



Review of §§ 17.1-805, 19.2-297.1, and Other Statutes that Define Violent Offenses or Impact Sentences in Virginia

(Resource Document)

September 3, 2025

1:00 PM

VCSC Conference Room

Supreme Court of Virginia • 100 North 9th Street – 5th Floor • Richmond, Virginia 23219

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Executive Summary

On **September 3, 2025**, the members of the **Virginia Criminal Sentencing Commission** will be tasked with determining how to proceed in their review of **§ 17.1-805(C)** and **§ 19.2-297.1** of the *Code of Virginia*. As directed, the Commission must consider whether any amendments should be proposed to:

1. Consolidate the two statutory lists into a single list of violent felonies;
2. Add offenses to either list; or
3. Remove offenses from either list.

As part of this review, members are also to consider the implications of **House Bill 2456**, introduced during the **2025 General Assembly** session.

The following report chapters include offense comparisons across multiple relevant Code sections—**§§ 17.1-805, 19.2-297.1, 53.1-202.3, 53.1-40.02, and 18.2-392.11 et seq.** In addition, staff has provided an analysis aimed at identifying prior convictions classified as "violent" under § 17.1-805 that have historically resulted in either significant *mitigating* sentencing departures. These findings may inform Commission actions to better align statutory classifications with actual sentencing outcomes, including plea agreements and judicial decisions.

Notably, these actions have already been enabled by the passage of **§ 17.1-805.1 (2022)**, which authorizes the Commission to incorporate actual sentencing practices into enhancements. A comprehensive reanalysis of all Guidelines offenses is currently underway.

Ultimately, the definition of a “violent offense” remains a **policy decision**. The existence of multiple statutory lists and varying applications across programs suggests that **no unified consensus** currently exists among policymakers regarding what constitutes a violent offense, or when that classification should affect sentence length, time to serve, or eligibility for various programs.

As the discussion continues, special attention should be paid to the **intersections with other statutes** that reference the current violent offense lists in §§ 17.1-805 or 19.2-297.1. Changes to these lists may have wide-ranging impacts on eligibility for early release, program participation, or sentence enhancements. The Commission may wish to consult subject matter experts on statutes likely to be affected by any revisions

Staff-Identified Approaches for Consideration

Staff has developed **four broad approaches** to assist the Commission in fulfilling the directive from the General Assembly. Staff remains available to support these or other strategies as the review progresses:

1. Comprehensive Alignment and Review

Amend § 17.1-805 to incorporate all offenses currently requiring 85% earned sentence credit (ESC) under § 53.1-202.3, including those listed in §§ 19.2-297.1, 53.1-40.02, and offenses ineligible for record sealing under § 19.2-393.11 et seq. Following the merger, direct stakeholders to conduct a comprehensive review of offenses in § 17.1-805 to identify which serve as barriers to program participation or early release. Note that under § 17.1-

805.1, the Sentencing Commission may base enhancements on actual sentencing practices.

2. **Overlooked Offenses**

Identify offenses that may have been unintentionally excluded during past legislative updates or codification efforts. These may warrant inclusion based on current statutory intent or sentencing practice.

3. **Targeted Legislative Fix**

Limit recommendations to addressing known issues in the proposed legislation without expanding the scope beyond currently identified issues.

4. **Sentencing Guidelines–Focused Adjustments**

Make offense recommendations for inclusion or removal from § 17.1-805 based solely on their impact on Sentencing Guidelines policy and outcomes, independent of other statutory considerations. However, the result is not one comprehensive list.

SENATE OF VIRGINIA

SCOTT A. SUROVELL
34TH SENATORIAL DISTRICT
PART OF FAIRFAX COUNTY

P.O. Box 289
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COMMITTEE ASSIGNMENTS:
COURTS OF JUSTICE, CHAIR
COMMERCE AND LABOR
FINANCE AND APPROPRIATIONS
REHABILITATION AND SOCIAL SERVICES
RULES

April 10, 2025

The Honorable Dennis Lee Hupp
% Ms. Meredith Farrar-Owens, Executive Director
Virginia Sentencing Commission
100 North Ninth Street, 5th Floor
Richmond, Virginia 23219

re: Sentencing Commission Study

Dear Judge Hupp:

I am writing to request that the Sentencing Commission consider a review of § 17.1-805(C) and § 9.2-297.1 of the Code of Virginia and consider whether any amendments should be considered to either (i) consolidate the lists into one list of violent felonies, (ii) add crimes to either list or (iii) subtract crimes from either list. As part of this, please review Delegate Cherry's proposed bill, HB2456 from the 2025 Session.

Please let me know if the Commission can take on this project and provide recommendations by November 1, 2025, and if so if you require any further information. I look forward to hearing from you.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Scott A. Surovell".

Senator Scott A. Surovell
Chair, Senate Courts of Justice Committee

cc: Delegate Patrick Hope, Chairman, House Courts of Justice Committee
Ms. Kristen Howard, Executive Director, Virginia Crime Commission

HOUSE BILL NO. 2456
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee for Courts of Justice
on _____)
(Patron Prior to Substitute—Delegate Cherry)

A BILL to amend and reenact § 17.1-805 of the Code of Virginia, relating to discretionary sentencing guideline midpoints; violent felony offenses.

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-805 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-805. Adoption of initial discretionary sentencing guideline midpoints.

A. The Commission shall adopt an initial set of discretionary felony sentencing guidelines which shall become effective on January 1, 1995. The initial recommended sentencing range for each felony offense shall be determined first, by computing the actual time-served distribution for similarly situated offenders, in terms of their conviction offense and prior criminal history, released from incarceration during the base period of calendar years 1988 through 1992, increased by 13.4 percent, and second, by eliminating from this range the upper and lower quartiles. The midpoint of each initial recommended sentencing range shall be the median time served for the middle two quartiles and subject to the following additional enhancements:

1. The midpoint of the initial recommended sentencing range for first degree murder, second degree murder, rape in violation of § 18.2-61, forcible sodomy, object sexual penetration, and aggravated sexual battery shall be further increased by (i) 125 percent in cases in which the defendant has no previous conviction of a violent felony offense; (ii) 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years; or (iii) 500 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of 40 years or more, except that the recommended sentence for a defendant convicted of first degree murder who has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more shall be imprisonment for life;

2. The midpoint of the initial recommended sentencing range for voluntary manslaughter, robbery, aggravated malicious wounding, malicious wounding, and any burglary of a dwelling house or statutory burglary of a dwelling house or any burglary committed while armed with a deadly weapon or any statutory burglary committed while armed with a deadly weapon shall be further increased by (i) 100 percent in cases

in which the defendant has no previous conviction of a violent felony offense, (ii) 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of less than 40 years, or (iii) 500 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more;

3. The midpoint of the initial recommended sentencing range for manufacturing, selling, giving, or distributing, or possessing with the intent to manufacture, sell, give, or distribute a Schedule I or II controlled substance, shall be increased by (i) 200 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years or (ii) 400 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more; and

4. The midpoint of the initial recommended sentencing range for felony offenses not specified in subdivision 1, 2, or 3 shall be increased by 100 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years and by 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more.

B. For purposes of this chapter, previous convictions shall include prior adult convictions and juvenile convictions and adjudications of delinquency based on an offense which would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, or the United States or its territories.

C. For purposes of this chapter, violent felony offenses shall include any felony violation of § 16.1-253.2; solicitation to commit murder under § 18.2-29; any violation of § 18.2-31, 18.2-32, 18.2-32.1, 18.2-32.2, 18.2-33, or 18.2-35; any violation of subsection B of § 18.2-36.1; any violation of § 18.2-40 or 18.2-41; any violation of clause (c)(i) or (ii) of subsection B of § 18.2-46.3; any violation of § 18.2-46.5, 18.2-46.6, or 18.2-46.7; any *Class 2 or Class 5* felony violation of § 18.2-47; any felony violation of § 18.2-48, 18.2-48.1, or 18.2-49; any violation of § 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.4, 18.2-51.6, 18.2-51.7, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-54.1, 18.2-54.2, or 18.2-55; any violation of subsection B of § 18.2-57; any felony violation of § 18.2-57.2; any violation of § 18.2-58 or 18.2-58.1; any felony violation of § 18.2-60.1, ~~18.2-60.3~~, or 18.2-60.4; any violation of § 18.2-61; *any Class 4 felony violation of § 18.2-63;*

any violation of § 18.2-64.1, 18.2-64.2, 18.2-67.1, or 18.2-67.2; any violation of former § 18.2-67.2.1; any violation of § 18.2-67.3; any violation of subsection A of § 18.2-67.4.1; any violation of § 18.2-67.5; ~~or~~; any violation of § 18.2-67.5.1 involving a third conviction of either sexual battery in violation of § 18.2-67.4 or attempted sexual battery in violation of subsection C of § 18.2-67.5; ~~any Class 4 felony violation of § 18.2-63~~; ~~any violation of subsection A of § 18.2-67.4.1~~; any violation of subsection A of § 18.2-77; any Class 3 felony violation of § 18.2-79; any Class 3 felony violation of § 18.2-80; any violation of § 18.2-85; any Class 2 felony violation of § 18.2-89; any violation of § 18.2-90; or 18.2-91; any Class 2 felony violation of § 18.2-92; ~~or~~; any violation of § 18.2-93; any violation of § 18.2-144.1 when the animal is killed or rendered permanently unable to perform its duties; any Class 3 felony violation of § 18.2-152.7; any Class 4 felony violation of § 18.2-153; any Class 4 felony violation of § 18.2-154; any Class 4 felony violation of § 18.2-155; any felony violation of § 18.2-162; any violation of § 18.2-279 involving an occupied dwelling; any felony violation of subsection A or B of § 18.2-280; any violation of § 18.2-281; any felony violation of subsection A of § 18.2-282; any felony violation of § 18.2-282.1; any violation of § 18.2-286.1; ~~18.2-287.2~~, 18.2-289, or 18.2-290; any violation of subsection A of § 18.2-300; any felony violation of subsection C of § 18.2-308.1 or § 18.2-308.2; any violation of § 18.2-308.2.1 or subsection M or N of § 18.2-308.2.2; any violation of § 18.2-308.3, 18.2-308.5, 18.2-308.5.1, or 18.2-312; any former felony violation of § 18.2-346; any felony violation of § 18.2-346.01, 18.2-348, or 18.2-349; any violation of § 18.2-355; *except violations of subdivision (1) that do not involve force, threat, or coercion*; any violation of § 18.2-356, 18.2-357, or 18.2-357.1; any violation of former § 18.2-358; any violation of subsection B of § 18.2-361; any violation of subsection B of § 18.2-366 *involving a minor or force, threat, or coercion*; any violation of § 18.2-368; any felony violation of § 18.2-369 *resulting in serious bodily injury or disease*; any violation of § 18.2-370; or 18.2-370.1; any violation of subsection A of § 18.2-371.1; ~~any felony violation of § 18.2-369 resulting in serious bodily injury or disease~~; any violation of or § 18.2-374.1; any felony violation of § 18.2-374.1.1; any violation of § 18.2-374.3 or 18.2-374.4; any second or subsequent offense under §§ 18.2-379 and 18.2-381; any felony violation of § 18.2-405 or 18.2-406; any violation of § 18.2-408, 18.2-413, 18.2-414, 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, or 18.2-433.2; any felony violation of § 18.2-460; any Class 3 felony violation of 18.2-474.1; ~~or~~; any violation of § 18.2-477; any felony violation of § 18.2-477.1; any violation of ~~§ 18.2-477~~, 18.2-478, 18.2-480, 18.2-481, or 18.2-485; ~~any violation of § 37.2-917~~; any violation of § 52-48; any violation of *subdivision 4, 7, or 8 of § 53.1-203*; any conspiracy or attempt to commit any offense

89 specified in this subsection, or any substantially similar offense under the laws of any state, the District of
90 Columbia, or the United States or its territories.

91 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
92 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
93 **appropriation is _____ for periods of imprisonment in state adult correctional facilities; therefore,**
94 **Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing**
95 **Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of**
96 **Virginia, the estimated amount of the necessary appropriation is _____ for periods of commitment to**
97 **the custody of the Department of Juvenile Justice.**

Chapter 1: Recommended Edits to the 2025 Proposed Legislation

Proposed during the 2025 General Assembly session, HB 2456 amended § 17.1-805 of the Code of Virginia by adding and removing specific offenses from the definition of a violent felony for purposes of the Commonwealth's discretionary Sentencing Guidelines. Under § 17.1-805, defendants convicted of violent offenses receive sentence enhancements, which increase the recommended sentencing ranges under the Guidelines. As noted throughout this report, additional provisions of the *Code of Virginia* will also be affected by these changes.

As proposed, the following offenses would have been added to the list of violent offenses defined in § 17.1-805:

- § 18.2-47 - Abduction of a minor (Class 2 felony);
- § 18.2-51.7 - Genital mutilation (Class 2 felony);
- § 18.2-64.2 - Carnal knowledge by law enforcement officer, DOC staff, or bail bond person (Class 6 felony);
- § 18.2-144.1 - Killing or severely injuring law enforcement animal (Class 5 felony);
- § 18.2-308.5 - Manufacture, transfer, or possess plastic firearm (Class 5 felony); and
- § 18.2-308.5:1 - Manufacture, transfer, or possess trigger activator (Class 6 felony).

The following statutes are proposed to be removed from the list of violent offenses defined in § 17.1-805:

- § 18.2-60.3 - Felony stalking, 2nd within five years (Class 6 felony);
- § 18.2-89 - Burglary at night with intent to commit felony or larceny (Class 3 felony);
- § 18.2-92 - Burglary with intent to commit misdemeanor (Class 6 felony);
- § 18.2-152.7 - Unlawful computer trespass (Class 6 felony);
- § 18.2-287.2 - Wearing body armor during commission of crime (Class 4 felony);
- § 18.2-355 - Procurement for prostitution that does not involve the use of force, threat, or coercion (Class 3 and 4 felonies);
- § 182-366 - Incest between adults that does not involve force, threat, or coercion (Class 5 felony);
- § 18.2-474.1 - Delivery of drugs (Class 5 felony) to prisoners;
- § 37.2-917 - Escape of sexually violent predator from civil commitment facility (Class 6 felony); and
- § 53.1-203 - Certain felonies by prisoners: escape from a correctional facility, damage to aid escape, possession of instrument to aid escape, possession of unlawful chemicals, possession of Schedule III drug or marijuana, damage of fire protection equipment, and conspiracy to commit an offense in this section (Class 5 and 6 felonies).

The following are suggested edits to the proposed legislation that staff believe more accurately reflect the intent of the patron and supporters. These staff recommendations are offered for clarification purposes only and do not constitute an endorsement or rejection of the approach outlined in the proposed legislation.

Using the 2025 proposed legislation printed on pages 9–12 of this report, the following line edits or actions may be appropriate:

- **Lines 76–77:** To implement this provision, § 18.2-355 (prostitution) should be revised to distinguish between offenses involving a minor, or involving force, threats, or coercion, and those that do not. Without this distinction, accurate implementation of the provisions will not be possible.
- **Line 79:** To implement this provision, § 18.2-366 (incest) should be revised to distinguish between offenses involving a minor, or involving force, threats, or coercion, and those that do not. Without this distinction, accurate implementation of the provisions will not be possible.
- **Line 80:** In § 18.2-369 (adult abuse), the word *death* should be added to the phrase “resulting in serious bodily injury or disease.” Currently, the statute classifies abuse resulting in death as a Class 3 felony, and abuse resulting in serious injury as a Class 4 felony.
- **Throughout the Code section:** The language inconsistently refers to “felony violations” in some instances and simply “violations” in others, even when both felonies and misdemeanors are included. It may be beneficial to standardize this terminology throughout for clarity and consistency.

