means of any caustic substance or agent or use of any explosive or fire, as set out in § 18.2-52;
 - Possession of infectious biological substances or radiological agents, as set out in § 18.2-52.1;
 - Shooting, etc., in committing or attempting a felony, as set out in § 18.2-53;
 - Use or display of firearm in committing felony, as set out in § 18.2-53.1;
 - Attempts to poison, as set out in § 18.2-54.1;
 - Adulteration of food, drink, drugs, cosmetics, etc., as set out in § 18.2-54.2;
 - Bodily injuries caused by prisoners, state juvenile probationers and state and local adult probationers or adult parolees, as set out in § 18.2-55;
 - Hazing of youth gang members, as set out in § 18.2-55.1;
 - Hazing, as set out in § 18.2-56;
 - Reckless handling of firearms, as set out in § 18.2-56.1;
 - Allowing access to firearms by children, as set out in § 18.2-56.2;
 - Assault and battery, as set out in § 18.2-57;
 - Pointing laser at law-enforcement officer, as set out in § 18.2-57.01;
 - Disarming a law-enforcement or correctional officer, as set out in § 18.2-57.02;
 - Assault and battery against a family or household member, as set out in § 18.2-57.2;
 - Robbery, as set out in § 18.2-58;
 - Carjacking, 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 offense, as set out in § 18.2-60.3;
 - Rape, as set out in § 18.2-61;
 - Carnal knowledge of child between 13 and 15 years of age, as set out in § 18.2-63;
 - Carnal knowledge of a minor, as set out in § 18.2-64.1;
 - Carnal knowledge of an inmate, parolee, probationer, detainee or pretrial or posttrial offender, as set out in § 18.2-64.2;
 - Forcible sodomy, as set out in § 18.2-67.1;
 - Object sexual penetration, as set out in § 18.2-67.2;
 - Aggravated sexual battery, as set out in § 18.2-67.3;
 - Sexual battery, as set out in § 18.2-67.4;
 - Infected sexual battery, as set out in § 18.2-67.4.1;
 - Sexual abuse of a child under 15 years of age, as set out in § 18.2-67.4.2;
 - Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual battery, as set out in § 18.2-67.5;
2. Any of the following crimes against property, or an equivalent offense in another state:

