

**BARRIER CRIMES FOR CHILD-PLACING AGENCIES AND FOR FOSTER AND  
ADOPTIVE HOMES APPROVED BY CHILD-PLACING AGENICES**

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

<p>In addition to the offenses listed below, the following are also barrier crimes: <i>1) a conviction of any offense set forth in § 9.1-902 or a finding that a person is not guilty by reason of insanity in accordance with Chapter 11.1 of Title 19.2 of an offense set forth in § 9.1-902 that results in the person’s requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901, or any similar registry in any other state; 2) a conviction of any other felony unless 5 years have elapsed since the conviction; and 3) a founded complaint of child abuse or neglect within or outside the Commonwealth.</i></p> <p>Convictions include prior adult convictions and juvenile convictions or adjudications of delinquency based on a crime that would be a felony if committed by an adult within or outside the Commonwealth.</p> <p>Exceptions: See Arson, Assault and Battery, Entering Dwelling House with Intent to Commit Larceny, Possession or Distribution of Drugs sections below.</p>	<p><b>63.2-1719</b></p>
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OFFENSE Or Equivalent Offense in Another State	VA CODE SECTION
<b>Abduction (Kidnapping)</b>	Subsection A or B of 18.2-47
<b>Abduction for Immoral Purposes</b>	18.2-48
<b>Abuse and Neglect of Children</b>	18.2-371.1
<b>Abuse and Neglect of Incapacitated Adults</b>	18.2-369
<b>Aggressive Use of a Machine Gun</b>	18.2-290
<b>Arson</b> (Exception: A local board or child-placing agency may approve as a kinship foster care parent an applicant with a misdemeanor conviction under § 18.2-77 et seq. for arson or an equivalent offense in another state, provided that 10 years have elapsed from the date of the conviction and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child. § 63.2-901.1)	Article 1 (18.2-77 et seq.) of Chapter 5 of Title 18.2
Arson – Burning Building or Structure While in Such Building or Structure with Intent to Commit Felony	18.2-82
Arson – Burning or Destroying Any Other Building or Structure	18.2-80
Arson – Burning or Destroying Dwelling House, Etc.	18.2-77
Arson – Burning or Destroying Meeting House, Etc.	18.2-79
Arson – Burning or Destroying Personal Property, Standing Grain, Etc.	18.2-81
Arson- Carelessly Damaging Property by Fire	18.2-88