Chapter 2: Legislative and Procedural Context of Offense Inclusion in § 17.1-805

Occasionally, offenses have been added to § 17.1-805 not through direct legislative amendment, but as a result of changes to underlying statutes already included in the section. For example, when an existing statute was amended to encompass additional felony conduct, the entire offense category remained within § 17.1-805. In other cases, certain offenses were reclassified from misdemeanors to felonies and were subsequently incorporated into the “violent” offense category for Sentencing Guidelines purposes.

The offenses listed below were added to § 17.1-805 without an explicit vote by the members of the General Assembly. This does **not** imply that their inclusion was arbitrary or lacked discussion; rather, it reflects that no formal amendment to § 17.1-805 was necessary for the offenses to be captured under its framework. Their inclusion may be consistent with the intent and structure of the existing statute.

1. Felony Murder (§ 18.2-33)

- Effective July 1, 1999, the statutory maximum sentence for felony murder was increased from 20 years to 40 years.
- Consequently, felony murder was reclassified from Category 2 to Category 1 offense, reflecting its increased severity.

2. Unlawful Use of Computer to Cause Physical Injury (§ 18.2-152.7)

- On July 1, 2003, the offense of unlawful use of a computer with intent to cause physical injury was elevated from a Class 1 misdemeanor to a Class 6 felony.
- The classification was established as Category 2 violent felony at that time.

3. Operation of Website to Facilitate Payment for Child Pornography (§ 18.2-374.1:2)

- This offense was repealed effective July 1, 2007.
- Its provisions were incorporated into § 18.2-374.1:1(D), under which such felonies are classified as Category 2 violent offenses under § 17.1-805.
- Prior to this change, offenses under § 18.2-374.1:2 were not classified as violent offenses.

Chapter 3: Review of Felony Offenses for Potential Inclusion in § 17.1-805

Staff conducted a comprehensive review of all felony offenses added between July 1, 2000, and July 1, 2025. A total of **944 offenses** were examined.

As part of this review:

- **Offenses not previously identified under § 17.1-805** but closely related to offenses already listed, or **clustered with such offenses**, were flagged for further consideration.
- **Offenses with related statute sections currently included in § 17.1-805** were also identified.
- Additionally, offenses that **involved physical injury or death to a human or animal** were selected for review.

Based on these criteria, **61 offenses** have been identified that **policymakers may wish to consider for inclusion in § 17.1-805**.

STATUTE	HEADING	SUBHEADING	DESCRIPTION	VCC
3.1-796.93:1(J,3)	ANIMALS	Dog, Dangerous	Fail to care, control, contain dog, results in serious human injury	DOG-3538-F6
3.2-6540(J,3)	ANIMALS	Dog, Dangerous	Fail to care, control, contain dog, results in serious human injury	DOG-3538-F6
3.2-6540(O,3)	ANIMALS	Dog, Dangerous	Fail to care, control, contain dog, results in serious human injury	DOG-3538-F6
3.2-6540.1(D)	ANIMALS	Dog, Vicious	Fail to care, control, contain dog, results in serious human injury	DOG-4588-F6
3.2-6570(F)	ANIMALS	Abandonment or Cruelty	Torture/mutilate dog or cat causing death	ANM-3349-F6
3.2-6570(F)	ANIMALS	Abandonment or Cruelty	Torture/mutilate dog or cat causing death or serious injury	ANM-3349-F6
18.2-19(i)	ACCOMPLICE	After the Fact	Accessory after the fact - Class 1 or 2 felony homicide	ACC-0900-F6
18.2-36.2(B)	MURDER	Manslaughter	Involuntary manslaughter, under the influence - watercraft, aggravated	MUR-0949-F9
18.2-36.3(A)	MURDER	Manslaughter	Involuntary manslaughter, fentanyl distribution proximate cause	MUR-0955-F5

18.2-46.2(ii)	GANGS	Participation	Participation in criminal act, predicate is act of violence	MOB-1299-F3
18.2-47(C)	KIDNAPPING	Minor	Abduction of minor	KID-1024-F2
18.2-50.3	ENTICE		Entice etc. into dwelling w/intent to commit a specific felony	ENT-1099-F6
18.2-51.5	ASSAULT	Drive Vehicle / Operate Watercraft While Intoxicated	Victim permanently impaired, operate watercraft while intoxicated	ASL-1346-F6
18.2-51.5(B)	ASSAULT	Drive Vehicle / Operate Watercraft While Intoxicated	Victim permanently impaired, operate watercraft while intoxicated	ASL-1346-F4
18.2-51.7(A)	ASSAULT	Genital Mutilation	Circumcision, etc., of minor's labia majora, etc.	ASL-1348-F2
18.2-51.7(B)	ASSAULT	Genital Mutilation	Parent, etc., consents to minor's labia majora circumcision, etc.	ASL-1349-F2
18.2-51.7(C)	ASSAULT	Genital Mutilation	Parent, etc., takes minor from state, labia majora circumcision, etc.	ASL-1350-F2
18.2-52.2	ASSAULT	Animal, By	Fail to care, control, contain dog, results in serious human injury	ASL-3538-F6
18.2-56.1(A1)	WEAPONS	Reckless Handling	Reckless handling of firearm causes serious injury	WPN-5308-F6
18.2-57.02	ASSAULT	Law Enforcement, Court, Fire, Medical Services, Etc.	Disarm law enforcement/correctional officer of firearm/stun-gun	ASL-1356-F6
18.2-59.1	EXTORTION	Sexual Extortion	Sexual extortion	EXT-2118-F5
18.2-59.1	EXTORTION	Sexual Extortion	Sexual extortion of minor	EXT-2119-F9
18.2-59.1(A)	EXTORTION	Sexual Extortion	Sexual extortion	EXT-2118-F5
18.2-59.1(A)	EXTORTION	Sexual Extortion	Sexual extortion of minor	EXT-2119-F9
18.2-59.1(B)	EXTORTION	Sexual Extortion	Sexual extortion, housing, financial, etc.	EXT-2120-F5
18.2-59.1(B)	EXTORTION	Sexual Extortion	Sexual extortion of minor < 15, housing, financial, etc.	EXT-2122-F9
18.2-60(A,1)	EXTORTION	Threat	Threat by letter, etc., with terroristic intent	EXT-2104-F5

18.2-60(A,1)	EXTORTION	Threat	Threat by letter, communication, social media, or electronic message	EXT-2106-F6
18.2-60(A,2)	EXTORTION	School	Threat written, oral, electronic msg. to kill, discharge firearm, etc.	EXT-2105-F6
18.2-60(A,3)	EXTORTION	Threat	Threat by letter, etc., intent to intimidate a population, etc.	EXT-2130-F5
18.2-60(A,1)	EXTORTION	Threat	Threat by letter, communication, or electronic message	EXT-2106-F6
18.2-60(A,2)	EXTORTION	School	Threat by writing or electronic message to kill or do harm	EXT-2105-F6
18.2-64.2	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Carnal knowledge by employee of bail bond company	RAP-1117-F6
18.2-64.2	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Carnal knowledge of person detained etc., by DOC, DJJ staff or LEO	RAP-1118-F6
18.2-64.2	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Carnal knowledge of confidential informant by LEO	RAP-1115-F6
18.2-186.4	FRAUD	Identity Fraud	Publish name of LEO, judge, magistrate with intent to harass, etc.	FRD-2540-F6
18.2-186.4	FRAUD	Identity Fraud	Publish name of law-enforcement intent to harass, etc.	FRD-2540-F6
18.2-280(C)	WEAPONS	Schools	Discharge firearm on public property within 1000 feet of school	WPN-5201-F4
18.2-308.1:4(B)	WEAPONS	Protective Order	Possess firearm, family, etc., abuse protective order in effect	WPN-5310-F6
18.2-308.2:2(L1)	WEAPONS	Gun Dealer	Solicit, etc., dealer to transfer firearm to another	WPN-5306-F6
18.2-355	SEX OFFENSES	Prostitution	Minor, take etc., for prostitution	SEX-3607-F4
18.2-356.1(A)	FAMILY OFFENSE	Minor, Purchasing or Selling	Offer money, etc., to obtain custody or control of minor	FAM-1197-F5
18.2-356.1(B)	FAMILY OFFENSE	Minor, Purchasing or Selling	Receive money for custody or control of minor, offer to sell, etc.	FAM-1198-F5

18.2-361.01	SEX OFFENSES	Bestiality	Sexual abuse of animal	SEX-3639-F6
18.2-369(B)	FAMILY OFFENSE	Adult Abuse and Neglect	Vulnerable adult, abuse or neglect, results in death	FAM-3776-F3
18.2-371.1(C,1,i)	FAMILY OFFENSE	Child Abuse and Neglect - Firearm	Firearm possession after notice of threat, child neglect	FAM-4004-F5
18.2-371.1(C,1,ii)	FAMILY OFFENSE	Child Abuse and Neglect - Firearm	Firearm possession after violent offense, child neglect	FAM-4005-F5
18.2-374.1:2	OBSCENITY	Minors (Offense Prior to July 1, 2007)	Operate website; access to sexually explicit material for payment	OBS-3740-F4
18.2-474.2	PRISONERS, JAILS AND PRISONS	Bribery	Pecuniary benefit, providing weapon, drug, etc., to prisoner	PRI-4943-F4
18.2-477.2	PRISONERS - JUVENILE FACILITY	Weapons	Introduce or possess firearms or ammunition in facility	PRI-3894-F6
18.2-477.2	PRISONERS - JUVENILE FACILITY	Weapons	Make, possess weapon capable of death or injury	PRI-3893-F6
37.1-70.18	MENTAL HEALTH	Civil Commitment	Sexually violent predator - Escape from facility	HEA-5530-F6
37.1-70.19	MENTAL HEALTH	Civil Commitment	Sexually violent predator - Leave state while on conditional release	HEA-5531-F6
37.2-912(C)	MENTAL HEALTH	Civil Commitment	Tamper with GPS by conditionally released sex offender	HEA-5559-F6
37.2-918	MENTAL HEALTH	Civil Commitment	Sexually violent predator - Fail to return; on conditional release	HEA-5524-F6
37.2-918	MENTAL HEALTH	Civil Commitment	Sexually violent predator - Leave state while on conditional release	HEA-5531-F6
46.2-865.1(A,1)	TRAFFIC - RECKLESS DRIVING	Racing or Exhibition Driving	Racing or exhibition driving, causes serious bodily injury	REC-6635-F6
46.2-865.1(A,2)	TRAFFIC - RECKLESS DRIVING	Racing or Exhibition Driving	Cause death of another by racing or exhibition driving	REC-6633-F9

46.2-865.1(A,2)	TRAFFIC - RECKLESS DRIVING	Racing	Cause death of another by racing	REC-6633-F9
46.2-868(B)	TRAFFIC - RECKLESS DRIVING	Death	Driving license suspended or revoked causes death of another	REC-6628-F6
46.2-868(B)	TRAFFIC - RECKLESS DRIVING	Death	Driving license suspended/reckless driving causes death of another	REC-6626-F6

Chapter 4: § 19.2-297.1 Three-Strikes Legislation and Offenses Not Listed in § 17.1-805

Virginia Code § 19.2-297.1, commonly referred to as the “three-strikes” legislation, mandates a life sentence for individuals convicted of a third violent felony offense, following two separate prior felony convictions for certain violent crimes. This provision is designed to serve as a recidivist deterrent and to incapacitate individuals with repeated serious violent offenses.

However, a review of the Code reveals that several offenses included under § 19.2-297.1 are not currently listed in § 17.1-805, which governs the classification of prior record convictions for the purpose of calculating Sentencing Guidelines recommendations. This misalignment may result in inconsistencies in sentencing outcomes, the application of sentencing guidelines, and broader criminal justice policy.

To address this issue, the following thirteen offenses—enumerated in § 19.2-297.1 but currently excluded from § 17.1-805—are provided for review and possible recommendation for inclusion:

STATUTE	HEADING	SUBHEADING	DESCRIPTION	VCC
18.2-47(B)	KIDNAPPING	Parent	Kidnapping by parent removing from state	KID-1015-F6
18.2-47(C)	KIDNAPPING	Minor	Abduction of minor	KID-1024-F2
18.2-47(D)	KIDNAPPING	Parent	Kidnapping by parent, etc., removing from state	KID-1015-F6
18.2-49.1(A)	KIDNAPPING	Violation, Court Order	Child held outside VA, in violation of custody/visitation order	KID-1017-F6
18.2-50.3	ENTICE		Entice etc. into dwelling w/intent to commit a specific felony	ENT-1099-F6
18.2-63(B)	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Consenting victim age 13,14 - accused minor 3+ yrs. older	RAP-1123-F6
18.2-64.2	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Carnal knowledge by employee of bail bond company	RAP-1117-F6
18.2-64.2	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Carnal knowledge of confidential informant by LEO	RAP-1115-F6
18.2-64.2	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Carnal knowledge of person detained etc., by DOC, DJJ staff or LEO	RAP-1118-F6
18.2-64.2	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Carnal knowledge of probationer/inmate by DOC/DJJ, jail, etc. employee	RAP-1118-F6
18.2-67.5:1	SEXUAL ASSAULT	Third Conviction, Sexual Abuse	3rd conviction, consensual intercourse, sodomy, with a child	RAP-1139-F6
18.2-67.5:1	SEXUAL ASSAULT	Third Conviction, Sexual Abuse	3rd conviction, indecent exposure	RAP-1140-F6
18.2-67.5:1	SEXUAL ASSAULT	Third Conviction, Sexual Abuse	3rd conviction, peeping	RAP-1149-F6

Chapter 5: Alignment Between § 19.2-297.1 (Three-Strikes Legislation) and § 17.1-805 (Violent Offense Classification)

The "three-strikes" provision outlined in § 19.2-297.1 of the Code of Virginia mandates a life sentence for individuals convicted of a third violent felony offense following two prior separate convictions for specified violent crimes. By design, not all offenses listed in § 17.1-805 are included in § 19.2-297.1. This is intentional—certain crimes, such as **completed aggravated murder**, already carry a **fixed life sentence** and therefore do not require inclusion in the three-strikes framework.

However, § 17.1-805 includes a broader range of offenses deemed "violent" for the purpose of criminal history scoring under the Sentencing Guidelines. While these offenses are classified as violent, policymakers have determined that they do **not** rise to the level that would automatically trigger a life sentence under three-strikes provisions.

If the goal is to align the two statutory tables, a policy decision will be required: either to incorporate the offenses listed below into § 19.2-297.1 or to remove them from § 17.1-805. Additionally, clarification will be needed regarding the appropriate classification of aggravated murder within each section, given its existing required life sentence.