305 *Burning or destroying dwelling house, as set out in § 18.2-77;*
306 *Burning or destroying meeting house, as set out in § 18.2-79;*
307 *Burning or destroying any other building or structure, as set out in § 18.2-80;*
308 *Burning or destroying personal property, standing grain, etc., as set out in § 18.2-81;*
309 *Burning building or structure while in such building or structure with intent to commit felony, as set*
310 *out in § 18.2-82;*
311 *Threats to bomb or damage buildings or means of transportation; false information as to danger to*
312 *such buildings, etc., as set out in § 18.2-83;*
313 *Causing, inciting, etc., commission of act proscribed by § 18.2-83, as set out in § 18.2-84;*
314 *Manufacture, possession, use, etc., of fire bombs or explosive materials or devices, as set out in*
315 *§ 18.2-85;*
316 *Setting fire to woods, fences, grass, etc., as set out in § 18.2-86;*
317 *Setting woods, etc., on fire intentionally whereby another is damaged or jeopardized, as set out in*
318 *§ 18.2-87;*
319 *Setting off chemical bombs capable of producing smoke in certain public buildings, as set out in*
320 *§ 18.2-87.1;*
321 *Carelessly damaging property by fire, as set out in § 18.2-88;*
322 *Burglary, as set out in § 18.2-89;*
323 *Entering dwelling house, etc., with intent to commit murder, rape, robbery or arson, as set out in*
324 *§ 18.2-90;*
325 *Entering dwelling house, etc., with intent to commit larceny, assault and battery or other felony, as*
326 *set out in § 18.2-91;*
327 *Breaking and entering dwelling house with intent to commit other misdemeanor, as set out in*
328 *§ 18.2-92;*
329 *Entering bank, armed, with intent to commit larceny, as set out in § 18.2-93;*
330 *Possession of burglarious tools, etc., as set out in § 18.2-94;*
331 *3. Any of the following crimes involving health or safety, or an equivalent offense in another state:*
332 *Shooting from vehicles so as to endanger persons, as set out in § 18.2-286.1;*
333 *Use of machine gun for crime of violence, as set out in § 18.2-289;*
334 *Use of a machine gun for aggressive purposes, as set out in § 18.2-290;*
335 *Use of a sawed-off shotgun in a crime of violence, as set out in subsection A of § 18.2-300;*
336 *Failing to secure medical attention for an injured child, as set out in § 18.2-314;*
337 *4. Any of the following crimes involving morals and decency, or an equivalent offense in another*
338 *state:*
339 *Taking, detaining, etc., person for prostitution, etc., or consenting thereto, as set out in § 18.2-355;*
340 *Crimes against nature, as set out in § 18.2-361, involving children;*
341 *Incest, as set out in § 18.2-366;*
342 *Abuse or neglect of incapacitated adults, as set out in § 18.2-369;*
343 *Taking indecent liberties with children, as set out in § 18.2-370 or 18.2-370.1;*
344 *Abuse or neglect of children, as set out in § 18.2-371.1;*
345 *Production, publication, sale, financing, etc., of child pornography, as set out in § 18.2-374.1;*
346 *Possession, reproduction, distribution, and facilitation of child pornography, as set out in*
347 *§ 18.2-374.1.1;*
348 *Electronic facilitation of pornography, as set out in § 18.2-374.3;*
349 *Employing or permitting a minor to assist in an act constituting an offense under Article 5*
350 *(§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, as set out in § 18.2-379;*
351 *5. Any of the following crimes against the administration of justice, or an equivalent offense in*
352 *another state:*
353 *Delivery of drugs to prisoners, as set out in § 18.2-474.1;*
354 *Escape from jail, as set out in § 18.2-477;*
355 *6. Any felony offense by prisoners, as set out in § 53.1-203;*
356 *7. Any of the following felony offenses relating to the possession of drugs or an equivalent offense in*
357 *another state within the five years prior to the application date for employment:*
358 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*
359 *distribute a controlled substance or an imitation controlled substance, as set out in § 18.2-248;*
360 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*
361 *distribute methamphetamine, as set out in § 18.2-248.03;*
362 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*
363 *distribute illegal stimulants and steroids, as set out in § 18.2-248.5;*
364 *Distribution of flunitrazepam, as set out in § 18.2-251.2;*
365 *Distribution of gamma-butyrolactone; 1, 4-butanediol, as set out in § 18.2-251.3; or*
366 *8. Any of the following felony offenses relating to the possession of drugs or an equivalent offense in*

another state if the person continues on probation or parole or has failed to pay required court costs:

Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance, as set out in § 18.2-248;

Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute methamphetamine, as set out in § 18.2-248.03;

Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute illegal stimulants and steroids, as set out in § 18.2-248.5;

Possession of controlled substances, as set out in § 18.2-250;

Possession of marijuana, as set out in § 18.2-250.1;

Possession of flunitrazepam, as set out in § 18.2-251.2;

Possession and distribution of gamma-butyrolactone; 1, 4-butanediol, as set out in § 18.2-251.3.

B. Notwithstanding the provisions of subsection A, a children's residential facility may hire for 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; or an equivalent offense in another state. In the case of child welfare agencies and foster and adoptive homes approved by child-placing agencies, "barrier crime" shall also include convictions of burglary as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2 and any felony violation relating to possession or distribution of drugs as set out

