

## Employment Barrier Crimes

Generally, criminal convictions for offenses involving abuse or neglect disqualify an applicant. The following list further specifies these offenses but should not be considered comprehensive. Criminal convictions, verified through a criminal record check which bar employment:

Offense Or an equivalent offense in another state.	VA Code Section
Aiding prostitution or illicit sexual intercourse, etc.	18.2-348
Violation of a protective order	16.1-253.2
Criminal street gang participation	18.2-46.2
Criminal street gang – Recruitment of persons for criminal street gang	18.2-46.3
Criminal street gang – Third of subsequent conviction of criminal street gang crimes	18.2-46.3:1
Criminal street gang – Enhanced punishment for gang activity taking place in a gang-free zone	18.2-46.3:3
Violation of a protective order	18.2-60.4
Discharging firearms or missiles within or at building or dwelling house	18.2-279
Willfully discharging firearms in public places	18.2-280
Setting spring gun or other deadly weapon	18.2-281
Pointing, holding, or brandishing firearm, air or gas operated weapon or object similar in appearance	18.2-282
Brandishing a machete or other bladed weapon with intent to intimidate	18.2-282.1
Wearing of body armor while committing a crime	18.2-287.2
Prostitution; commercial sexual conduct; commercial exploitation of a minor	18.2-346
Rioting	18.2-405
Unlawful assembly	18.2-406
Murder or manslaughter – Murder, capital	18.2-31
Murder or manslaughter – Murder, first degree or second degree	18.2-32
Murder or manslaughter – Murder of a pregnant woman	18.2-32.1
Murder or manslaughter – Killing a fetus	18.2-32.2
Murder or manslaughter – Felony homicide	18.2-33
Murder or manslaughter – Voluntary manslaughter	18.2-35
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 water craft while under the influence	18.2-36.2
Malicious wounding by a mob	18.2-41
Assault or battery by mob	18.2-42
Terrorism – Committing, conspiring and aiding and abetting acts of terrorism	18.2-46.5
Terrorism – Possession, manufacture, distribution, etc. of weapon of terrorism or hoax device	18.2-46.6
Terrorism – Act of bioterrorism against agricultural crops or animals	18.2-46.7
Kidnapping and abduction with intent to deprive of personal liberty or to withhold or with intent to extort money, or with intent to defile, and abduction of a child under 16 for concubinage or prostitution	18.2-47 A or B or 18.2-48
Abduction for immoral purpose	18.2-48
Abduction – Threatening, attempting or assisting in abduction	18.2-49
Enticing another into a dwelling house with intent to commit certain felonies	18.2-50.3

<p>Assaults and bodily wounding, including:</p> <ul style="list-style-type: none"> <li>• shooting, stabbing, or wounding with the intent to maim or kill</li> <li>• malicious or unlawful wounding of a law enforcement officer or firefighter</li> <li>• aggravated malicious wounding</li> <li>• reckless endangerment by throwing objects from places higher than one story</li> <li>• maiming, etc. of another resulting from driving while intoxicated</li> <li>• maiming, etc. of another resulting from operating a watercraft while intoxicated</li> <li>• malicious bodily injury by use of a caustic agent, or use of any explosive, or fire</li> <li>• possession of infectious biological substances</li> <li>• shooting, stabbing, cutting, or wounding while committing, or attempting to commit, a felony</li> <li>• use, or display, of a firearm in the commission of a felony</li> <li>• poisoning or attempted poisoning</li> <li>• adulteration of food, drink, cosmetics, and drugs</li> <li>• bodily injuries by prisoners, parolees, or probationers</li> <li>• pointing a laser at a law enforcement officer</li> <li>• hazing</li> <li>• reckless handling of firearms</li> <li>• allowing children access to loaded firearms</li> <li>• assault and battery or simple assault</li> <li>• assault and battery against a member of the family or household</li> </ul>	18.2-51 et. Seq.
Assaults and Bodily Wounding – Strangulation of another	18.2-51.6
Assaults and Bodily Wounding – Disarming a Law-Enforcement or Correctional Officer	18.2-87.02
Robbery	18.2-58
Carjacking	18.2-58.1
Commercial sex trafficking	18.2-357.1
Receiving money for procuring a person	18.2-356
Receiving money from earnings of prostitute	18.2-357
Extortion by Threat	18.2-59
Threats of death or bodily injury	18.2-60
Felony stalking	18.2-60.3
<p>Sexual assault, including:</p> <ul style="list-style-type: none"> <li>• rape</li> <li>• carnal knowledge of a child 13-15 years of age</li> <li>• carnal knowledge of a minor in custody</li> <li>• carnal knowledge of an inmate, parolee, probationer, or pre-trial or post-trial offender</li> <li>• forcible sodomy</li> <li>• inanimate object sexual penetration</li> <li>• marital sexual assault</li> <li>• aggravated sexual battery</li> <li>• infected sexual battery</li> <li>• sexual battery</li> </ul>	18.2-61 et. seq.