STATUTE	HEADING	SUBHEADING	DESCRIPTION	VCC
16.1-253.2(A)	PROTECTIVE ORDERS	Juvenile & Domestic Court	Violation of protective order (violence) 3rd w/in 20 yrs.	PRT-5002-F6
16.1-253.2(B)	PROTECTIVE ORDERS	Juvenile & Domestic Court	Armed with deadly weapon, violation of protective order while	PRT-5073-F6
16.1-253.2(C)	PROTECTIVE ORDERS	Juvenile & Domestic Court	Assault with injury to person with protective order	PRT-5004-F6
16.1-253.2(C)	PROTECTIVE ORDERS	Juvenile & Domestic Court	Enter home of person with protective order	PRT-5003-F6
16.1-253.2(C)	PROTECTIVE ORDERS	Juvenile & Domestic Court	Stalk person with protective order	PRT-5065-F6
16.1-253.2	PROTECTIVE ORDERS	Juvenile & Domestic Court	Assault w/serious injury to person with protective order	PRT-5004-F6

16.1-253.2	PROTECTIVE ORDERS	Juvenile & Domestic Court	Enter home of person with protective order	PRT-5003-F6
16.1-253.2	PROTECTIVE ORDERS	Juvenile & Domestic Court	Violation of protective order (violence) 3rd w/in 20 yrs.	PRT-5002-F6
18.2-29	SOLICITATION	Solicitation to commit a murder	Solicitation to commit murder	SOL-7202-F9
18.2-31(15)	MURDER	Aggravated - Accessory Before the Fact / Principal 2nd Deg.	Witness	MUR-0993-F2
18.2-36.1(B)	MURDER	Manslaughter	Involuntary manslaughter, under the influence - vehicular, aggravated	MUR-0948-F9
18.2-36.2(B)	MURDER	Manslaughter	Involuntary manslaughter, under the influence - watercraft, aggravated	MUR-0949-F9
18.2-46.3(B,c)	GANGS	Recruitment	Felony, use force/threats to encourage person to commit a	MOB-1296-F6
18.2-46.3(B,c)	GANGS	Recruitment - School Zone, Community Center, Etc.	Felony, use force/threats to encourage person to commit - school, etc.	MOB-1286-F4
18.2-46.3(B,c)	GANGS	Recruitment - School Zone, Community Center, Etc.	Felony, use force/threats to encourage person to commit - school, etc.	MOB-1286-F5
18.2-46.5(A)	TERRORISM	Act	Act of terrorism - base offense	TER-8000-F2

			20 years or more	
18.2-46.5(B)	TERRORISM	Act	Act of terrorism - base offense less than 20 years	TER-8001-F3
18.2-46.5(C)	TERRORISM	Solicit	Solicit, recruit, etc., another for act of terrorism	TER-8006-F4
18.2-46.5(D)	TERRORISM	Material Support	Provide material support to terrorist	TER-8008-F3
18.2-46.5(D)	TERRORISM	Material Support	Provide material support to terrorist, results in death	TER-8009-F2
18.2-46.6(A)	TERRORISM	Weapon	Possess, etc., weapon of terrorism w/intent to terrorize	TER-8002-F2
18.2-46.6(B)	TERRORISM	Weapon	Possess, etc., imitation weapon of terror w/intent to terrorize	TER-8003-F3
18.2-46.6(C)	TERRORISM	Weapon	Possess, etc., imitation weapon of terror with intent to intimidate	TER-8004-F6
18.2-46.6(D)	TERRORISM	Fentanyl	Fentanyl, weapon of terrorism	TER-8011-F4
18.2-46.7	TERRORISM	Biological	Malicious biological destruction of crops/animals value \$2500 or more	TER-8005-F3
18.2-51.1	ASSAULT	Law Enforcement, Court, Fire, Medical Services, Etc.	Non-malicious injury to law enforcement,	ASL-1330-F6

			fire/EMS personnel, etc.	
18.2-51.3	ASSAULT	Unlawful Injury	Throw object from roof top, etc., with intent to injure	ASL-1355-F6
18.2-51.4(A)	ASSAULT	Drive Vehicle / Operate Watercraft While Intoxicated	Victim permanently impaired, DWI vehicle with reckless disregard	ASL-1339-F6
18.2-51.4(B)	ASSAULT	Drive Vehicle / Operate Watercraft While Intoxicated	Victim permanently impaired, DWI vehicle with reckless disregard	ASL-1339-F4
18.2-51.6(A)	ASSAULT	Strangulation	Strangulation resulting in wounding or bodily injury	ASL-1347-F6
18.2-51.6(B)	ASSAULT	Suffocation	Suffocation resulting in wounding or bodily injury	ASL-1351-F6
18.2-51.6	ASSAULT	Strangulation	Strangulation resulting in wounding or bodily injury	ASL-1347-F6
18.2-51	ASSAULT	Unlawful Injury	Stab, cut, wound without malicious intent	ASL-1335-F6
18.2-52.1(A)	ASSAULT	Biological Substances and Radiological Agents	Injure w/infectious biological/radiological agent, possession w/intent	ASL-1338-F5
18.2-52.1(B)	ASSAULT	Biological Substances	Damage facility involved w/infectious biological substances	ASL-1337-F5

18.2-52.1(B)	ASSAULT	Biological Substances and Radiological Agents	Damage facility involved w/infectious biological/radiological agents	ASL-1337-F4
18.2-52	ASSAULT	Caustic Substance	Non-malicious injury by caustic substance or fire	ASL-1331-F6
18.2-53.1	ASSAULT	Firearm	Firearm use in commission of felony - first offense	ASL-1319-F9
18.2-53.1	ASSAULT	Firearm	Firearm use in commission of felony - subsequent offense	ASL-1323-F9
18.2-53	ASSAULT	Other	During commission of a felony, shoot, stab, cut or wound	ASL-1318-F6
18.2-54.1	ASSAULT	Poisoning	Poison food, drugs, water, drinks w/intent to injure or kill	ASL-1332-F3
18.2-54.2	ASSAULT	Poisoning	Adulteration of food, drug, etc., w/intent to injure or kill	ASL-1317-F3
18.2-55	ASSAULT	Prisoner, Probationer, Etc.	Assault by accused prisoner, probationer, or parolee	ASL-1333-F5
18.2-57.2(B)	ASSAULT	Simple Assault - Family	Simple assault, against family member, 3rd/subsequent	ASL-1316-F6
18.2-57(B)	ASSAULT	Simple Assault - Hate Crime	Hate crime; assault and battery (felony)	ASL-1341-F6

18.2-57(B)	ASSAULT	Simple Assault - Hate Crime	Hate crime; assault and battery (felony)	ASL-1341-F6
18.2-60.1	EXTORTION	Governor	Threaten governor or family	EXT-2108-F6
18.2-60.3(B)	STALKING		2nd conviction w/in 5 yrs. prior assault/protective order conviction	STK-2115-F6
18.2-60.3(B)	STALKING		3rd conviction or subsequent w/in 5 years of 1st conviction	STK-2112-F6
18.2-60.3(B)	STALKING		Stalking with intent to cause fear, etc., 2nd offense w/in 5 years	STK-2116-F6
18.2-60.3(C)	STALKING		3rd conviction/subsequent conv w/in 5 years of 1st conviction	STK-2112-F6
18.2-60.4(A)	PROTECTIVE ORDERS	Other	Violation of protective order (violence) 3rd w/in 20 yrs.	PRT-5067-F6
18.2-60.4(B)	PROTECTIVE ORDERS	Other	Armed with deadly weapon, violation of protective order while	PRT-5074-F6
18.2-60.4(C)	PROTECTIVE ORDERS	Other	Assault with injury to person with protective order	PRT-5063-F6
18.2-60.4(C)	PROTECTIVE ORDERS	Other	Enter home of person with protective order	PRT-5064-F6
18.2-60.4(C)	PROTECTIVE ORDERS	Other	Stalk person with protective order	PRT-5075-F6

18.2-60.4	PROTECTIVE ORDERS	Other	Assault w/serious injury to person with protective order	PRT-5063-F6
18.2-60.4	PROTECTIVE ORDERS	Other	Enter home of person with protective order	PRT-5064-F6
18.2-60.4	PROTECTIVE ORDERS	Other	Violation of protective order (violence) 3rd w/in 20 yrs.	PRT-5067-F6
18.2-67.5	SEXUAL ASSAULT	Attempts, Felony	Use VCC for actual crime & change "F" to "A" in code	
18.2-85	ARSON, EXPLOSIVES, BOMBS	Bomb	Hoax firebomb, explosive, construct, use or send	ARS-2025-F6
18.2-85	ARSON, EXPLOSIVES, BOMBS	Bomb	Manufacture or possession of firebomb, explosive, etc.	ARS-2016-F5
18.2-89	BURGLARY	Common Law - Larceny, Other Felony/Night	Dwelling at night w/intent to commit felony or larceny	BUR-2221-F3
18.2-89	BURGLARY	Common Law - Larceny, Other Felony/Night	Dwelling at night w/intent to commit felony/larceny - deadly weapon	BUR-2222-F2
18.2-90	BURGLARY	Statutory - Murder, Rape, Rob, Arson	Dwelling house with intent to commit murder, rape, rob, arson	BUR-2211-F3
18.2-90	BURGLARY	Statutory - Murder, Rape, Rob, Arson	Dwelling house with intent to murder, etc. - deadly weapon	BUR-2212-F2
18.2-90	BURGLARY	Statutory - Murder, Rape, Rob, Arson	Other structure with intent to commit murder, rape, rob, arson	BUR-2218-F3

18.2-90	BURGLARY	Statutory - Murder, Rape, Rob, Arson	Other structure with intent to murder, etc. - deadly weapon	BUR-2215-F2
18.2-91	BURGLARY	Statutory - Other Felony, Assault & Battery	Dwelling house with intent to commit larceny, A&B, etc.	BUR-2213-F9
18.2-91	BURGLARY	Statutory - Other Felony, Assault & Battery	Dwelling with intent to commit larceny, A&B, etc. - deadly weapon	BUR-2214-F2
18.2-91	BURGLARY	Statutory - Other Felony, Assault & Battery	Other structure with intent to commit larceny, A&B, etc.	BUR-2216-F9
18.2-91	BURGLARY	Statutory - Other Felony, Assault & Battery	Other structure with intent to commit larceny, A&B, etc. - weapon	BUR-2217-F2
18.2-92	BURGLARY	Breaking & Entering - Other Misdemeanors	Occupied dwelling, enter, intent to commit misd.	BUR-2219-F6
18.2-92	BURGLARY	Breaking & Entering - Other Misdemeanors	Occupied dwelling, enter, intent to commit misd. - deadly weapon	BUR-2220-F2
18.2-93	BURGLARY	Bank	Entering bank armed with intent to commit larceny	BUR-2207-F2
18.2-152.7	COMPUTER CRIME	Computer Trespass - Injury to Person	Malicious computer use - intent physical injury to individual	COM-2965-F3
18.2-152.7	COMPUTER CRIME	Computer Trespass - Injury to Person	Unlawful computer use - intent physical injury to individual	COM-2966-F6

18.2-153	VANDALISM, DAMAGE PROPERTY	Railroad, Canal, Electric Line, Etc.	Obstruct or injure canal, railroad - malicious	VAN-2929-F4
18.2-154	VANDALISM, DAMAGE PROPERTY	Vehicle - Law Enforcement/Emergency	Shoot or throw missile at law enforc./emerg. veh. w/malice	VAN-2905-F4
18.2-154	VANDALISM, DAMAGE PROPERTY	Vehicle	Shoot or throw missile at train, car, vessel w/malice	VAN-2939-F4
18.2-155	VANDALISM, DAMAGE PROPERTY	Railroad	Injure railroad signal maliciously	VAN-2917-F4
18.2-162	VANDALISM, DAMAGE PROPERTY	Elec., Oil, Phone, Gas, Water Facility	Damage to public utilities or services ≥ \$1000	VAN-2911-F4
18.2-162	VANDALISM, DAMAGE PROPERTY	Elec., Oil, Phone, Gas, Water Facility	Damage to public utilities or services ≥ \$500	VAN-2911-F4
18.2-162	VANDALISM, DAMAGE PROPERTY	Utilities: Electric, Oil, Phone, Gas, Water Facility, Etc.	Damage over \$200	VAN-2911-F4
18.2-162	VANDALISM, DAMAGE PROPERTY	Utilities: Electric, Oil, Phone, Gas, Water Facility, Etc.	Damage threat release of radioactive materials - no Injury	VAN-2912-F4
18.2-162	VANDALISM, DAMAGE PROPERTY	Utilities: Electric, Oil, Phone, Gas, Water Facility, Etc.	Radioactive damage resulting in damage or injury	VAN-2914-F3
18.2-162	VANDALISM, DAMAGE PROPERTY	Utilities: Electric, Oil, Phone, Gas, Water Facility, Etc.	Radioactive damage resulting in death	VAN-2915-F2
18.2-279	WEAPONS	Schools	Discharge firearm within or at occupied school	WPN-5255-F4

18.2-279	WEAPONS	Building	Discharge firearm, missile in/at occupied bldg, unlawfully	WPN-5242-F6
18.2-279	WEAPONS	Building	Discharge firearm, missile in/at occupied bldg., maliciously	WPN-5229-F4
18.2-280(A)	WEAPONS	Public Place	Discharge firearm in public place; 3rd/subsequent	WPN-5273-F6
18.2-280(A)	WEAPONS	Public Place	Discharge firearm in public place, results in injury	WPN-5301-F6
18.2-280(B)	WEAPONS	Schools	Discharge firearm on school property or w/in 1000 feet	WPN-5254-F4
18.2-280(B)	WEAPONS	Schools	Discharge firearm upon buildings or grounds	WPN-5200-F4
18.2-281	WEAPONS	Remotely Controlled	Spring gun or deadly weapon, remotely controlled	WPN-5238-F6
18.2-282.1	WEAPONS	Schools	Brandish machete or bladed weapon on school property	WPN-5287-F6
18.2-282(A)	WEAPONS	Brandish	Brandish or point firearm; 3rd/subsequent	WPN-5274-F6
18.2-282(A)	WEAPONS	Schools	Brandish/point firearm on school property or w/in 1000 feet	WPN-5258-F6

18.2-286.1	WEAPONS	Vehicle	Discharge firearm from motor vehicle	WPN-5248-F5
18.2-287.2	WEAPONS	Body Armor	Body armor, wear during commission of violent or drug crime	WPN-5247-F4
18.2-289	WEAPONS	Machine Guns	Possession in perpetration of crime	WPN-5227-F2
18.2-290	WEAPONS	Machine Guns	Possession for offensive or aggressive purposes	WPN-5226-F4
18.2-300(A)	WEAPONS	Sawed-off Shotguns	Possession in perpetration of violent crime	WPN-5261-F2
18.2-308.2:1(A)	WEAPONS	Ineligible Person, Purchase/Provide to	Sell, give firearm to designated felon or ineligible person	WPN-5218-F4
18.2-308.2:1	WEAPONS	Felon	Sell, give firearm to designated felon	WPN-5218-F6
18.2-308.2:1	WEAPONS	Ineligible Person, Purchase/Provide to	Sell, give firearm to designated felon or ineligible person	WPN-5218-F4
18.2-308.2:2(M)	WEAPONS	Purchase	Provide > 1 firearm to ineligible person through purchase/trans.	WPN-5285-F4
18.2-308.2:2(M)	WEAPONS	Purchase	Provide > 1 firearm to ineligible person through purchase/trans.	WPN-5285-F5
18.2-308.2:2(M,i)	WEAPONS	Ineligible Person, Purchase/Provide to	Purchase firearm -	WPN-5283-F4

			provide to ineligible person	
18.2-308.2:2(M,i)	WEAPONS	Ineligible Person, Purchase/Provide to	Purchase firearm - provide to ineligible person	WPN-5283-F5
18.2-308.2:2(M,ii)	WEAPONS	Ineligible Person, Purchase/Provide to	Transport firearm out of state - provide to ineligible person	WPN-5284-F4
18.2-308.2:2(M,ii)	WEAPONS	Ineligible Person, Purchase/Provide to	Transport firearm out of state - provide to ineligible person	WPN-5284-F5
18.2-308.2:2(N)	WEAPONS	Ineligible Person, Purchase/Provide to	Solicit by ineligible person, violation of §18.2-308.2:2(M)	WPN-5286-F4
18.2-308.2:2(N)	WEAPONS	Ineligible Person, Purchase/Provide to	Solicit by ineligible person, violation of §18.2-308.2:2(M)	WPN-5286-F5
18.2-308.1(B)	WEAPONS	Schools	Firearm, use or attempt to use on school property	WPN-5300-F9
18.2-308.1(C)	WEAPONS	Schools	Firearm, use or attempt to use on school property, etc.	WPN-5300-F9
18.2-308.2(A)	WEAPONS	Felon	Convicted felon (non-violent >10 yr) possess firearm, etc.	WPN-5291-F6
18.2-308.2(A)	WEAPONS	Felon	Convicted felon (non-violent w/in 10 yr.) possess firearm, etc.	WPN-5297-F6