428 in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or an equivalent offense in another state:
 429 1. Any of the following crimes against the person, or an equivalent offense in another state:
 430 Capital murder, as set out in § 18.2-31;
 431 First or second degree murder, as set out in § 18.2-32;
 432 Murder of a pregnant woman, as set out in § 18.2-32.1;
 433 Killing of a fetus, as set out in § 18.2-32.2;
 434 Felony homicide, as set out in § 18.2-33;
 435 Voluntary manslaughter, as set out in § 18.2-35;
 436 Involuntary manslaughter, as set out in § 18.2-36.1 or 18.2-36.2;
 437 Malicious wounding by mob, as set out in § 18.2-41;
 438 Abduction, as set out in subsection A of § 18.2-47;
 439 Abduction with intent to extort money or for immoral purpose, as set out in § 18.2-48;
 440 Malicious wounding, as set out in § 18.2-51;
 441 Malicious bodily injury to law-enforcement officers, firefighters, search and rescue personnel, or
 442 emergency medical service providers as set out in § 18.2-51.1;
 443 Aggravated malicious wounding, as set out in § 18.2-51.2;
 444 Reckless endangerment, as set out in § 18.2-51.3;
 445 Maiming, etc., of another resulting from driving while intoxicated, as set out in § 18.2-51.4;
 446 Maiming, etc., of another resulting from operating a watercraft while intoxicated, as set out in
 447 § 18.2-51.5;
 448 Malicious bodily injury by means of any caustic substance or agent or use of any explosive or fire,
 449 as set out in § 18.2-52;
 450 Possession of infectious biological substances or radiological agents, as set out in § 18.2-52.1;
 451 Shooting, etc., in committing or attempting a felony, as set out in § 18.2-53;
 452 Use or display of firearm in committing felony, as set out in § 18.2-53.1;
 453 Attempts to poison, as set out in § 18.2-54.1;
 454 Adulteration of food, drink, drugs, cosmetics, etc., as set out in § 18.2-54.2;
 455 Bodily injuries caused by prisoners, state juvenile probationers and state and local adult
 456 probationers or adult parolees, as set out in § 18.2-55;
 457 Hazing of youth gang members, as set out in § 18.2-55.1;
 458 Hazing, as set out in § 18.2-56;
 459 Reckless handling of firearms, as set out in § 18.2-56.1;
 460 Allowing access to firearms by children, as set out in § 18.2-56.2;
 461 Assault and battery, as set out in § 18.2-57;
 462 Pointing laser at law-enforcement officer, as set out in § 18.2-57.01;
 463 Disarming a law-enforcement or correctional officer, as set out in § 18.2-57.02;
 464 Assault and battery against a family or household member, as set out in § 18.2-57.2;
 465 Robbery, as set out in § 18.2-58;
 466 Carjacking, as set out in § 18.2-58.1;
 467 Extortion by threat, as set out in § 18.2-59;
 468 Threat, as set out in § 18.2-60;
 469 Any felony stalking offense, as set out in § 18.2-60.3;
 470 Rape, as set out in § 18.2-61;
 471 Carnal knowledge of child between 13 and 15 years of age, as set out in § 18.2-63;
 472 Carnal knowledge of a minor, as set out in § 18.2-64.1;
 473 Carnal knowledge of an inmate, parolee, probationer, detainee or pretrial or posttrial offender, as
 474 set out in § 18.2-64.2;
 475 Forcible sodomy, as set out in § 18.2-67.1;
 476 Object sexual penetration, as set out in § 18.2-67.2;
 477 Aggravated sexual battery, as set out in § 18.2-67.3;
 478 Sexual battery, as set out in § 18.2-67.4;
 479 Infected sexual battery, as set out in § 18.2-67.4.1;
 480 Sexual abuse of a child under 15 years of age, as set out in § 18.2-67.4.2;
 481 Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual
 482 battery, as set out in § 18.2-67.5;
 483 2. Any of the following crimes against property, or an equivalent offense in another state:
 484 Burning or destroying dwelling house, as set out in § 18.2-77;
 485 Burning or destroying meeting house, as set out in § 18.2-79;
 486 Burning or destroying any other building or structure, as set out in § 18.2-80;
 487 Burning or destroying personal property, standing grain, etc., as set out in § 18.2-81;
 488 Burning building or structure while in such building or structure with intent to commit felony, as set
 489 out in § 18.2-82;