<ul style="list-style-type: none"> <li>• attempted rape, forcible sodomy, object sexual penetration, sexual battery, or aggravated sexual battery</li> </ul>	
Sexual Assault – Sexual abuse of a child under 15 years of age	18.2-67.4:2
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 – Repeat offender	18.2-67.5:1 et. Seq.
Sexual Assault – Repeat offender (life imprisonment for offense based on prior sexual assault convictions)	18.2-67.5.3
Sexual Assault – Repeat offender (maximum sentence for offense based on prior sexual assault convictions)	18.2-67.5.2
Arson, including: <ul style="list-style-type: none"> <li>• setting fire to a dwelling, occupied hotel, hospital, mental health facility, railroad car, boat, vessel or river craft, jail, church, or other house in which persons live</li> <li>• setting fire to a meetinghouse</li> <li>• maliciously or with intent to defraud an insurance company or other person, setting fire to any other building, or structure, or to personal property</li> <li>• bomb or arson threats against buildings or other structures or against means of transportation</li> <li>• manufacturing, possessing, or using firebombs or other explosive material</li> <li>• maliciously or intentionally setting fire to woods, fences, grass, etc.</li> <li>• setting off smoke bombs in public buildings</li> <li>• carelessly damaging property by fire</li> <li>• setting woods, brush, grass, etc. on fire and intentionally allowing fire to escape to lands not his own, whereby property of another is damaged or jeopardized</li> <li>• burning building while in building with intent to commit felony</li> <li>• false threat to bomb or damage building or means of transportation</li> </ul>	18.2-77 et. seq.
Drive by shooting	18.2-286.1
Use of a machine gun in a crime of violence	18.2-289
Aggressive use of a machine gun	18.2-290
Use of a sawed-off shotgun in a crime of violence	18.2-300
Pandering, including: <ul style="list-style-type: none"> <li>• pimping</li> <li>• enticing persons to become engaged in prostitution, and</li> <li>• as legal guardian, consenting to minor’s being detained for prostitution or unlawful sexual intercourse, compelling one to be married against his or her will</li> </ul>	18.2-355
Crimes against nature involving children	18.2-361
Incest	18.2-366
Taking indecent liberties with children including: <ul style="list-style-type: none"> <li>• fondling</li> </ul>	18.2-370 or 18.2-370.1