18.2-308.2(A)	WEAPONS	Felon	Convicted felon (violent) possess/transport firearm	WPN-5296-F6
18.2-308.2(A)	WEAPONS	Felon	Convicted felon possess taser, explosives, ammunition, other weapon	WPN-5298-F6
18.2-308.2	WEAPONS	Felon - Offense Prior to July 1, 1999	Convicted felon, poss., transp. firearm/concealed weapon	WPN-5220-F6
18.2-308.3	WEAPONS	Ammunition	Restricted firearm ammunition use in crimes	WPN-5233-F5
18.2-312	WEAPONS	Tear Gas	Malicious release of dangerous gas resulting in injury	WPN-5239-F3
18.2-312	WEAPONS	Tear Gas	Unlawful release of dangerous gas resulting in injury	WPN-5240-F6
18.2-346.01(i)	SEX OFFENSES	Prostitution	Solicitation of prostitution from minor age 16 or older	SEX-3650-F6
18.2-346.01(ii)	SEX OFFENSES	Prostitution	Solicitation of prostitution from minor less than age 16	SEX-3651-F5
18.2-346(B,i)	SEX OFFENSES	Prostitution	Solicitation of prostitution from minor age 16 or older	SEX-3650-F6
18.2-346(B,ii)	SEX OFFENSES	Prostitution	Solicitation of prostitution from minor less than age 16	SEX-3651-F5

18.2-348	SEX OFFENSES	Prostitution	Aiding/assisting in procurement of person <18	SEX-3611-F6
18.2-349	SEX OFFENSES	Prostitution	Using vehicle to promote prostitution of person <18	SEX-3612-F6
18.2-355(1)	SEX OFFENSES	Prostitution	Enticement, procurement	SEX-3626-F4
18.2-355(2)	SEX OFFENSES	Prostitution	Compel to marry by force or threats	SEX-3624-F4
18.2-355(3)	SEX OFFENSES	Prostitution	Parent permitting child	SEX-3629-F4
18.2-355(4)	SEX OFFENSES	Prostitution	Minor, take etc., for prostitution, pandering	SEX-3607-F3
18.2-356(i)	SEX OFFENSES	Prostitution	Receive money, etc., for procuring/placing < age 18 to engage in sex	SEX-3692-F3
18.2-356(i)	SEX OFFENSES	Prostitution	Receive money, etc., for procuring/placing person to engage in sex act	SEX-3631-F4
18.2-356(ii)	LABOR	Procurement	Receive money, etc., for procuring < age 18 for forced labor/services	LAB-7485-F3
18.2-356(ii)	LABOR	Procurement	Receive money, etc., for procuring person for forced labor/services	LAB-7482-F4
18.2-356(ii)	OBSCENITY	Procurement	Receive money, etc., procuring < age 18 - manufacture obscene material	OBS-3694-F3

18.2-356(ii)	OBSCENITY	Procurement	Receive money, etc., procuring person - manufacture obscene material	OBS-3696-F4
18.2-356(ii)	OBSCENITY - CHILD PORN	Procurement	Receive money, etc., procuring < age 18 - manufacture child porn	OBS-3697-F3
18.2-356(ii)	OBSCENITY - CHILD PORN	Procurement	Receive money, etc., procuring person - manufacture child porn	OBS-3695-F4
18.2-356(ii)	SEX OFFENSES	Concubinage	Receive money, etc., for procuring < age 18 to engage in concubinage	SEX-3698-F3
18.2-356(ii)	SEX OFFENSES	Concubinage	Receive money, etc., for procuring person to engage in concubinage	SEX-3647-F4
18.2-356(ii)	SEX OFFENSES	Prostitution	Receive money, etc., for procuring < age 18 to engage in prostitution	SEX-3699-F3
18.2-356(ii)	SEX OFFENSES	Prostitution	Receive money, etc., for procuring person to engage in prostitution	SEX-3646-F4
18.2-356(iii)	LABOR	Procurement	Receive money, etc., for procuring < age 18 for forced labor/services	LAB-7485-F3
18.2-356(iii)	LABOR	Procurement	Receive money, etc., for	LAB-7482-F4

			procuring person for forced labor/services	
18.2-357.1(A)	SEX OFFENSES	Commercial Sex Trafficking	Sex trafficking	SEX-3662-F5
18.2-357.1(B)	SEX OFFENSES	Commercial Sex Trafficking	Sex trafficking by force, etc.	SEX-3663-F4
18.2-357.1(C)	SEX OFFENSES	Commercial Sex Trafficking	Sex trafficking of person less than age 18	SEX-3664-F3
18.2-357	SEX OFFENSES	Prostitution	Pander, pimp, or receive money from person < age 18	SEX-3648-F3
18.2-357	SEX OFFENSES	Prostitution	Pander, pimp, or receive money from prostitute	SEX-3628-F4
18.2-358	SEX OFFENSES	Prostitution	Detain in bawdy place	SEX-3625-F4
18.2-361(B)	SEX OFFENSES	Sodomy	Family member to family member	SEX-3641-F5
18.2-361(B)	SEX OFFENSES	Sodomy	Parent/grandparent to child/grandchild age 13 to 17	SEX-3640-F3
18.2-361	SEX OFFENSES	Crimes Against Nature	Forcible carnal knowledge	SEX-1195-F4
18.2-361	SEX OFFENSES	Crimes Against Nature	Forcible carnal knowledge	SEX-1196-F3
18.2-366(B)	SEX OFFENSES	Incest, Forbidden to Marry	W/own or step child/grandchild age 13 to 17 (incest)	SEX-3642-F3
18.2-366(B)	SEX OFFENSES	Incest, Forbidden to Marry	With own or step child or grandchild, father, mother, etc. (incest)	SEX-3616-F5
18.2-368	SEX OFFENSES	Prostitution	Place or leave wife for prostitution (pandering)	SEX-3630-F4

18.2-369(A)	FAMILY OFFENSE	Adult Abuse and Neglect	Incapacitated adult, abuse or neglect-serious injury/disease	FAM-3802-F6
18.2-369(B)	FAMILY OFFENSE	Adult Abuse and Neglect	Vulnerable adult, abuse or neglect, serious injury/disease	FAM-3802-F4
18.2-369(B)	FAMILY OFFENSE	Adults	Incapacitated adult, abuse or neglect-serious injury/disease	FAM-3802-F6
18.2-370.1(A)	SEX OFFENSES	Indecent Liberties	Take indecent liberties with child - custodian	SEX-3635-F6
18.2-370.1(B)	SEX OFFENSES	Indecent Liberties	Take indecent liberties with child - custodian, 2nd/subsq.	SEX-3668-F5
18.2-370(A)	SEX OFFENSES	Indecent Liberties	Child under age 15	SEX-3643-F5
18.2-370(A)	SEX OFFENSES	Indecent Liberties	Take indecent liberties with child under age 14	SEX-3634-F5
18.2-370(B)	SEX OFFENSES	Indecent Liberties	Receive money, allowing minor subject of sexual material	SEX-3669-F5
18.2-370(C)	SEX OFFENSES	Indecent Liberties	Receive money, allowing minor subject of sexual material, subsq.	SEX-3670-F4
18.2-370(C)	SEX OFFENSES	Indecent Liberties	Take indecent liberties with child - 2nd or Subsequent	SEX-3666-F4
18.2-370(D,i)	SEX OFFENSES	Indecent Liberties	Parent/grandparent, etc., child age of 15 to 17	SEX-3644-F5

18.2-370(D,ii)	SEX OFFENSES	Indecent Liberties	Parent/grandparent, etc., child age less than 15	SEX-3645-F4
18.2-370	SEX OFFENSES	Indecent Liberties	Take indecent liberties with child	SEX-3634-F6
18.2-370	SEX OFFENSES	Indecent Liberties	Take indecent liberties with child (2nd or Subsequent Offense)	SEX-3666-F5
18.2-371.1(A)	FAMILY OFFENSE	Child Abuse and Neglect	Child abuse and neglect, serious injury	FAM-3806-F4
18.2-374.1:1(A)	OBSCENITY - CHILD PORN	Possession, Distribution, Reproduction	Possess child porn (first offense)	OBS-3731-F6
18.2-374.1:1(B)	OBSCENITY - CHILD PORN	Possession, Distribution, Reproduction	Possess child porn (subsequent offense)	OBS-3732-F5
18.2-374.1:1(C)	OBSCENITY - CHILD PORN	Possession, Distribution, Reproduction	Reproduce, transmit, sell, etc., child porn	OBS-3680-F9
18.2-374.1:1(C)	OBSCENITY - CHILD PORN	Possession, Distribution, Reproduction	Reproduce, transmit, sell, etc., child porn, subsequent	OBS-3681-F9
18.2-374.1:1(C,i)	OBSCENITY - CHILD PORN	Possession, Distribution, Reproduction	Reproduce, transmit, sell, etc., child porn	OBS-3680-F9
18.2-374.1:1(C,i)	OBSCENITY - CHILD PORN	Possession, Distribution, Reproduction	Reproduce, transmit, sell, etc., child porn, subsequent	OBS-3681-F9
18.2-374.1:1(C,ii)	OBSCENITY - CHILD PORN	Possession, Distribution, Reproduction	Solicitation of child porn to gain entry to group	OBS-3677-F9
18.2-374.1:1(C,ii)	OBSCENITY - CHILD PORN	Possession, Distribution, Reproduction	Solicitation of child porn to gain entry to group, subsequent	OBS-3678-F9

18.2-374.1:1(D)	OBSCENITY	Minors	Possess obscene material (subsequent offense)	OBS-3732-F6
18.2-374.1:1(D)	OBSCENITY	Minors (Offense Prior to July 1, 2007)	Possess obscene material (subsequent offense)	OBS-3732-F5
18.2-374.1:1(D)	OBSCENITY - CHILD PORN	Website	Operate website; access to sexually explicit material for payment	OBS-3740-F4
18.2-374.1(B,1)	OBSCENITY	Minors (Offense Prior to July 1, 2007)	Accost, entice to perform in sexually explicit material	OBS-3735-F5
18.2-374.1(B,1)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Entice minor to perform in porn, age <15	OBS-3741-F9
18.2-374.1(B,1)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Entice minor to perform in porn, age	OBS-3742-F9
18.2-374.1(B,1)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Entice minor to perform in porn, age	OBS-3743-F9
18.2-374.1(B,1)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Entice minor to perform in porn, age 15+	OBS-3744-F9
18.2-374.1(B,1)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Entice minor to perform in porn, age 15+, offender 7+ yrs.	OBS-3745-F9
18.2-374.1(B,1)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Entice minor to perform in porn, age 15+, offender 7+ yrs., 2nd/Subsq.	OBS-3746-F9
18.2-374.1(B,2)	OBSCENITY	Minors (Offense Prior to July 1, 2007)	Produce materials involving minor	OBS-3721-F5

18.2-374.1(B,2)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Produce, make child porn, age <15	OBS-3747-F9
18.2-374.1(B,2)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Produce, make child porn, age	OBS-3748-F9
18.2-374.1(B,2)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Produce, make child porn, age	OBS-3749-F9
18.2-374.1(B,2)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Produce, make child porn, age 15+	OBS-3750-F9
18.2-374.1(B,2)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Produce, make child porn, age 15+, offender 7+ yrs.	OBS-3751-F9
18.2-374.1(B,2)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Produce, make child porn, age 15+, offender 7+ yrs., 2nd/Subsq.	OBS-3752-F9
18.2-374.1(B,3)	OBSCENITY	Minors (Offense Prior to July 1, 2007)	Participate in filming etc. of sexually explicit material	OBS-3736-F5
18.2-374.1(B,3)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Take part, film child porn, age < 15	OBS-3753-F9
18.2-374.1(B,3)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Take part, film child porn, age < 15, offender 7+ yrs.	OBS-3754-F9
18.2-374.1(B,3)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Take part, film child porn, age < 15, offender 7+ yrs., 2nd/Subsq.	OBS-3755-F9
18.2-374.1(B,3)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Take part, film child porn, age 15+	OBS-3756-F9
18.2-374.1(B,3)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Take part, film child porn, age 15+, offender 7+ yrs.	OBS-3757-F9

18.2-374.1(B,3)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Take part, film child porn, age 15+, offender 7+ yrs., 2nd/Subsq.	OBS-3760-F9
18.2-374.1(B,4)	OBSCENITY	Minors (Offense Prior to July 1, 2007)	Sell, give, distribute, transmit sexually explicit material	OBS-3737-F5
18.2-374.1(B,4)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Finance child porn, age < 15	OBS-3682-F9
18.2-374.1(B,4)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Finance child porn, age < 15, offender 7+ yrs.	OBS-3683-F9
18.2-374.1(B,4)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Finance child porn, age < 15, offender 7+ yrs., 2nd/Subsq.	OBS-3684-F9
18.2-374.1(B,4)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Finance child porn, age 15+	OBS-3685-F9
18.2-374.1(B,4)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Finance child porn, age 15+, offender 7+ yrs.	OBS-3686-F9
18.2-374.1(B,4)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Finance child porn, age 15+, offender 7+ yrs., 2nd/Subsq.	OBS-3687-F9
18.2-374.1(C)	OBSCENITY	Minors (Offense Prior to July 1, 2007)	Finance sexually explicit visual material	OBS-3717-F4
18.2-374.3(A)	OBSCENITY	Minors (Offense Prior to July 1, 2007)	Electronic means for procuring minors for obscene material etc.	OBS-3730-F6
18.2-374.3(B)	OBSCENITY	Minors (Offense Prior to July 1, 2007)	Electronic means to solicit minors for prostitution sodomy etc.	OBS-3758-F5

18.2-374.3(B)	OBSCENITY - CHILD SOLICITATION	Communications System	Procure minor for obscene material by communication s system	OBS-3730-F6
18.2-374.3(C)	OBSCENITY - CHILD SOLICITATION	Communications System	Propose sex act by communication s sys. age <15	OBS-3701-F5
18.2-374.3(C)	OBSCENITY - CHILD SOLICITATION	Communications System	Propose sex act by communication s sys. age	OBS-3702-F9
18.2-374.3(C)	OBSCENITY - CHILD SOLICITATION	Communications System	Propose sex act by communication s sys. age	OBS-3703-F9
18.2-374.3(D)	OBSCENITY - CHILD SOLICITATION	Communications System	Propose sex act by communication s sys. age 15+, offender 7+ yr	OBS-3690-F5
18.2-374.3(D)	OBSCENITY - CHILD SOLICITATION	Communications System	Propose sex act by communication s sys. age 15+, offender 7+ yr	OBS-3690-F9
18.2-374.3(D)	OBSCENITY - CHILD SOLICITATION	Communications System	Propose sex act by communication s sys. age 15+, offender 7+ yr, 2nd+	OBS-3691-F9
18.2-374.3(E)	OBSCENITY - CHILD SOLICITATION	Communications System	Procure minor for prostitution, sodomy, porn by communication s system	OBS-3689-F5
18.2-374.4	OBSCENITY - CHILD GROOMING	Video	Display child porn or grooming video to child under age 13	OBS-3679-F6