490 *Threats to bomb or damage buildings or means of transportation; false information as to danger to*
 491 *such buildings, etc., as set out in § 18.2-83;*
 492 *Causing, inciting, etc., commission of act proscribed by § 18.2-83, as set out in § 18.2-84;*
 493 *Manufacture, possession, use, etc., of fire bombs or explosive materials or devices, as set out in*
 494 *§ 18.2-85;*
 495 *Setting fire to woods, fences, grass, etc., as set out in § 18.2-86;*
 496 *Setting woods, etc., on fire intentionally whereby another is damaged or jeopardized, as set out in*
 497 *§ 18.2-87;*
 498 *Setting off chemical bombs capable of producing smoke in certain public buildings, as set out in*
 499 *§ 18.2-87.1;*
 500 *Carelessly damaging property by fire, as set out in § 18.2-88;*
 501 *3. Any of the following crimes involving health or safety, or an equivalent offense in another state:*
 502 *Shooting from vehicles so as to endanger persons, as set out in § 18.2-286.1;*
 503 *Use of machine gun for crime of violence, as set out in § 18.2-289;*
 504 *Use of a machine gun for aggressive purposes, as set out in § 18.2-290;*
 505 *Use of a sawed-off shotgun in a crime of violence, as set out in subsection A of § 18.2-300;*
 506 *Failing to secure medical attention for an injured child, as set out in § 18.2-314;*
 507 *4. Any of the following crimes involving morals and decency, or an equivalent offense in another*
 508 *state:*
 509 *Taking, detaining, etc., person for prostitution, etc., or consenting thereto, as set out in § 18.2-355;*
 510 *Crimes against nature, as set out in § 18.2-361, involving children;*
 511 *Incest, as set out in § 18.2-366;*
 512 *Abuse or neglect of incapacitated adults, as set out in § 18.2-369;*
 513 *Taking indecent liberties with children, as set out in § 18.2-370 or 18.2-370.1;*
 514 *Abuse or neglect of children, as set out in § 18.2-371.1;*
 515 *Production, publication, sale, financing, etc., of child pornography, as set out in § 18.2-374.1;*
 516 *Possession, reproduction, distribution, and facilitation of child pornography, as set out in*
 517 *§ 18.2-374.1:1;*
 518 *Electronic facilitation of pornography, as set out in § 18.2-374.3;*
 519 *Employing or permitting a minor to assist in an act constituting an offense under Article 5*
 520 *(§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, as set out in § 18.2-379;*
 521 *5. Any of the following crimes against the administration of justice, or an equivalent offense in*
 522 *another state:*
 523 *Delivery of drugs to prisoners, as set out in § 18.2-474.1;*
 524 *Escape from jail, as set out in § 18.2-477;*
 525 *6. Any felony offense by prisoners, as set out in § 53.1-203.*
 526 *In the case of child welfare agencies and foster and adoptive homes approved by child-placing*
 527 *agencies, "barrier crime" shall also include convictions for any of the following offenses, or an*
 528 *equivalent offense in another state:*
 529 *Burglary, as set out in § 18.2-89;*
 530 *Entering dwelling house, etc., with intent to commit murder, rape, robbery or arson, as set out in*
 531 *§ 18.2-90;*
 532 *Entering dwelling house, etc., with intent to commit larceny, assault and battery or other felony, as*
 533 *set out in § 18.2-91;*
 534 *Breaking and entering dwelling house with intent to commit other misdemeanor, as set out in*
 535 *§ 18.2-92;*
 536 *Entering bank, armed, with intent to commit larceny, as set out in § 18.2-93;*
 537 *Possession of burglarious tools, etc., as set out in § 18.2-94.*
 538 *In the case of child welfare agencies and foster and adoptive homes approved by child-placing*
 539 *agencies, "barrier crime" shall also include convictions of any of the following felony offenses related to*
 540 *possession or distribution for drugs, or an equivalent offense in another state:*
 541 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*
 542 *distribute a controlled substance or an imitation controlled substance, as set out in § 18.2-248;*
 543 *Transporting controlled substances into the Commonwealth, as set out in § 18.2-248.01;*
 544 *Allowing a child to be present during manufacture or attempted manufacture of methamphetamine,*
 545 *as set out in § 18.2-248.02;*
 546 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*
 547 *distribute methamphetamine, as set out in § 18.2-248.03;*
 548 *Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or*
 549 *distribute illegal stimulants and steroids, as set out in § 18.2-248.5;*
 550 *Possession of controlled substances, as set out in § 18.2-250;*