Arson – Causing, Inciting, Etc. Threats to Bomb or Damage Buildings or Means of Transportation; False Information as to Danger to Such Buildings, Etc.	18.2-84
Arson – Manufacture, Possession, Use, Etc. of Fire Bombs or Explosive Materials or Devices	18.2-85
Arson – Setting Fire to Woods, Fences, Grass, Etc.	18.2-86
Arson – Setting Off Chemical Bombs Capable of Producing Smoke in Certain Public Buildings	18.2-87.1
Arson – Setting Woods, Etc., on Fire Intentionally Whereby Another is Damaged or Jeopardized	18.2-87
Arson – Threats to Bomb or Damage Buildings or Means of Transportation; False Information as to Danger to Such Buildings, Etc.	18.2-83
<b>Assaults and Bodily Wounding</b>	Article 4 (18.2-51 et seq.) of Chapter 4 of Title 18.2
Assaults and Bodily Wounding – Adulteration of Food, Drink, Drugs, Cosmetics, Etc.	18.2-54.2
Assaults and Bodily Wounding – Aggravated Malicious Wounding	18.2-51.2
Assaults and Bodily Wounding – Allowing Access to Firearms by Children	18.2-56.2
Assaults and Bodily Wounding – Assault and Battery ( <u>Exception</u> : A child-placing agency may approve as a foster parent an applicant convicted of not more than one misdemeanor under § 18.2-57, not involving the abuse, neglect, or moral turpitude of a minor, provided 10 years have elapsed following the conviction. §§ 63.2-901.1; 63.2-1721)	18.2-57
Assaults and Bodily Wounding – Assault and Battery Against a Family or Household Member	18.2-57.2
Assaults and Bodily Wounding – Attempts to Poison	18.2-57.2
Assaults and Bodily Wounding – Bodily Injuries Caused by Prisoners, State Juvenile Probationers, and State and Local Adult Probationers or Adult Parolees	18.2-55
Assaults and Bodily Wounding – Disarming a Law-Enforcement or Correctional Officer	18.2-57.02
Assaults and Bodily Wounding – Hazing of a Student at Any School, College, or University	18.2-56
Assaults and Bodily Wounding – Hazing a Youth Gang Members	18.2-55.1
Assaults and Bodily Wounding – Maiming, Etc., of Another Resulting From Driving While Intoxicated	18.2-51.4
Assaults and Bodily Wounding – Maiming, Etc., of Another Resulting From Operating a Watercraft While Intoxicated	18.2-51.5
Assaults and Bodily Wounding – Malicious Bodily Injury by Means of Any Caustic Substance or Agent or Use of Any Explosive or Fire	18.2-52
Assaults and Bodily Wounding – Malicious Bodily Injury to Law-Enforcement Officers, Firefighters, Search and Rescue Personnel, or Emergency Medical Service Providers	18.2-51.1
Assaults and Bodily Wounding – Pointing Laser at Law-Enforcement Officer	18.2-57.01
Assaults and Bodily Wounding – Possession of Infectious Biological Substances or Radiological Agents	18.2-52.1
Assaults and Bodily Wounding – Reckless Endangerment of Others by Throwing Objects from Places Higher than One Story	18.2-51.3
Assaults and Bodily Wounding – Reckless Handling of Firearms; Reckless Handling While Hunting	18.2-56.1

Assaults and Bodily Wounding – Shooting, Etc. in Committing or Attempting a Felony	18.2-53
Assaults and Bodily Wounding – Shooting, Stabbing, Etc. With Intent to Maim, Kill, Etc.	18.2-51
Assaults and Bodily Wounding – Strangulation of Another	18.2-51.6
Assaults and Bodily Wounding – Use or Display of Firearm in Committing a Felony	18.2-53.1
<b>Burglary</b>	Article 2 (18.2-89 et seq.) of Chapter 5 of Title 18.2
Burglary – Breaking and Entering Dwelling House with Intent to Commit Other Misdemeanor	18.2-92
Burglary – Entering Bank, Armed, with Intent to Commit Larceny	18.2-93
Burglary – Entering Dwelling House, Etc., with Intent to Commit Larceny, Assault and Battery, or Other Felony (Exception: A child-placing agency may approve as a foster parent an applicant convicted of statutory burglary for breaking and entering a dwelling home or other structure with intent to commit larceny, who has had his civil rights restored by the Governor, provided that 25 years have elapsed following the conviction. § 63.2-1721)	18.2-91
Burglary – Entering Dwelling House, Etc., with Intent to Commit Murder, Rape, Robbery, or Arson	18.2-90
Burglary – Possession of Burglarious Tools, Etc.	18.2-94
<b>Carjacking</b>	18.2-58.1
<b>Crimes Against Nature Involving Children</b>	18.2-361
<b>Delivery of Drugs to Prisoners</b>	18.2-474.1
<b>Drive-By Shooting</b>	18.2-286.1
<b>Electronic Facilitation of Pornography</b>	18.2-374.3
<b>Employing or Permitting a Minor to Assist in an Act Constituting an Offense Under Article 5 (18.2-372 et seq.) of Chapter 8 of Title 18.2</b>	18.2-379
Employing or Permitting a Minor to Assist in – Advertising, Etc., Obscene Items, Exhibitions, or Performances	18.2-376
Employing or Permitting a Minor to Assist in – Coercing Acceptance of Obscene Articles or Publications	18.2-378
Employing or Permitting a Minor to Assist in – Creation of an Image of Another	18.2-386.1
Employing or Permitting a Minor to Assist in – Display of Child Pornography or Grooming Video or Materials to a Child	18.2-374.4
Employing or Permitting a Minor to Assist in – Indecent Exposure	18.2-387
Employing or Permitting a Minor to Assist in – Obscene Exhibitions and Performances	18.2-375
Employing or Permitting a Minor to Assist in – Obscene Sexual Display	18.2-387.1
Employing or Permitting a Minor to Assist in – Possession, Reproduction, Distribution, Solicitation, and Facilitation of Child Pornography	18.2-374.1:1
Employing or Permitting a Minor to Assist in – Production, Publication, Sale, Financing Etc., of Child Pornography	18.2-374.1
Employing or Permitting a Minor to Assist in – Production, Publication, Sale, Possession, Etc., of Obscene Items	18.2-374
Employing or Permitting a Minor to Assist in – Unlawful Dissemination or Sale of Images of Another	18.2-386.2
Employing or Permitting a Minor to Assist in – Use of Communications Systems to Facilitate	18.2-374.3