18.2-379	OBSCENITY	Minors	Permit minors in obscene performances (subsequent)	OBS-3720-F6
18.2-381	OBSCENITY	Subsequent Offense	Subsequent pornography conviction under §§18.2-374 thru 18.2-379	OBS-3734-F6
18.2-405	RIOT AND UNLAWFUL ASSEMBLY	Weapons	Participate in riot with firearm or weapon	RUA-5321-F5
18.2-406	RIOT AND UNLAWFUL ASSEMBLY	Weapons	Participate in unlawful assembly w/firearm or weapon	RUA-5324-F5
18.2-408	RIOT AND UNLAWFUL ASSEMBLY	Other	Conspire with, incite others to riot	RUA-5315-F5
18.2-413	RIOT AND UNLAWFUL ASSEMBLY	Governor's Order	Governor's order, fail to disperse	RUA-5316-F5
18.2-414	RIOT AND UNLAWFUL ASSEMBLY	Other	Injury to another, damage to property	RUA-5318-F6
18.2-423.01(A)	VIOLENT ACTIVITIES		Burn object on private property w/intent to intimidate	VIO-5332-F6
18.2-423.1(A)	VIOLENT ACTIVITIES		Swastika, placement on building or private property to intimidate	VIO-5329-F6
18.2-423.01(B)	VIOLENT ACTIVITIES		Burn object on highway/public place w/intent to intimidate	VIO-5333-F6
18.2-423.1(B)	VIOLENT ACTIVITIES		Swastika, placement on highway, public	VIO-5334-F6

			place, to intimidate	
18.2-423.1	VIOLENT ACTIVITIES		Swastika, placement on building to intimidate	VIO-5329-F6
18.2-423.2	VIOLENT ACTIVITIES		Noose, display in public place to intimidate	VIO-5339-F6
18.2-423.2	VIOLENT ACTIVITIES		Noose, display on private property to intimidate	VIO-5338-F6
18.2-423	VIOLENT ACTIVITIES		Cross, burn to intimidate	VIO-5328-F6
18.2-433.2	VIOLENT ACTIVITIES		Paramilitary activity to cause disorder, teach, assemble for	VIO-5331-F5
18.2-460(C)	OBSTRUCTION OF JUSTICE	Obstruct or Impede in Court	Obstruct or impede justice in court - drug, gang, §17.1-805 offenses	JUS-4820-F5
18.2-460(C)	OBSTRUCTION OF JUSTICE	Resisting Arrest/Intimidation of LEO, Judge, Juror, CA, Etc.	Resisting arrest, obstructing justice by threats bodily harm or force	JUS-4832-F5
18.2-473.2(C)	PRISONERS, JAILS AND PRISONS	Security Camera	Security camera covered, made inoperable, etc., prevent view of felony	PRI-4902-F6
18.2-474.1	PRISONERS, JAILS AND PRISONS	Drugs, etc.	Delivery of narcotics, marijuana to prisoner, etc.	PRI-3241-F5
18.2-474.1	PRISONERS, JAILS AND PRISONS	Weapons	Delivery of weapons or ammunition to prisoner or confined person	PRI-3242-F3
18.2-477.1(B)	ESCAPES	With Force	Juvenile facility by force or	ESC-4927-F6

			violence, escape from secure	
18.2-477	ESCAPES	With Force	Escape by force or violence from jail	ESC-4908-F6
18.2-478	ESCAPES	With Force	Not convicted, escape from jail/custody by force or violence	ESC-4911-F6
18.2-480	ESCAPES	Fire	Escape or attempted escape by setting fire to jail	ESC-4910-F4
18.2-481	TREASON		Levying war against national or state government	TRE-0111-F2
18.2-485	TREASON		Inciting one race to insurrection against another	TRE-0110-F4
37.2-917	MENTAL HEALTH	Civil Commitment	Sexually violent predator - Escape from facility	HEA-5530-F6
52-48	INTELLIGENCE, CRIMINAL/TERR ORISM	Virginia Fusion Intelligence Center	Disseminate criminal or terrorism intelligence - death/injury results	INT-8051-F4
53.1-203(1)	ESCAPES	Correctional Facility	Escape from a correctional facility	ESC-4921-F6
53.1-203(2)	PRISONERS, JAILS AND PRISONS	Destroy Property	Break, cut, damage any part of facility to aid escape	PRI-3258-F6
53.1-203(3)	ESCAPES	Other	Possess an instrument to aid escape	ESC-4922-F6
53.1-203(4)	PRISONERS, JAILS AND PRISONS	Weapons	Make, possess unauthorized. weapon	PRI-3259-F6

			capable of death, injury	
53.1-203(5)	PRISONERS, JAILS AND PRISONS	Drugs, etc.	Possess, sell, secrete unlawful chemical compound	PRI-3260-F6
53.1-203(6)	PRISONERS, JAILS AND PRISONS	Drugs, etc.	Possess, sell, secrete Sch. III drug, marijuana	PRI-3261-F5
53.1-203(7)	PRISONERS, JAILS AND PRISONS	Weapons	Introduce or possess firearms or ammunition in facility	PRI-3262-F6
53.1-203(8)	PRISONERS, JAILS AND PRISONS	Destroy Property	Burn or destroy with explosive any personal property	PRI-3263-F6
53.1-203(9)	PRISONERS, JAILS AND PRISONS	Destroy Property	Fire protection/suppression system, tamper, damage, etc.	PRI-4942-F6
53.1-203(10)	PRISONERS, JAILS AND PRISONS	Other	Conspiracy to commit any act specified in §53.1 - 203	PRI-3264-F6

Chapter 6: De Facto Violent Offenses Statutes

While certain statutes explicitly govern the amount of time an individual serves in jail or prison—such as those listed in §§ 17.1-805 and 19.2-297.1—other statutes also have a significant impact on actual time served. These additional statutes, though not formally included in the referenced sections, effectively extend incarceration through enhanced penalties, restricted eligibility for release, or limitations on sentence reductions.

For example, **Earned Sentence Credit (ESC)**—which determines the rate at which inmates may earn credit toward early release based on the type of offense—is governed by § 53.1-202.3. Another relevant statute, § 53.1-40.02, allows for the **conditional release of terminally ill prisoners**, but only for certain offenses, thereby excluding others from eligibility.

In addition, **future sealing legislation** under § 19.2-392.11 et seq., scheduled to take effect on **July 1, 2026**, identifies offenses that will be **ineligible for record sealing**. Although other convictions may be sealed, they will still be used for ongoing criminal justice purposes, including sentencing and charging decisions.

The following list is provided to assist policymakers who may wish to undertake a **comprehensive realignment** of all statutes that influence actual time served. Such an effort would encompass not only statutes that are explicitly recognized, but also those that *de facto* impact sentencing outcomes based on offense classifications or prior convictions.

EARNED SENTENCE CREDIT OF 85% (First or Subsequent Offense) BUT NOT INCLUDED IN § 17.1-805

STATUTE	HEADING	SUBHEADING	DESCRIPTION	VCC
3.2-6570(F)	ANIMALS	Abandonment or Cruelty	Torture/mutilate dog or cat causing death	ANM-3349-F6
3.2-6570(F)	ANIMALS	Abandonment or Cruelty	Torture/mutilate dog or cat causing death or serious injury	ANM-3349-F6
3.2-6571(B,1)	ANIMALS	Fighting - In Combination with § 3.2-6571(A) Offense	Dogfighting activity	ANM-3573-F6
3.2-6571(B,2)	ANIMALS	Fighting - In Combination with § 3.2-6571(A) Offense	Device or substance used to enhance animal's ability to fight	ANM-3574-F6
3.2-6571(B,3)	ANIMALS	Fighting - In Combination with § 3.2-6571(A) Offense	Wager money, etc., on animal fighting	ANM-3575-F6
3.2-6571(B,4)	ANIMALS	Fighting - In Combination with	Pay or receive admission for animal fighting	ANM-3576-F6

		§ 3.2-6571(A) Offense		
3.2-6571(B,5)	ANIMALS	Fighting - In Combination with § 3.2-6571(A) Offense	Possess, etc., animal for fighting	ANM-3577-F6
3.2-6571(B,6)	ANIMALS	Fighting - In Combination with § 3.2-6571(A) Offense	Minor child allowed to attend or be involved in animal fighting	ANM-3578-F6
18.2-47(B)	KIDNAPPING	Parent	Kidnapping by parent removing from state	KID-1015-F6
18.2-47(C)	KIDNAPPING	Minor	Abduction of minor	KID-1024-F2
18.2-47(D)	KIDNAPPING	Parent	Kidnapping by parent, etc., removing from state	KID-1015-F6
18.2-49.1(A)	KIDNAPPING	Violation, Court Order	Child held outside VA, in violation of custody/visitation order	KID-1017-F6
18.2-50.3	ENTICE		Entice etc. into dwelling w/intent to commit a specific felony	ENT-1099-F6
18.2-51.7(A)	ASSAULT	Genital Mutilation	Circumcision, etc., of minor's labia majora, etc.	ASL-1348-F2
18.2-51.7(B)	ASSAULT	Genital Mutilation	Parent, etc., consents to minor's labia majora circumcision, etc.	ASL-1349-F2
18.2-51.7(C)	ASSAULT	Genital Mutilation	Parent, etc., takes minor from state, labia majora circumcision, etc.	ASL-1350-F2
18.2-54.1	ASSAULT	Poisoning	Attempt to poison, change "F" to "A" only if under § 18.2-26	
18.2-63(B)	SEXUAL ASSAULT	Carnal Knowledge/Statut ory Rape No Force	Consenting victim age 13,14 - accused minor 3+ yrs. older	RAP-1123-F6

18.2-64.2	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Carnal knowledge by employee of bail bond company	RAP-1117-F6
18.2-64.2	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Carnal knowledge of confidential informant by LEO	RAP-1115-F6
18.2-64.2	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Carnal knowledge of person detained etc., by DOC, DJJ staff or LEO	RAP-1118-F6
18.2-64.2	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Carnal knowledge of probationer/inmate by DOC/DJJ, jail, etc. employee	RAP-1118-F6
18.2-67.5:1	SEXUAL ASSAULT	Third Conviction, Sexual Abuse	3rd conviction, consensual intercourse, sodomy, with a child	RAP-1139-F6
18.2-67.5:1	SEXUAL ASSAULT	Third Conviction, Sexual Abuse	3rd conviction, indecent exposure	RAP-1140-F6
18.2-67.5:1	SEXUAL ASSAULT	Third Conviction, Sexual Abuse	3rd conviction, peeping	RAP-1149-F6
18.2-77	ARSON, EXPLOSIVES, BOMBS	Building, Dwelling Place	Night-occupied	ARS-2002-F2
18.2-128(B)	TRESPASS	School Property	Intent to abduct from school property/bus, (not parent)	TRS-5707-F6
18.2-355	SEX OFFENSES	Prostitution	Minor, take etc., for prostitution	SEX-3607-F4
18.2-361	SEX OFFENSES	Sodomy	Parent to child aged 13 or 14	SEX-3633-F3
18.2-361(A)	SEX OFFENSES	Bestiality	Bestiality, carnally know any brute animal	SEX-3606-F6
18.2-361(A)	SEX OFFENSES	Sodomy	Non-Forcible	SEX-3652-F6
18.2-366	SEX OFFENSES	Adultery and Fornication	With own children age 13 to 14 (incest)	SEX-3617-F3
18.2-369(A)	FAMILY OFFENSE	Adult Abuse and Neglect	Vulnerable adult, abuse or neglect, subsequent offense	FAM-3804-F6

18.2-369(B)	FAMILY OFFENSE	Adult Abuse and Neglect	Vulnerable adult, abuse or neglect, results in death	FAM-3776-F3
18.2-370.2	SEX OFFENSES	Schools, Day Care, Playgrounds, Etc.	Loitering at school, contact at playground etc., after conviction	SEX-3693-F6
18.2-370.2(B)	SEX OFFENSES	Schools, Day Care, Playgrounds, Etc.	Loitering at school after conv. prohibits proximity to children	SEX-3667-F6
18.2-370.2(C)	SEX OFFENSES	Schools, Day Care, Playgrounds, Etc.	Near playground etc., after conviction prohibits proximity to children	SEX-3675-F6
18.2-370.3(A)	SEX OFFENSES	Schools, Day Care, Playgrounds, Etc.	Reside near school after conviction prohibits proximity to children	SEX-3671-F6
18.2-370.3(C)	SEX OFFENSES	Schools, Day Care, Playgrounds, Etc.	Reside near park after conviction prohibits proximity to children	SEX-3676-F6
18.2-370.4	SEX OFFENSES	Schools, Day Care, Playgrounds, Etc.	Work, etc., at school after conviction prohibits proximity to children	SEX-3672-F6
18.2-370.5	SEX OFFENSES	Schools, Day Care, Playgrounds, Etc.	Enter school property, etc., after Tier III sex offense conviction	SEX-3673-F6
18.2-374	OBSCENITY	Pictures, Etc.	Production or possession for sale (subsequent offense)	OBS-3729-F6
18.2-374.1(C1)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Use appropriate VCC for child less than age 15	
18.2-374.1(C2)	OBSCENITY - CHILD PORN	Production, Publication, Sale, Financing	Use appropriate VCC for child age 15 or more	
18.2-374.1:2	OBSCENITY	Minors (Offense Prior to July 1, 2007)	Operate website; access to sexually explicit material for payment	OBS-3740-F4

18.2-375	OBSCENITY	Performances	Obscene exhibitions and performances (subsequent)	OBS-3725-F6
18.2-376	OBSCENITY	Advertising	Advertisement of obscene items (subsequent)	OBS-3709-F6
18.2-376.1	OBSCENITY	Computer	Sell obscene pictures/performances by computer (subsequent)	OBS-3739-F6
18.2-377	OBSCENITY	Advertising	Obscene advertising, placards, bills, etc. (subsequent)	OBS-3723-F6
18.2-378	OBSCENITY	Coercing	Coercing acceptance of obscene publication (subsequent)	OBS-3711-F6
18.2-386.1	OBSCENITY	Minors	Unlawful creation of videographic/still image of a minor	OBS-3705-F6
18.2-386.1	OBSCENITY	Pictures, Etc.	Unlawful creation of videographic/still image of another, 3rd/subsequent	OBS-3704-F6
37.2-918	MENTAL HEALTH	Civil Commitment	Sexually violent predator - Fail to return; on conditional release	HEA-5524-F6
37.2-918	MENTAL HEALTH	Civil Commitment	Sexually violent predator - Leave state while on conditional release	HEA-5531-F6
40.1-29	LABOR	Wages	Withhold wages with intent to defraud, \$10,000 or more	LAB-7469-F6
40.1-29	LABOR	Wages	Withhold wages with intent to defraud, 2nd or subsequent	LAB-7468-F6
40.1-100.2	LABOR	Minor	Permit person under 18 to	LAB-7489-F6

			perform, etc., in sexually explicit material	
40.1-103	LABOR	Child Abuse and Neglect	Endangerment, cruelty or injuries to children	FAM-3810-F6