551 *Possession of flunitrazepam, as set out in § 18.2-251.2;*
552 *Possession and distribution of gamma-butyrolactone; 1, 4-butanediol, as set out in § 18.2-251.3;*
553 *Distribution of certain drugs to persons under the age of 18, as set out in § 18.2-255;*
554 *Sale or manufacture of drugs on or near certain properties, as set out in § 18.2-255.2;*
555 *Conspiracy to commit a felony offense related to the possession or distribution of drugs, as set out in*
556 *§ 18.2-256;*
557 *Attempt to commit a felony offense related to the possession or distribution of drugs, as set out in*
558 *§ 18.2-257;*
559 *Permitting, keeping, establishing, or maintaining a property deemed a common nuisance, as set out*
560 *in § 18.2-258;*
561 *Maintaining a fortified drug house, as set out in § 18.2-258.02;*
562 *Obtaining drugs, procuring administration of controlled substances, etc., by fraud, deceit or forgery,*
563 *as set out in § 18.2-258.1;*
564 *Assisting individuals in unlawfully procuring prescription drugs, as set out in § 18.2-258.2.*
565 "Offense" means a barrier crime and, in the case of child welfare agencies and foster and adoptive
566 homes approved by child-placing agencies, (i) a conviction of any other felony not included in the
567 definition of barrier crime unless five years have elapsed since conviction and (ii) a founded complaint
568 of child abuse or neglect within or outside the Commonwealth. In the case of child welfare agencies and
569 foster and adoptive homes approved by child-placing agencies, convictions shall include prior adult
570 convictions and juvenile convictions or adjudications of delinquency based on a crime that would be a
571 felony if committed by an adult within or outside the Commonwealth.
572 § 63.2-1726. Background check required; children's residential facilities.
573 A. As a condition of employment, volunteering or providing services on a regular basis, every
574 children's residential facility that is regulated or operated by the Departments of Social Services;
575 Education; Military Affairs; or Behavioral Health and Developmental Services shall require any
576 individual who (i) accepts a position of employment at such a facility who was not employed by that
577 facility prior to July 1, 2007, (ii) volunteers for such a facility on a regular basis and will be alone with
578 a juvenile in the performance of his duties who was not a volunteer at such facility prior to July 1,
579 2007, or (iii) provides contractual services directly to a juvenile for such facility on a regular basis and
580 will be alone with a juvenile in the performance of his duties who did not provide such services prior to
581 July 1, 2007; to submit to fingerprinting and to provide personal descriptive information, to be
582 forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the
583 Federal Bureau of Investigation for the purpose of obtaining criminal history record information
584 regarding such applicant. The children's residential facility shall inform the applicant that he is entitled
585 to obtain a copy of any background check report and to challenge the accuracy and completeness of any
586 such report and obtain a prompt resolution before a final determination is made of the applicant's
587 eligibility to have responsibility for the safety and well-being of children. The applicant shall provide the
588 children's residential facility with a written statement or affirmation disclosing whether he has ever been
589 convicted of or is the subject of pending charges for any offense within or outside the Commonwealth.
590 The results of the criminal history background check must be received prior to permitting an applicant
591 to work with children.
592 The Central Criminal Records Exchange, upon receipt of an individual's record or notification that no
593 record exists, shall forward it to the state agency which operates or regulates the children's residential
594 facility with which the applicant is affiliated. The state agency shall, upon receipt of an applicant's
595 record lacking disposition data, conduct research in whatever state and local recordkeeping systems are
596 available in order to obtain complete data. The state agency shall report to the children's facility whether
597 the applicant is eligible to have responsibility for the safety and well-being of children. Except as
598 otherwise provided in subsection B, no children's residential facility regulated or operated by the
599 Departments of Education; Behavioral Health and Developmental Services; Military Affairs; or Social
600 Services shall hire for compensated employment or allow to volunteer or provide contractual services
601 persons who have been (i) convicted of or are the subject of pending charges for the following crimes:
602 murder or manslaughter as set out in Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2; malicious
603 wounding by mob as set out in § 18.2-41; abduction as set out in § 18.2-47 A; abduction for immoral
604 purposes as set out in § 18.2-48; assault and bodily woundings as set out in Article 4 (§ 18.2-51 et seq.)
605 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
606 by threat as set out in § 18.2-59; threat as set out in § 18.2-60; any felony stalking violation as set out
607 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
608 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
609 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2; any felony violation relating to distribution of drugs as set
610 out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2; drive-by shooting as set out in
611 § 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
612 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 § 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 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; 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; or (ii) convicted of any felony violation relating to possession of drugs set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 in the five years prior to the application date for employment, to be a volunteer, or to provide contractual services; or (iii) convicted of any felony violation relating to possession of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 and continue on probation or parole or have failed to pay required court costs. The provisions of this section also shall apply to structured residential programs, excluding secure detention facilities, established pursuant to § 16.1-309.3 for juvenile offenders cited in a complaint for intake or in a petition before the court that alleges the juvenile is delinquent or in need of services or supervision.