<ul style="list-style-type: none"> <li>• indecent exposure</li> <li>• propositioning a child to engage in such behavior or in sexual intercourse</li> <li>• enticing minors to be subject of sexually explicit visual material</li> </ul>	
Abuse and neglect of children	18.2-371.1
Failure to secure medical attention for an injured child	18.2-314
Obscenity offenses including: <ul style="list-style-type: none"> <li>• production, publication, sale, or possession with the intent to distribute sexually explicit items involving children</li> <li>• employing, assisting, or permitting a minor to engage in obscenity</li> </ul>	18.2-374 or 18.2-374.1
Possession of child pornography	18.2-374.1:1
Electronic facilitation of pornography	18.2-374.3
Abuse and neglect of incapacitated adults	18.2-369
Sex offenses prohibiting proximity to children	18.2-370.2
Sex offenses prohibiting residing in proximity to children	18.2-370.3
Sex offenses prohibiting working on school property	18.2-370.4
Sex offenses prohibiting entry onto school or other property	18.2-370.5
Penetration of mouth of child with lascivious intent	18.2-370.6
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 – Production, Publication, Sale, Possession, etc., of Obscene Items	18.2-374
Employing or permitting a minor to assist in – Advertising, etc., obscene items, exhibitions, or performances (included because of 18.2-379)	18.2-376
Employing or permitting a minor to assist in – Obscene exhibitions and performances (included because of 18.2-379)	18.2-375
Employing or permitting a minor to assist in – Coercing acceptance or obscene articles or publications (included because of 18.2-379)	18.2-378
Employing or permitting a minor to assist in an act constituting an offense under Article 5 (18.2-372 et seq.) of Chapter 8 of Title 18.2	18.2-379
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 – Unlawful dissemination or sale of images of another	18.2-386.2
Employing or permitting a minor to assist in – Indecent exposure (included because of 18.2-379)	18.2-387
Employing or permitting a minor to assist in – Obscene sexual display (included because of 18.2-379)	18.2-387.1
Conspiracy or intent to riot	18.2-408
Commission of certain offenses in county, city or town declared by Governor to be in state of riot or insurrection	18.2-413
Injury to property or persons by persons unlawfully or riotously assembled	18.2-414
Burning cross on property of another or public place with intent to intimidate	18.2-423
Burning object on property of another or a highway or other public place with intent to intimidate	18.2-423.01
Placing swastika on certain property with intent to intimidate	18.2-423.1
Displaying noose on property of another or a highway or other public place with intent to intimidate	18.2-423.2

Unlawful paramilitary activity	18.2-433.2
Providing false information or failing to provide sex offender registration information	18.2-472.1
Delivery of drugs to prisoners	18.2-474.1
Escape from jail	18.2-477
Escapes from juvenile facility	18.2-477.1
Commission of felony while in juvenile facility or detention home	18.2-477.2
Escape from jail or custody by force or violence without setting fire to jail	18.2-478
Escape without force or violence or setting fire to jail	18.2-479
Escape by setting fire to jail	18.2-480
Treason	18.2-481
Advocacy of change in government by force, violence or other unlawful means. ["coup" or "coup d'etat"]	18.2-484
Conspiring to incite one race to insurrection against another race	18.2-485
Escape by persons committed to facility for sexually violent predators	37.2-917
Commission of felony while in jail	53.1-203
Burglary	18.2-89
Burglary – Entering dwelling house, etc. with intent to commit murder, rape, robbery, or arson	18.2-90
Burglary – Entering dwelling house, etc. with intent to commit larceny, assault and battery or other felony	18.2-91
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 – Possession of burglarious tools, etc.	18.2-94
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	18.2-248
Possession or distribution of drugs – Transporting, controlled substances into the Commonwealth	18.2-248.01
Possession or distribution of drugs – Allowing a minor or incapacitated person to be present during manufacture or attempted manufacture of methamphetamine	18.2-248.02
Possession or distribution of drugs – Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute methamphetamine	18.2-248.03
Possession or distribution of drugs – sale, gift, distribution, or possession with intent to sell, give or distribute marijuana	18.2-248.1
Possession or distribution of drugs – Manufacturing, selling, giving, distributing, or possessing with the intent to manufacture, sell, give, or distribute any Anabolic Steroid	18.2-248.5
Possession or distribution of drugs – Possession and distribution of Flunitrazepam	18.2-251.2
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	18.2-251.3
Possession or distribution of drugs – Distributing certain drugs to persons under 18	18.2-255
Possession or distribution of drugs – Sale or manufacture of drugs on or near certain properties	18.2-255.2
Possession or distribution of drugs – Certain premises deemed common nuisance	18.2-258

Possession or distribution of drugs – Maintaining a fortified drug house	18.2-258.02
Possession or distribution of drugs – Possession or distribution of drugs – Obtaining drugs, procuring administration of controlled substances, etc., by fraud, deceit, or forgery	18.2-258.1
Possession or distribution of drugs – Assisting individuals in unlawfully procuring prescription drugs	18.2-258.2
Possession or distribution of drugs – Possession of controlled substances	18.2-250

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