**TERMINALLY ILL PRISONERS EXCLUDED FROM BEING CONDITIONALLY RELEASED
BUT NOT INCLUDED IN § 17.1-805**

STATUTE	HEADING	SUBHEADING	DESCRIPTION	VCC
18.2-47(B)	KIDNAPPING	Parent	Kidnapping by parent removing from state	KID-1015-F6
18.2-47(C)	KIDNAPPING	Minor	Abduction of minor	KID-1024-F2
18.2-47(D)	KIDNAPPING	Parent	Kidnapping by parent, etc., removing from state	KID-1015-F6
18.2-50.3	ENTICE		Entice etc. into dwelling w/intent to commit a specific felony	ENT-1099-F6
18.2-51.7(A)	ASSAULT	Genital Mutilation	Circumcision, etc., of minor's labia majora, etc.	ASL-1348-F2
18.2-51.7(B)	ASSAULT	Genital Mutilation	Parent, etc., consents to minor's labia majora circumcision, etc.	ASL-1349-F2
18.2-51.7(C)	ASSAULT	Genital Mutilation	Parent, etc., takes minor from state, labia majora circumcision, etc.	ASL-1350-F2
18.2-63(B)	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Consenting victim age 13,14 - accused minor 3+ yrs. older	RAP-1123-F6
18.2-64.2	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Carnal knowledge by employee of bail bond company	RAP-1117-F6
18.2-64.2	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Carnal knowledge of confidential informant by LEO	RAP-1115-F6
18.2-64.2	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Carnal knowledge of person detained etc., by DOC, DJJ staff or LEO	RAP-1118-F6
18.2-64.2	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Carnal knowledge of probationer / inmate by DOC /	RAP-1118-F6

			DJJ, jail, etc. employee	
40.1-100.2	LABOR	Minor	Permit person under 18 to perform, etc., in sexually explicit material	LAB-7489-F6
40.1-103	LABOR	Child Abuse and Neglect	Endangerment, cruelty or injuries to children	FAM-3810-F6

**NOT ELIGIBLE TO BE SEALED UNDER § 19.2-392.11
BUT NOT INCLUDED IN § 17.1-805**

STATUTE	HEADING	SUBHEADING	DESCRIPTION	VCC
18.2-47(B)	KIDNAPPING	Parent	Kidnapping by parent removing from state	KID-1015-F6
18.2-47(C)	KIDNAPPING	Minor	Abduction of minor	KID-1024-F2
18.2-47(D)	KIDNAPPING	Parent	Kidnapping by parent, etc., removing from state	KID-1015-F6
18.2-63(B)	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Consenting victim age 13,14 - accused minor 3+ yrs. older	RAP-1123-F6
18.2-64.2	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Carnal knowledge by employee of bail bond company	RAP-1117-F6
18.2-64.2	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Carnal knowledge of confidential informant by LEO	RAP-1115-F6
18.2-64.2	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Carnal knowledge of person detained etc., by DOC, DJJ staff or LEO	RAP-1118-F6
18.2-64.2	SEXUAL ASSAULT	Carnal Knowledge/Statutory Rape No Force	Carnal knowledge of probationer/inmate by DOC/DJJ, jail, etc. employee	RAP-1118-F6
40.1-100.2	LABOR	Minor	Permit person under 18 to perform, etc., in sexually explicit material	LAB-7489-F6
40.1-103	LABOR	Child Abuse And Neglect	Endangerment, cruelty or injuries to children	FAM-3810-F6

Chapter 7: REPORT ON PERCEPTION AND CLASSIFICATION OF VIOLENT AND NONVIOLENT OFFENSES UNDER VIRGINIA LAW

Public perception of what constitutes a violent versus nonviolent offense in Virginia sometimes diverges from statutory definitions outlined in **§ 17.1-805** and **§ 19.2-297.1** of the Virginia Code. This discrepancy arises often during field engagements and calls to the Hotline, suggesting a need for clarity in classification criteria and legislative intent.

1. Classification of Burglary Offenses:

Under **§ 17.1-805**, all forms of **burglary** are categorized as violent offenses, regardless of the intended crime during the unlawful entry. This has raised concerns and confusion among some community members and professionals, particularly in instances where:

- The intent of the burglary is to commit **larceny** (a property crime), or
- The intent is to commit **a misdemeanor offense other than assault**.

Critics argue that if the offense does not involve harm or threat to a person, it should not meet the threshold of a violent crime. The inclusion of burglary with intent to commit larceny in the violent offense category is seen as disproportionate by some, especially when no physical confrontation occurs.

Virginia's statutes regarding burglary (e.g., **§ 18.2-89 through § 18.2-93**) integrate components such as **assault and battery**, which may justify the classification as violent. However, even without such aggravating factors, burglary inherently involves an invasion of personal space and potential confrontation, which may be the rationale behind its legislative classification.

2. Assault Offenses and Their Violent Status:

Another area of confusion lies in the classification of **assault-related offenses**. Not all **felony assaults** are treated as violent crimes under Virginia law, creating inconsistencies in both enforcement and sentencing perception.

The following offenses, although codified as felonies under **Title 18.2, Chapter 4**, are not classified as violent offenses:

- **Simple assault on a law enforcement officer (LEO) is not categorized as violent, § 18.2-57.**
This has raised questions about the threshold for violence and whether the role of the victim (e.g., police officer) should influence classification.
- **Assault by dog causing serious injury, § 18.2-52.2**
- **Driving or boating while intoxicated causing injury, §§ 18.2-51.4 and 18.2-51.5**
- **Female genital mutilation, § 18.2-51.7**
- **Disarming a law enforcement officer, § 18.2-57.02**

These crimes often involve serious bodily harm or potential danger to public safety yet fall outside the purview of "violent offenses" as defined in the aforementioned sections.

Chapter 8: Analytical Approach to Identifying the Removal of Offenses from § 17.1-805

Analysis

Commission staff conducted a comprehensive analysis of sentencing data from FY22 to FY24 to determine the effect of having a violent prior record on effective sentence length in cases where judges mitigate. Any VCCs with a sample size below five were dropped from the dataset. The table below shows the results of this analysis, sorted by sample size. (During deliberations, the chart may be re-sorted by other variables as needed.)

DISTANCE IN MONTHS FROM SECTION C MIDPOINT WHEN MITIGATION OCCURS, BY MOST SERIOUS CATEGORY I/II PRIOR CONVICTION VCC

VCC	Description	Sample Size	Cases Mitigated	Compliance	Mitigation	Median Divergence If Mitigated
BUR2213F	Stat. Burglary of dwelling to commit other felony or A&B	1221	370	65.8%	30.3%	-24
BUR2216F	Stat. Burglary of structure to commit larceny, etc.	707	215	65.9%	30.4%	-24
WPN5297F	Convicted non-violent w/10yr felon possess/transport firearm	523	139	66.7%	26.6%	-23
ASL1334F	Malicious wounding - Stab, cut, wound with malicious intent	438	127	64.8%	29.0%	-26
ASL1335F	Unlawful Injury - Stab, cut, wound w/out malicious intent	342	94	67.3%	27.5%	-22
WPN5298F	Felon possess explosives, ammunition, weapon - not firearm	334	101	65.6%	30.2%	-22
WPN5291F	Convicted non-violent felon >10yr. possess firearm etc.	332	91	68.7%	27.4%	-23
ASL1316F	Simple assault against a family member, 3rd	248	67	69.0%	27.0%	-19
ROB1215F	Robbery - Residence	237	79	59.5%	33.3%	-30
BUR2221F	Burglary dwelling at night to commit larceny, other felony	189	52	65.1%	27.5%	-26
ASL1347F	Strangulation resulting in wounding/bodily injury	152	46	64.5%	30.3%	-25
ROB1216F	Robbery, Type Not Clear	143	53	57.3%	37.1%	-28
KID1010F	Abduct by force, deception, etc. without justification	129	29	67.4%	22.5%	-23
PRI3260F	Prisoner - Possess/sell/secrete unlawful chemical compound	120	41	64.2%	34.2%	-20
ROB1214F	Robbery - Street	110	23	73.6%	20.9%	-25
ROB1204F	Robbery - Street with use of gun or simulated gun	95	20	67.4%	21.1%	-29
PRI3261F	Prisoner - Possess/sell/ Sch. III, marijuana	86	28	59.3%	32.6%	-21
WPN5296F	Convicted violent felon possess/transport firearm	79	24	58.2%	30.4%	-23

RAP1124F	Carnal knowledge/Statutory Rape Age of victim 13, 14	77	12	81.8%	15.6%	-19
ASL1334A	Malicious wounding - Stab, cut, wound with malicious intent, Attempted	71	17	67.6%	23.9%	-21
RAP1121F	Aggravated sexual battery - victim under age 13	62	12	77.4%	19.4%	-17
ASL1336F	Malicious wounding - Victim permanently impaired	60	25	55.0%	41.7%	-35
JUS4832F	Resisting arrest, obstructing justice by threats or force	55	18	61.8%	32.7%	-30
PRI3241F	Delivery of narcotics, marijuana, etc., to prisoner, etc.	50	16	66.0%	32.0%	-22
ROB1201F	Robbery - Business with use of gun or simulated gun	43	20	48.8%	46.5%	-35
SEX3643F	Indecent liberties with child under age 15	39	10	64.1%	25.6%	-14
ROB1217F	Robbery - Carjacking	37	15	56.8%	40.5%	-33
ROB1215C	Robbery - Residence, Conspired	36	12	61.1%	33.3%	-22
WPN5248F	Discharge firearm from motor vehicle	36	8	72.2%	22.2%	-21
BUR2219F	Break & Enter occupied dwelling to commit misdemeanor	34	12	58.8%	35.3%	-20
WPN5229F	Maliciously discharge firearm, missile in/at occupied bldg.	34	10	61.8%	29.4%	-18
ROB1215A	Robbery - Residence, Attempted	32	11	59.4%	34.4%	-23
VAN2939F	Shoot or throw missile at train, car, vessel w/malice	32	10	59.4%	31.3%	-36
WPN5242F	Unlawfully discharge firearm, missile in/at occupied building	32	8	71.9%	25.0%	-27
BUR2213A	Stat. Burglary of dwelling to commit other felony or A&B, Attempted	31	12	58.1%	38.7%	-24
ROB1207F	Robbery - Residence with use of gun or simulated gun	30	12	43.3%	40.0%	-32
FAM3806F	Child abuse and neglect, serious injury	30	9	63.3%	30.0%	-21
BUR2214F	Stat. Burglary dwelling; commit other felony or A&B w/ deadly weapon	30	8	63.3%	26.7%	-30
ARS2003F	Arson of occupied dwelling place or church	28	13	50.0%	46.4%	-37
RAP1159F	Aggravated Sexual Battery - Type Not Clear	28	11	57.1%	39.3%	-15
RAP1129F	Intercourse with victim by force, threat or intimidation	27	13	48.1%	48.1%	-29
RAP1162F	Forcible Rape-Type not clear from record	27	12	51.9%	44.4%	-26
MUR0944F	Voluntary manslaughter	27	7	59.3%	25.9%	-33

MUR0935F	Non capital second degree murder	26	7	50.0%	26.9%	-40
MUR0925F	Non capital first degree murder	23	9	43.5%	39.1%	-37
BUR2212F	Stat. Burglary of dwelling to murder, etc., w/ deadly weapon	22	9	45.5%	40.9%	-37
BUR2216A	Stat. Burglary of structure to commit larceny, etc., Attempted	20	7	60.0%	35.0%	-31
KID1012F	Abduct with intent to gain pecuniary benefit (extortion)	19	7	52.6%	36.8%	-35
WPN5297A	Convicted non-violent w/10yr felon possess/transport firearm, Attempted	18	6	66.7%	33.3%	-24
ROB1213F	Robbery - Business	18	5	72.2%	27.8%	-19
BUR2217F	Stat. Burglary of structure commit larceny etc., w/ deadly weapon	17	5	70.6%	29.4%	-25
BUR2222F	Burglary dwelling at night; commit larceny etc., w/ deadly weapon	16	8	37.5%	50.0%	-28
RAP1130F	Forcible intercourse with victim under age 13	16	6	62.5%	37.5%	-22
ESC4911F	Not convicted, escape from custody by force or violence	15	5	60.0%	33.3%	-43
OBS3731F	Possess obscene material using minors (first offense)	14	7	50.0%	50.0%	-26
ASL1326F	Malicious injury to law enforcement officer	14	5	64.3%	35.7%	-24
ASL1328F	Assault (shoot, cut, stab) by mob	14	5	42.9%	35.7%	-21
RAP1135F	Object sexual penetration by force, threat, etc.	14	5	64.3%	35.7%	-76
RAP1166F	Object Sexual Penetration -Type not clear from record	12	7	41.7%	58.3%	-17
ASL1319F	Firearm use in commission of felony-(first offense)	12	5	58.3%	41.7%	-22
WPN5218F	Sell, give firearm to designated felon	9	5	33.3%	55.6%	-20

While some offenses show significant deviations from the sentencing midpoint when listed in the prior record as violent, this data alone may be insufficient for determining which offenses should be removed from §17.1-805. Extreme offenses like forcible sodomy and first-degree murder show large sentencing variances, whereas less severe offenses, such as felon-in-possession of a firearm, show minimal variance. Relying solely on this data could result in illogical policy outcomes. A more detailed technical analysis in Appendix A further highlights the challenges in assessing the influence of labeling offenses as violent within a voluntary sentencing system that may weigh current offense details more heavily.

CHAPTER 9: Other Statutes that Reference §§ 17.1-805 or 19.2-297.1

Introduction

Staff of the Virginia Criminal Sentencing Commission has compiled a list of statutes that reference §§ 17.1-805 or 19.2-297.1. This summary used LEXIS-AI to address the implications and applications of Virginia Code 17.1-805 and 19.2-297.1. These sections are frequently referenced in Virginia law to define violent felonies and acts of violence, which have significant consequences in various legal contexts, including sentencing, restoration of rights, venue, and procedural requirements.

§ 17.1-805 Referenced in the *Code of Virginia*

1. **§ 17.1-805.** Adoption of initial discretionary sentencing guideline midpoints.
2. **§ 17.1-805.1.** Discretionary sentencing guideline midpoints for certain defendants.
3. **§ 18.2-308.2.** Possession or transportation of firearms, firearms ammunition, stun weapons, explosives or concealed weapons by convicted felons; penalties; petition for restoration order; when issued.
4. **§ 17.1-803.** Powers and duties.
5. **§ 17.1-213.** Disposition of papers in ended cases.
6. **§ 19.2-392.12.** (Effective July 1, 2026) Sealing of offenses resulting in a deferred and dismissed disposition or conviction by petition.
7. **§ 18.2-46.1.** Definitions.
8. **§ 18.2-248.** Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance prohibited; penalties.
9. **§ 19.2-297.1.** Sentence of person twice previously convicted of certain violent felonies.
10. **§ 18.2-460.** Obstructing justice; resisting arrest; fleeing from a law-enforcement officer; penalties.
11. **§ 53.1-231.2.** Restoration of the civil right to be eligible to register to vote to certain persons.
12. **§ 19.2-70.3.** Obtaining records concerning electronic communication service or remote computing service.
13. **§ 46.2-116.** Registration with Department of Criminal Justice Services required for tow truck drivers; penalty.
14. **§ 19.2-368.2.** Definitions.
15. **§ 46.2-117.** Revocation and suspension of registration of tow truck driver; notice and hearing; assessment of costs.

16. **§ 19.2-11.2.** Crime victim's right to nondisclosure of certain information; exceptions; testimonial privilege.

17. **§ 18.2-359.** Venue for criminal sexual assault or where any person transported for criminal sexual assault, attempted criminal sexual assault, or purposes of unlawful sexual intercourse, crimes against nature, and indecent liberties with children; venue for such crimes when coupled with a violent felony.

18. **§ 46.2-2099.49.** Requirements for TNC partners; mandatory background screening; drug and alcohol policy; mandatory disclosures to TNC partners; duty of TNC partners to provide updated information to transportation network companies.