Certain Offenses Involving Children	
<b>Escape from Jail</b>	18.2-477
<b>Extortion by Threat</b>	18.2-59
<b>Failure to Secure Medical Attention for an Injured Child</b>	18.2-314
<b>Felonies by Prisoners</b>	53.1-203
<b>Incest</b>	18.2-366
<b>Malicious Wounding by Mob</b>	18.2-41
<b>Murder or Manslaughter</b>	18.2-30 et seq. Article 1 of Chapter 4 of Title 18.2
Murder or Manslaughter – Felony Homicide	18.2-33
Murder or Manslaughter – Involuntary Manslaughter	18.2-36
Murder or Manslaughter – Involuntary Manslaughter; Driving a Vehicle While Under the Influence	18.2-36.1
Murder or Manslaughter – Involuntary Manslaughter; Operating a Watercraft While Under the Influence	18.2-36.2
Murder or Manslaughter – Killing a Fetus	18.2-32.2
Murder or Manslaughter – Murder, Capital	18.2-31
Murder or Manslaughter – Murder, First and Second Degree	18.2-32
Murder or Manslaughter – Murder of a Pregnant Woman	18.2-32.1
Murder or Manslaughter – Voluntary Manslaughter	18.2-35
<b>Obscenity Offenses</b>	18.2-374.1
<b>Pandering</b>	18.2-355
<b>Possession of Child Pornography</b>	18.2-374.1:1
<b>Possession or Distribution of Drugs (Felony Convictions)</b> ( <u>Exceptions</u> : A child-placing agency or local board may approve as a kinship foster care parent an applicant convicted of felony conviction of drugs under § 18.2-247 et seq. or an equivalent offense in another state, but not including a felony conviction for possession of drugs with the intent to distribute, provided that 10 years have elapsed from the date of the conviction and the local board of the child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child. §§ 63.2-901.1; 63.2-1721. A child-placing agency may approve as an adoptive or foster parent an applicant convicted of felony possession of drugs with intent to distribute, who has had his civil rights restored by the Governor, provided 20 years have elapsed following the conviction. § 63.2-1721)	Article 1 (18.2-247 et seq.) of Chapter 7 of Title 18.2
Possession or Distribution of Drugs – Allowing a Minor or Incapacitated Person to be Present During Manufacture or Attempted Manufacture of Methamphetamine (Felony Convictions)	18.2-248.02
Possession or Distribution of Drugs – Assisting Individuals in Unlawfully Procuring Prescription Drugs (Felony Convictions)	18.2-258.2
Possession or Distribution of Drugs – Certain Premises Deemed Common Nuisance (Felony Convictions)	18.2-258