1. Any of the following crimes against the person, 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, firefighters, search and rescue personnel, or emergency medical service providers 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;
 - Maiming, etc., of another resulting from operating a watercraft while intoxicated, as set out in § 18.2-51.5;
 - Malicious bodily injury by means of any caustic substance or agent or use of any explosive or fire, as set out in § 18.2-52;
 - Possession of infectious biological substances or radiological agents, as set out in § 18.2-52.1;
 - Shooting, etc., in committing or attempting a felony, as set out in § 18.2-53;
 - Use or display of firearm in committing felony, as set out in § 18.2-53.1;
 - Attempts to poison, as set out in § 18.2-54.1;
 - Adulteration of food, drink, drugs, cosmetics, etc., as set out in § 18.2-54.2;
 - Bodily injuries caused by prisoners, state juvenile probationers and state and local adult probationers or adult parolees, as set out in § 18.2-55;
 - Hazing of youth gang members, as set out in § 18.2-55.1;
 - Hazing, as set out in § 18.2-56;
 - Reckless handling of firearms, as set out in § 18.2-56.1;
 - Allowing access to firearms by children, as set out in § 18.2-56.2;
 - Assault and battery, as set out in § 18.2-57;
 - Pointing laser at law-enforcement officer, as set out in § 18.2-57.01;
 - Disarming a law-enforcement or correctional officer, as set out in § 18.2-57.02;
 - Assault and battery against a family or household member, as set out in § 18.2-57.2;
 - Robbery, as set out in § 18.2-58;
 - Carjacking, 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 offense, as set out in § 18.2-60.3;
 - Rape, as set out in § 18.2-61;
 - Carnal knowledge of child between 13 and 15 years of age, as set out in § 18.2-63;