§ 19.2-297.1 Referenced in the *Code of Virginia*

1. **§ 19.2-297.1.** Sentence of person twice previously convicted of certain violent felonies.
2. **§ 16.1-309.1.** Exception as to confidentiality.
3. **§ 18.2-46.1.** Definitions.
4. **§ 17.1-213.** Disposition of papers in ended cases.
5. **§ 19.2-303.6.** Deferred disposition in a criminal case; persons with autism or intellectual disabilities.
6. **§ 2.2-2001.1.** Program for mental health and rehabilitative services.
7. **§ 53.1-128.** Workforces and authorized work places.
8. **§ 19.2-319.** When execution of sentence to be suspended; bail; appeal from denial.
9. **§ 18.2-46.4.** Definitions.
10. **§ 19.2-121.** Fixing terms of bail.
11. **§ 19.2-152.10.** Protective order.
12. **§ 53.1-116.2:1.** Jail superintendents to report certain acts of violence occurring within regional correctional facilities to law-enforcement agency; policies.
13. **§ 18.2-308.2.** Possession or transportation of firearms, firearms ammunition, stun weapons, explosives or concealed weapons by convicted felons; penalties; petition for restoration order; when issued.
14. **§ 53.1-131.1.** Provision for sentencing of person to nonconsecutive days in jail; payment to defray costs; penalty.
15. **§ 18.2-38.** “Mob” defined.
16. **§ 19.2-303.3.** Sentence to local community-based probation services; services agency; requirements for participation; sentencing; and removal from probation; payment of costs towards supervision and services.
17. **§ 19.2-120.** Admission to bail.
18. **§ 19.2-316.4.** Eligibility for participation in community corrections alternative program; evaluation; sentencing; withdrawal or removal from program; payment of costs.
19. **§ 53.1-231.2.** Restoration of the civil right to be eligible to register to vote to certain persons.
20. **§ 19.2-70.3.** Obtaining records concerning electronic communication service or remote computing service.
21. **§ 9.1-173.** Purpose.
22. **§ 18.2-42.1.** Acts of violence by mob.
23. **§ 19.2-303.01.** Reduction of sentence; substantial assistance to prosecution.

24. **§ 19.2-310.2:1.** Saliva or tissue sample required for DNA analysis after arrest for a violent felony.
25. **§ 18.2-359.** Venue for criminal sexual assault or where any person transported for criminal sexual assault, attempted criminal sexual assault, or purposes of unlawful sexual intercourse, crimes against nature, and indecent liberties with children; venue for such crimes when coupled with a violent felony.
26. **§ 18.2-57.3.** Persons charged with first offense of assault and battery against a family or household member may be placed on local community-based probation; conditions; education and treatment programs; costs and fees; violations; discharge.

Statement of Facts

These sections, §§ 17.1-805 and 19.2-297.1, are pivotal in defining violent felonies and acts of violence, which influence mandatory sentencing, civil rights restoration, trial venue, and other legal processes.

Legal Standards/Rules (Summary)

1. **Mandatory Sentencing for Firearm Possession:** Individuals convicted of violent felonies under 17.1-805 face mandatory minimum sentences for firearm possession. [Va. Code Ann. § 18.2-308.2](#).
2. **Restoration of Voting Rights:** Persons convicted of violent felonies under 17.1-805 or 19.2-297.1 are excluded from petitioning for restoration of voting rights. [Va. Code Ann. § 53.1-231.2](#).
3. **Venue for Violent Felonies:** Venue for trials involving violent felonies or acts of violence under 17.1-805 and 19.2-297.1 may be determined based on the location of the crime or victim transport. [Va. Code Ann. § 18.2-359](#).
4. **Definition of Acts of Violence:** Acts of violence include offenses listed in 17.1-805(C) and 19.2-297.1(A). [Va. Code Ann. § 18.2-46.1](#).
5. **Prohibition of Weekend Incarceration:** Weekend or nonconsecutive incarceration is prohibited for violent felonies if the Commonwealth objects. [Va. Code Ann. § 53.1-131.1](#).
6. **Sentence Reductions for Assistance:** Courts may reduce sentences for defendants who assist in prosecuting acts of violence under 19.2-297.1. [Va. Code Ann. § 19.2-303.01](#).
7. **DNA Collection:** DNA samples are required for individuals arrested for violent felonies under 19.2-297.1. [Va. Code Ann. § 19.2-310.2:1](#).
8. **Mob Liability:** Members of a mob committing acts of violence under 19.2-297.1 are guilty of those acts. [Va. Code Ann. § 18.2-42.1](#).
9. **Bail Hearing Notifications:** Magistrates must notify the Commonwealth's attorney within 24 hours for bail hearings involving acts of violence under 19.2-297.1. [Va. Code Ann. § 19.2-121](#).

Analysis

Virginia Code 17.1-805 and 19.2-297.1 serve as foundational statutes for defining violent felonies and acts of violence, which have broad implications across various legal contexts. [Williams v. Commonwealth, 2018 Va. App. LEXIS 145](#).

Conclusion

Virginia Code 17.1-805 and 19.2-297.1 play a critical role in defining and addressing violent felonies and acts of violence. [Williams v. Commonwealth, 2018 Va. App. LEXIS 145](#). These statutes influence sentencing, civil rights restoration, trial venue, and procedural requirements, reflecting the legislature's commitment to addressing serious crimes with appropriate legal measures.

Appendix A – Technical Analysis

First, it is helpful to understand how the nature of the instant offense and the presence of a violent prior record generally affect sentencing outcomes. As shown in the table below, individuals with a violent instant offense tend to receive less mitigation, more aggravation, and longer sentences compared to those without a violent instant offense. In contrast, a violent prior record is associated with greater mitigation, less aggravation, and shorter sentences. These effects were observed after controlling for the recommended sentencing midpoint and judicial circuit. This approach illustrates the complexity of distinguishing sentence patterns when the interaction between the prior record and the facts of the case is intertwined in judicial decision-making. Nevertheless, all observed effects are statistically significant at the 95% confidence level.

INTERACTION OF HAVING A VIOLENT INSTANT OFFENSE AND VIOLENT PRIOR RECORD

	Compliance	Mitigation	Aggravation	Effective Sentence
Constant	69%	25%	5%	
Instant Violent	+ 2 pp***	– 10 pp***	+ 8 pp***	+ 13 months***
Prior Violent	– 7 pp***	+ 10 pp***	– 3 pp***	– 7 months***

* = p-value < 0.1

** = p-value < 0.05

*** = p-value < 0.01

As we mentioned in the analysis section of the main report, a violent prior record (classified as Category I/II) likely results in more mitigation and lower sentences compared to nonviolent prior records due to the sharp increases in sentencing recommendations that are triggered by a violent prior record, as stipulated in §17.1-805. Some judges and attorneys feel that these enhancements are too extreme given the facts of the case. The following table provides stronger evidence for this idea. Offenders with a Category 1 violent offense in their prior record see even more mitigating behavior than offenders with a Category 2 offense in their prior record. All effects are significant at the 99% level.

EFFECT OF HAVING A CATEGORY 1 OR CATEGORY 2 PRIOR RECORD

	Compliance	Mitigation	Aggravation	Effective Sentence
Constant	70%	21%	9%	
Category 1	– 14 pp ***	+ 17 pp ***	– 3 pp ***	– 10 months ***
Category 2	– 6 pp ***	+ 9 pp ***	– 3 pp ***	– 6 months ***

* = p-value < 0.1

** = p-value < 0.05

*** = p-value < 0.01

It's also possible to measure the effect of having *specific offenses* as a person's most serious violent prior offense, which is shown in the tables below. VCCs with sample sizes too small to

analyze effectively were dropped from the data. The table is sorted by concurrence, with those VCCs that result in the lowest concurrence when present in an offender's prior record being listed nearer the top. Statistically significant effects are marked by yellow highlighting.

Because this analysis holds constant the guidelines' midpoint recommendation, the following effects are being compared to the average case without a violent prior record *given the same sentencing recommendation*. For example, having ASL-1336 (Malicious wounding – Victim permanently impaired) as the most serious violent prior offense typically results in a sentence 15 months shorter than the average case with no violent prior record that receives the same sentencing recommendation.

EFFECT OF DIFFERENT VIOLENT PRIOR OFFENSES ON CURRENT SENTENCING

VCC	Description	Sample Size	Compliance	Mitigation	Aggravation	Effective Sentence
CONSTANT			67%	25%	9%	
ROB1207	Robbery - Residence with use of gun or simulated gun	32	- 22 pp***	+ 13 pp*	+ 10 pp**	- 8 months
ARS2003	Arson of occupied dwelling place or church	35	- 20 pp**	+ 26 pp***	- 6 pp	- 4 months
BUR2212	Stat. Burglary of dwelling to murder, etc. w/ deadly weapon	23	- 19 pp**	+ 15 pp*	+ 5 pp	- 13 months
MUR0925	Non capital first degree murder	39	- 19 pp**	+ 13 pp*	+ 7 pp	+ 5 months
ROB1201	Robbery - Business with use of gun or simulated gun	51	- 17 pp**	+ 20 pp***	- 5 pp	- 15 months**
ASL1336	Malicious wounding - Victim permanently impaired	64	- 14 pp**	+ 19 pp***	- 4 pp	- 15 months**
ROB1217	Robbery - Carjacking	47	- 14 pp**	+ 21 pp***	- 6 pp*	+ 1 months
RAP1159	Aggravated Sexual Battery - Type Not Clear	28	- 12 pp	+ 17 pp**	- 4 pp	- 4 months
RAP1162	Forcible Rape-Type not clear from record	31	- 11 pp	+ 17 pp**	- 5 pp	- 11 months
MUR0944	Voluntary manslaughter	31	- 11 pp	+ 7 pp	+ 5 pp	- 4 months
VAN2939	Shoot or throw missile at train, car, vessel w/malice	33	- 10 pp	+ 10 pp	+ 1 pp	- 10 months
ROB1216	Robbery, Type Not Clear	161	- 9 pp**	+ 13 pp***	- 4 pp*	- 7 months
RAP1129	Intercourse with victim by force, threat or intimidation	36	- 9 pp	+ 12 pp*	- 3 pp	+ 11 months
MUR0935	Non capital second degree murder	37	- 9 pp	- 3 pp	+ 10 pp	+ 11 months

ROB1215	Robbery - Residence	308	- 9 pp	- 3 pp***	+ 10 pp**	+ 21 months**
FAM3806	Child abuse and neglect, serious injury	30	- 8 pp***	+ 10 pp***	- 2 pp	- 7 months**
WPN5296	Convicted violent felon possess/transport firearm	83	- 8 pp	+ 9 pp	- 1 pp	+ 6 months
PRI3261	Prisoner - Possess/sell/ Sch. III, marijuana	88	- 8 pp	+ 5 pp	+ 3 pp	- 9 months
BUR2219	Break & Enter occupied dwelling to commit misdemeanor	41	- 7 pp	+ 7 pp	+ 1 pp	- 5 months
BUR2214	Stat. Burglary dwelling; commit other felony or A&B w/ deadly weapon	32	- 7 pp	+ 11 pp	- 3 pp	+ 3 months
WPN5229	Maliciously discharge firearm, missile in/at occupied bldg.	34	- 5 pp	+ 1 pp	+ 5 pp	+ 1 months
JUS4832	Resisting arrest, obstructing justice by threats or force	56	- 5 pp	+ 5 pp	+ 1 pp	- 3 months
ASL1334	Malicious wounding - Stab, cut, wound with malicious intent	519	- 4 pp	+ 7 pp	- 2 pp	- 8 months
BUR2221	Burglary dwelling at night to commit larceny, other felony	197	- 3 pp	+ 5 pp**	- 1 pp	- 5 months**
ASL1347	Strangulation resulting in wounding/bodily injury	155	- 3 pp	+ 4 pp	+ 0 pp	- 3 months
SEX3643	Indecent liberties with child under age 15	41	- 3 pp	+ 5 pp	- 2 pp	- 7 months*
ROB1204	Robbery - Street with use of gun or simulated gun	113	- 3 pp	+ 1 pp	+ 2 pp	+ 18 months**
BUR2216	Stat. Burglary of structure to commit larceny, etc.	737	- 3 pp	+ 1 pp	+ 2 pp	+ 0 months
BUR2213	Stat. Burglary of dwelling to commit other felony or A&B	1273	- 2 pp	+ 6 pp***	- 4 pp***	- 6 months***
WPN5297	Convicted non-violent w/10yr felon possess/transport firearm	544	- 2 pp	+ 6 pp***	- 4 pp***	- 4 months***
KID1010	Abduct by force, deception, etc. without justification	137	- 2 pp	+ 4 pp*	- 1 pp	- 5 months**
ASL1335	Unlawful Injury - Stab, cut, wound w/out malicious intent	353	- 2 pp	+ 1 pp	+ 2 pp	- 2 months
WPN5298	Felon possess explosives, ammunition, weapon - not firearm	337	- 2 pp	+ 4 pp*	- 2 pp	- 3 months

PRI3260	Prisoner - Possess/sell/secrete unlawful chemical compound	122	- 1 pp	+ 7 pp*	- 6 pp**	- 4 months
WPN5291	Convicted non-violent felon >10yr. possess firearm etc.	336	+ 1 pp	+ 3 pp	- 4 pp***	- 7 months**
ASL1316	Simple assault against a family member, 3rd	248	+ 1 pp	+ 2 pp	- 3 pp*	- 4 months
PRI3241	Delivery of narcotics, marijuana, etc., to prisoner, etc.	71	+ 2 pp	+ 2 pp	- 3 pp	+ 2 months
ROB1214	Robbery - Street	136	+ 2 pp	- 1 pp	- 1 pp	+ 3 months
WPN5242	Unlawfully discharge firearm, missile in/at occupied building	32	+ 3 pp	- 1 pp	- 3 pp	- 4 months
WPN5248	Discharge firearm from motor vehicle	38	+ 4 pp	+ 2 pp	- 5 pp	- 21 months**
SEX3635	Take indecent liberties with child-custodian	30	+ 6 pp	- 3 pp	- 2 pp	- 3 months
RAP1121	Aggravated sexual battery - victim under age 13	64	+ 10 pp	- 8 pp	- 1 pp	- 9 months
RAP1124	Carnal knowledge/Statutory Rape Age of victim 13, 14	79	+ 11 pp*	- 7 pp	- 4 pp	+ 3 months

Overall, although the general effect of a violent prior record is less compliant sentencing, the data is murkier when we examine individual VCCs. Few VCCs have statistically significant effects across the board, and many of the offenses which *do* possess strong statistical significance can hardly be recommended for removal from §17.1-805. For example, offenders with a first-degree murder conviction (MUR-0925) in their prior record see far more mitigation than offenders without this prior conviction, but given that murder *is*, in fact, a violent crime, it's difficult to recommend such an offense for removal from the statute in question.

There are, however, a few VCCs worth considering in more detail here. First is Statutory burglary of other structure with intent to commit larceny, A&B, etc., (BUR-2216). The presence of this catch-all, Category 2 violent offense in an offender's prior record is associated with more mitigation, less aggravation, and lower effective sentences to a statistically significant degree. In addition, because it lumps in offenders who intended to commit larceny with those who intended to commit assault and battery, the crime may not necessarily be considered violent despite being included in §17.1-805. Statutory burglary of dwelling to commit other felony, A&B, etc., (BUR-2213) sees similar results.

Two other VCCs worth inspecting are Convicted felon (non-violent >10 yr (WPN-5291) possess firearm, etc. and Convicted felon (non-violent w/in 10 yr) possess firearm, etc., (WPN-5297). Offenders with these VCCs as their most serious violent prior offenses see lower sentences than offenders with nonviolent prior records to a statistically significant degree. In addition, despite

inclusion in §17.1-805, these offenses don't necessarily indicate that anybody was victimized. The facts of the case are important in these cases.