Possession or Distribution of Drugs – Distributing Certain Drugs to Persons under 18 (Felony Convictions)	18.2-255
Possession or Distribution of Drugs – Drug Attempts (Felony Convictions)	18.2-257
Possession or Distribution of Drugs – Drug Conspiracy (Felony Convictions)	18.2-256
Possession or Distribution of Drugs – Maintaining a Fortified Drug House (Felony Convictions)	18.2-258.02
Possession or Distribution of Drugs – Manufacturing, Selling, Giving, Distributing, or Possessing with the Intent to Distribute the Substances Gamma-Butyrolactone or 1, 4-Butanediol When Intended for Human Consumption (Felony Convictions)	18.2-251.3
Possession or Distribution of Drugs – Manufacturing, Selling, Giving, Distributing, or Possessing with the Intent to Manufacture, Sell, Give, or Distribute Any Anabolic Steroid (Felony Convictions)	18.2-248.5
Possession or Distribution of Drugs – Manufacturing, Selling, Giving, Distributing, or Possessing with Intent to Manufacture, Sell, Give, or Distribute a Controlled Substance or an Imitation Controlled Substance (Felony Convictions)	18.2-248
Possession or Distribution of Drugs – Manufacturing, Selling, Giving, Distributing, or Possessing with Intent to Manufacture, Sell, Give, or Distribute Methamphetamine (Felony Convictions)	18.2-248.03
Possession or Distribution of Drugs – Obtaining Drugs, Procuring Administration of Controlled Substances, Etc., by Fraud, Deceit, or Forgery (Felony Convictions)	18.2-258.1
Possession or Distribution of Drugs – Possession and Distribution of Flunitrazepam (Felony Convictions)	18.2-251.2
Possession or Distribution of Drugs – Possession of Controlled Substances (Felony Convictions)	18.2-250
Possession or Distribution of Drugs – Sale, Gift, Distribution, or Possession with Intent to Sell, Give, or Distribute Marijuana (Felony Convictions)	18.2-248.1
Possession or Distribution of Drugs – Sale or Manufacture of Drugs On or Near Certain Properties (Felony Convictions)	18.2-255.2
Possession or Distribution of Drugs – Transporting Controlled Substances into the Commonwealth (Felony Convictions)	18.2-248.01
<b>Robbery</b>	18.2-58
<b>Sexual Assault</b>	Article 7 (18.2-61 et seq.) of Chapter 4 of Title 18.2
Sexual Assault – Aggravated Sexual Battery	18.2-67.3
Sexual Assault – Attempted Aggravated Sexual Battery	18.2-67.5
Sexual Assault – Attempted Forcible Sodomy	18.2-67.5
Sexual Assault – Attempted Object Sexual Penetration	18.2-67.5
Sexual Assault – Attempted Rape	18.2-67.5
Sexual Assault – Attempted Sexual Battery	18.2-67.5
Sexual Assault – Carnal Knowledge of Certain Minors	18.2-64.1
Sexual Assault – Carnal Knowledge of a Child Between 13 and 15 Years of Age	18.2-63
Sexual Assault – Carnal Knowledge of an Inmate, Parolee, Probationer, Detainee, or Pretrial or Post Trial Offender	18.2-64.2

Sexual Assault – Forcible Sodomy	18.2-67.1
Sexual Assault – Infected Sexual Battery	18.2-67.4:1
Sexual Assault – Object Sexual Penetration	18.2-67.2
Sexual Assault – Rape	18.2-61
Sexual Assault – Sexual Abuse of a Child under 15 Years of Age	18.2-67.4:2
Sexual Assault – Sexual Battery	18.2-67.4
<b>Stalking (Felony Convictions)</b>	18.2-60.3
<b>Taking Indecent Liberties with Children</b>	18.2-370; 18.2-370.1
<b>Threats of Death or Bodily Injury</b>	18.2-60
<b>Use of a Machine Gun in a Crime of Violence</b>	18.2-289
<b>Use of a Sawed-Off Shotgun in a Crime of Violence</b>	Subsection A of 18.2- 300
<b>Violation of a Protective Order (Felony Convictions)</b>	18.2-60.4; 16.1-253.2