- 674 Carnal knowledge of a minor, as set out in § 18.2-64.1;
675 Carnal knowledge of an inmate, parolee, probationer, detainee or pretrial or posttrial offender, as
676 set out in § 18.2-64.2;
677 Forcible sodomy, as set out in § 18.2-67.1;
678 Object sexual penetration, as set out in § 18.2-67.2;
679 Aggravated sexual battery, as set out in § 18.2-67.3;
680 Sexual battery, as set out in § 18.2-67.4;
681 Infected sexual battery, as set out in § 18.2-67.4:1;
682 Sexual abuse of a child under 15 years of age, as set out in § 18.2-67.4:2;
683 Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual
684 battery, as set out in § 18.2-67.5;
685 2. Any of the following crimes against property, or an equivalent offense in another state:
686 Burning or destroying dwelling house, as set out in § 18.2-77;
687 Burning or destroying meeting house, as set out in § 18.2-79;
688 Burning or destroying any other building or structure, as set out in § 18.2-80;
689 Burning or destroying personal property, standing grain, etc., as set out in § 18.2-81;
690 Burning building or structure while in such building or structure with intent to commit felony, as set
691 out in § 18.2-82;
692 Threats to bomb or damage buildings or means of transportation; false information as to danger to
693 such buildings, etc., as set out in § 18.2-83;
694 Causing, inciting, etc., commission of act proscribed by § 18.2-83, as set out in § 18.2-84;
695 Manufacture, possession, use, etc., of fire bombs or explosive materials or devices, as set out in
696 § 18.2-85;
697 Setting fire to woods, fences, grass, etc., as set out in § 18.2-86;
698 Setting woods, etc., on fire intentionally whereby another is damaged or jeopardized, as set out in
699 § 18.2-87;
700 Setting off chemical bombs capable of producing smoke in certain public buildings, as set out in
701 § 18.2-87.1;
702 Carelessly damaging property by fire, as set out in § 18.2-88;
703 Burglary, as set out in § 18.2-89;
704 Entering dwelling house, etc., with intent to commit murder, rape, robbery or arson, as set out in
705 § 18.2-90;
706 Entering dwelling house, etc., with intent to commit larceny, assault and battery or other felony, as
707 set out in § 18.2-91;
708 Breaking and entering dwelling house with intent to commit other misdemeanor, as set out in
709 § 18.2-92;
710 Entering bank, armed, with intent to commit larceny, as set out in § 18.2-93;
711 Possession of burglarious tools, etc., as set out in § 18.2-94;
712 3. Any of the following crimes involving health or safety, or an equivalent offense in another state:
713 Shooting from vehicles so as to endanger persons, as set out in § 18.2-286.1;
714 Use of machine gun for crime of violence, as set out in § 18.2-289;
715 Use of a machine gun for aggressive purposes, as set out in § 18.2-290;
716 Use of a sawed-off shotgun in a crime of violence, as set out in subsection A of § 18.2-300;
717 Failing to secure medical attention for an injured child, as set out in § 18.2-314;
718 4. Any of the following crimes involving morals and decency, or an equivalent offense in another
719 state:
720 Taking, detaining, etc., person for prostitution, etc., or consenting thereto, as set out in § 18.2-355;
721 Crimes against nature, as set out in § 18.2-361, involving children;
722 Incest, as set out in § 18.2-366;
723 Abuse or neglect of incapacitated adults, as set out in § 18.2-369;
724 Taking indecent liberties with children, as set out in § 18.2-370 or 18.2-370.1;
725 Abuse or neglect of children, as set out in § 18.2-371.1;
726 Production, publication, sale, financing, etc., of child pornography, as set out in § 18.2-374.1;
727 Possession, reproduction, distribution, and facilitation of child pornography, as set out in
728 § 18.2-374.1:1;
729 Electronic facilitation of pornography, as set out in § 18.2-374.3;
730 Employing or permitting a minor to assist in an act constituting an offense under Article 5
731 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, as set out in § 18.2-379;
732 5. Any of the following crimes against the administration of justice, or an equivalent offense in
733 another state:
734 Delivery of drugs to prisoners, as set out in § 18.2-474.1;
735 Escape from jail, as set out in § 18.2-477;

6. Any felony offense by prisoners, as set out in § 53.1-203;

7. Any of the following felony offenses relating to the possession of drugs or an equivalent offense in another state within the five years prior to the application date for employment:

- Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance, as set out in § 18.2-248;
- Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute methamphetamine, as set out in § 18.2-248.03;
- Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute illegal stimulants and steroids, as set out in § 18.2-248.5;
- Distribution of flunitrazepam, as set out in § 18.2-251.2;
- Distribution of gamma-butyrolactone; 1, 4-butanediol, as set out in § 18.2-251.3; or

8. Any of the following felony offenses relating to the possession of drugs or an equivalent offense in another state if the person continues on probation or parole or has failed to pay required court costs:

- Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance, as set out in § 18.2-248;
- Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute methamphetamine, as set out in § 18.2-248.03;
- Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute illegal stimulants and steroids, as set out in § 18.2-248.5;
- Possession of controlled substances, as set out in § 18.2-250;
- Possession of marijuana, as set out in § 18.2-250.1;
- Possession of flunitrazepam, as set out in § 18.2-251.2;
- Possession and distribution of gamma-butyrolactone; 1, 4-butanediol, as set out in § 18.2-251.3.

The provisions of this section also shall apply to structured residential programs, excluding secure detention facilities, established pursuant to § 16.1-309.3 for juvenile offenders cited in a complaint for intake or in a petition before the court that alleges the juvenile is delinquent or in need of services or supervision.

B. Notwithstanding the provisions of subsection A, a children's residential facility may hire for 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 Departments of Education; Behavioral Health and Developmental Services; Military Affairs; and Social Services 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. Every residential facility for juveniles which is regulated or operated by the Department of Juvenile Justice shall be authorized to obtain a copy of the information from the central registry.

D. The Boards of Social Services; Education; Juvenile Justice; and Behavioral Health and Developmental Services, and the Department of Military Affairs, may adopt regulations to comply with the provisions of this section. Copies of any information received by a children's residential facility pursuant to this section shall be available to the agency that regulates or operates such facility but shall not be disseminated further. 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.