Beyond these VCCs, most offenses either showed no statistically significant impact on the outcomes of interest or had sample sizes too limited for meaningful analysis. Consequently, this data alone may not be sufficient to justify changes to §17.1-805. As noted earlier in this report, Commission staff have the authority under §17.1-805.1 to adjust the sentencing guidelines to reflect how judges actually account for violent prior offenses. Any proposed recommendations to the General Assembly are no longer constrained by the pre-set enhancements outlined in §17.1-805.

- **Appendix B:**
Comparison Table of §§ 17.1-805, 19.2-297.1, 53.1-40.02, 53.1-202.3, 19.2-392.11 et seq.



VCCs §§ 17.1-805, 19.2-297.1, 53.1-40.02, 53.1-202.3, 19.2-392.11 Et. al. - Offenses Listed by Statute Earned Sentence Credit Level and Offenses Designated as Violent (Includes Mandatory Minimums and Sealing Eligibility)

Statute	Description	ESC 85% VCC	Penalty	SG	17.1 - 805	19.2-297.1	53.1-40.02	Sealing	MM
ANIMALS									
Abandonment or Cruelty									
§3.2-6570(F)	Torture/mutilate dog or cat causing death	✓ ANM-3349-F6	1Y - 5Y	N				Ineligible	
§3.2-6570(F)	Torture/mutilate dog or cat causing death or serious injury	✓ ANM-3349-F6	1Y - 5Y	N				Ineligible	
Fighting - In Combination with § 3.2-6571(A) Offense									
§3.2-6571(B.1)	Dogfighting activity	# ANM-3573-F6	1Y - 5Y	N				Ineligible	
§3.2-6571(B.2)	Device or substance used to enhance animal's ability to fight	# ANM-3574-F6	1Y - 5Y	N				Ineligible	
§3.2-6571(B.3)	Wager money, etc., on animal fighting	# ANM-3575-F6	1Y - 5Y	N				Ineligible	
§3.2-6571(B.4)	Pay or receive admission for animal fighting	# ANM-3576-F6	1Y - 5Y	N				Ineligible	
§3.2-6571(B.5)	Possess, etc., animal for fighting	# ANM-3577-F6	1Y - 5Y	N				Ineligible	
§3.2-6571(B.6)	Minor child allowed to attend or be involved in animal fighting	# ANM-3578-F6	1Y - 5Y	N				Ineligible	
PROTECTIVE ORDERS									
Juvenile & Domestic Court									
§16.1-253.2	Assault w/serious injury to person with protective order	✓ PRT-5004-F6	1Y - 5Y	N	✓		Not Eligible	Ineligible	
§16.1-253.2	Enter home of person with protective order	✓ PRT-5003-F6	1Y - 5Y	N	✓		Not Eligible	Ineligible	
§16.1-253.2	Violation of protective order (violence) 3rd w/in 20 yrs.	✓ PRT-5002-F6	1Y - 5Y	N	✓		Not Eligible	Ineligible	6M
§16.1-253.2(A)	Violation of protective order (violence) 3rd w/in 20 yrs.	✓ PRT-5002-F6	1Y - 5Y	Y	✓		Not Eligible	Ineligible	6M
§16.1-253.2(B)	Armed with deadly weapon, violation of protective order while	✓ PRT-5073-F6	1Y - 5Y	N	✓		Not Eligible	Ineligible	
§16.1-253.2(C)	Assault with injury to person with protective order	✓ PRT-5004-F6	1Y - 5Y	N	✓		Not Eligible	Ineligible	
§16.1-253.2(C)	Enter home of person with protective order	✓ PRT-5003-F6	1Y - 5Y	N	✓		Not Eligible	Ineligible	
§16.1-253.2(C)	Stalk person with protective order	✓ PRT-5065-F6	1Y - 5Y	N	✓		Not Eligible	Ineligible	
SOLICITATION									
Solicitation to commit a murder									
§18.2-29	Solicitation to commit murder	✓ SOL-7202-F9	5Y - 40Y	N	✓			Ineligible	
MURDER									
Aggravated									
§18.2-31(1)	Abduction, in commission of	✓ MUR-0913-F1	Life - Life	N	✓		Not Eligible	Ineligible	
Aggravated - Accessory Before the Fact / Principal 2nd Deg.									
§18.2-31(1)	Abduction, in commission of	✓ MUR-0980-F2	20Y - Life	N	✓	✓		Ineligible	

§ 17.1-805 includes attempts and conspiracies to commit the specified offenses.

§ 19.2-297.1 includes conspiracies to commit the specified offenses, violations as principals in the 2nd degree, and accessories before the fact.

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Statute	Description	ESC 85% VCC	Penalty	SG 17.1 -805	19.2 -297.1	53.1-40.02	Sealing	MM
	MURDER							
	Capital							
§18.2-31(1)	Abduction, in commission of	✓ MUR-0913-F1	Life - Death	N ✓		Not Eligible	Ineligible	
§18.2-31(1)	Capital - Accessory Before the Fact / Principal 2nd Degree							
	Abduction, in commission of	✓ MUR-0980-F2	20Y - Life	N ✓	✓		Ineligible	
§18.2-31(2)	Aggravated							
	Killing for hire	✓ MUR-0922-F1	Life - Life	N ✓		Not Eligible	Ineligible	
§18.2-31(2)	Aggravated - Accessory Before the Fact / Principal 2nd Deg.							
	Killing for hire	✓ MUR-0909-F1	Life - Life	N ✓		Not Eligible	Ineligible	
§18.2-31(2)	Capital							
	Killing for hire	✓ MUR-0922-F1	Life - Death	N ✓		Not Eligible	Ineligible	
§18.2-31(2)	Capital - Accessory Before the Fact / Principal 2nd Degree							
	Killing for hire	✓ MUR-0909-F1	Life - Death	N ✓		Not Eligible	Ineligible	
§18.2-31(3)	Aggravated							
	Prisoner	✓ MUR-0932-F1	Life - Life	N ✓		Not Eligible	Ineligible	
§18.2-31(3)	Aggravated - Accessory Before the Fact / Principal 2nd Deg.							
	Prisoner	✓ MUR-0988-F2	20Y - Life	N ✓	✓		Ineligible	
§18.2-31(3)	Capital							
	Prisoner	✓ MUR-0932-F1	Life - Death	N ✓		Not Eligible	Ineligible	
§18.2-31(3)	Capital - Accessory Before the Fact / Principal 2nd Degree							
	Prisoner	✓ MUR-0988-F2	20Y - Life	N ✓	✓		Ineligible	
§18.2-31(4)	Aggravated							
	Robbery or attempted robbery, during	✓ MUR-0933-F1	Life - Life	N ✓		Not Eligible	Ineligible	
§18.2-31(4)	Aggravated - Accessory Before the Fact / Principal 2nd Deg.							
	Robbery or attempted robbery, during	✓ MUR-0989-F2	20Y - Life	N ✓	✓		Ineligible	
§18.2-31(4)	Capital							
	Robbery or attempted robbery, during	✓ MUR-0933-F1	Life - Death	N ✓		Not Eligible	Ineligible	
§18.2-31(4)	Capital - Accessory Before the Fact / Principal 2nd Degree							
	Robbery or attempted robbery, during	✓ MUR-0989-F2	20Y - Life	N ✓	✓		Ineligible	
§18.2-31(5)	Aggravated							
	Rape, sodomy, object penetration or attempt, during	✓ MUR-0914-F1	Life - Life	N ✓		Not Eligible	Ineligible	
§18.2-31(5)	Aggravated - Accessory Before the Fact / Principal 2nd Deg.							
	Rape, sodomy, object penetration or attempt, during	✓ MUR-0982-F2	20Y - Life	N ✓	✓		Ineligible	

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Statute	Description	ESC 85% VCC	Penalty	SG 17.1 -805	19.2 -297.1	53.1-40.02	Sealing	MM
	MURDER							
	Capital							
§ 18.2-31(5)	Rape, sodomy, object penetration or attempt, during	✓ MUR-0914-F1	Life - Death	N	✓	Not Eligible	Ineligible	
§ 18.2-31(5)	Capital - Accessory Before the Fact / Principal 2nd Degree Rape, sodomy, object penetration or attempt, during	✓ MUR-0982-F2	20Y - Life	N	✓		Ineligible	
§ 18.2-31(6)	Aggravated Law enforcement officer	✓ MUR-0923-F1	Life - Life	N	✓	Not Eligible	Ineligible	Life
§ 18.2-31(6)	Aggravated - Accessory Before the Fact / Principal 2nd Deg. Law enforcement officer	✓ MUR-0984-F2	20Y - Life	N	✓		Ineligible	
§ 18.2-31(6)	Capital Law enforcement officer	✓ MUR-0923-F1	Life - Death	N	✓	Not Eligible	Ineligible	Life
§ 18.2-31(6)	Capital - Accessory Before the Fact / Principal 2nd Degree Law enforcement officer	✓ MUR-0984-F2	20Y - Life	N	✓		Ineligible	
§ 18.2-31(7)	Aggravated More than one person	✓ MUR-0924-F1	Life - Life	N	✓	Not Eligible	Ineligible	
§ 18.2-31(7)	Aggravated - Accessory Before the Fact / Principal 2nd Deg. More than one person	✓ MUR-0985-F2	20Y - Life	N	✓		Ineligible	
§ 18.2-31(7)	Capital More than one person	✓ MUR-0924-F1	Life - Death	N	✓	Not Eligible	Ineligible	
§ 18.2-31(7)	Capital - Accessory Before the Fact / Principal 2nd Degree More than one person	✓ MUR-0985-F2	20Y - Life	N	✓		Ineligible	
§ 18.2-31(8)	Aggravated More than one person in a 3 year period	✓ MUR-0961-F1	Life - Life	N	✓	Not Eligible	Ineligible	
§ 18.2-31(8)	Aggravated - Accessory Before the Fact / Principal 2nd Deg. More than one person in a 3 year period	✓ MUR-0986-F2	20Y - Life	N	✓		Ineligible	
§ 18.2-31(8)	Capital More than one person in a 3 year period	✓ MUR-0961-F1	Life - Death	N	✓	Not Eligible	Ineligible	
§ 18.2-31(8)	Victim under 12, in commission of abduction	✓ MUR-0960-F1	0Life - 0Death	N	✓	Not Eligible	Ineligible	
§ 18.2-31(8)	Capital - Accessory Before the Fact / Principal 2nd Degree More than one person in a 3 year period	✓ MUR-0986-F2	20Y - Life	N	✓		Ineligible	
§ 18.2-31(9)	Aggravated Drug distribution involv. Sch. I or II, in furtherance of	✓ MUR-0921-F1	Life - Life	N	✓	Not Eligible	Ineligible	

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MURDER									
§18.2-31(9)	Aggravated - Accessory Before the Fact / Principal 2nd Deg. Drug distribution involv. Sch. I or II, in furtherance of	✓ MUR-0981-F2	20Y - Life	N	✓	✓		Ineligible	
§18.2-31(9)	Capital Drug distribution involv. Sch. I or II, in furtherance of	✓ MUR-0921-F1	Life - Death	N	✓		Not Eligible	Ineligible	
§18.2-31(9)	Capital - Accessory Before the Fact / Principal 2nd Degree Drug distribution involv. Sch. I or II, in furtherance of	✓ MUR-0981-F2	20Y - Life	N	✓	✓		Ineligible	
§18.2-31(10)	Aggravated Continuing criminal drug enterprise, by person engaged in a	✓ MUR-0926-F1	Life - Life	N	✓		Not Eligible	Ineligible	
§18.2-31(10)	Aggravated - Accessory Before the Fact / Principal 2nd Deg. Continuing criminal drug enterprise, by person engaged in a	✓ MUR-0908-F1	Life - Life	N	✓		Not Eligible	Ineligible	
§18.2-31(10)	Capital Continuing criminal drug enterprise, by person engaged in a	✓ MUR-0926-F1	Life - Death	N	✓		Not Eligible	Ineligible	
§18.2-31(10)	Capital - Accessory Before the Fact / Principal 2nd Degree Continuing criminal drug enterprise, by person engaged in a	✓ MUR-0908-F1	Life - Death	N	✓		Not Eligible	Ineligible	
§18.2-31(11)	Aggravated Pregnant victim	✓ MUR-0920-F1	Life - Life	N	✓		Not Eligible	Ineligible	
§18.2-31(11)	Aggravated - Accessory Before the Fact / Principal 2nd Deg. Pregnant victim	✓ MUR-0987-F2	20Y - Life	N	✓	✓		Ineligible	
§18.2-31(11)	Capital Pregnant victim	✓ MUR-0920-F1	Life - Death	N	✓		Not Eligible	Ineligible	
§18.2-31(11)	Capital - Accessory Before the Fact / Principal 2nd Degree Pregnant victim	✓ MUR-0987-F2	20Y - Life	N	✓	✓		Ineligible	
§18.2-31(12)	Aggravated Killing person under age 14 by person 21 or older	✓ MUR-0927-F1	Life - Life	N	✓		Not Eligible	Ineligible	
§18.2-31(12)	Aggravated - Accessory Before the Fact / Principal 2nd Deg. Killing person under age 14 by person 21 or older	✓ MUR-0983-F2	20Y - Life	N	✓	✓		Ineligible	
§18.2-31(12)	Capital Killing person under age 14 by person 21 or older	✓ MUR-0927-F1	Life - Death	N	✓		Not Eligible	Ineligible	
§18.2-31(12)	Capital - Accessory Before the Fact / Principal 2nd Degree Killing person under age 14 by person 21 or older	✓ MUR-0983-F2	20Y - Life	N	✓	✓		Ineligible	
§18.2-31(13)	Aggravated Killing in the commission of terroristic act	✓ MUR-0911-F1	Life - Life	N	✓		Not Eligible	Ineligible	

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MURDER									
\$18.2-31(13)	Aggravated - Accessory Before the Fact / Principal 2nd Deg.								
	Killing in the commission of terroristic act	✓ MUR-0910-F1	Life - Life	N	✓		Not Eligible	Ineligible	
\$18.2-31(13)	Capital								
	Killing in the commission of terroristic act	✓ MUR-0911-F1	Life - Death	N	✓		Not Eligible	Ineligible	
\$18.2-31(13)	Capital - Accessory Before the Fact / Principal 2nd Degree								
	Killing in the commission of terroristic act	✓ MUR-0910-F1	Life - Death	N	✓		Not Eligible	Ineligible	
\$18.2-31(14)	Aggravated								
	Judge	✓ MUR-0990-F1	Life - Life	N	✓		Not Eligible	Ineligible	
\$18.2-31(14)	Aggravated - Accessory Before the Fact / Principal 2nd Deg.								
	Judge	✓ MUR-0991-F2	20Y - Life	N	✓	✓		Ineligible	
\$18.2-31(14)	Capital								
	Judge	✓ MUR-0990-F1	Life - Death	N	✓		Not Eligible	Ineligible	
\$18.2-31(14)	Capital - Accessory Before the Fact / Principal 2nd Degree								
	Judge	✓ MUR-0991-F2	20Y - Life	N	✓	✓		Ineligible	
\$18.2-31(15)	Aggravated								
	Witness	✓ MUR-0992-F1	Life - Life	N	✓		Not Eligible	Ineligible	
\$18.2-31(15)	Aggravated - Accessory Before the Fact / Principal 2nd Deg.								
	Witness	✓ MUR-0993-F2	20Y - Life	N	✓			Ineligible	
\$18.2-31(15)	Capital								
	Witness	✓ MUR-0992-F1	Life - Death	N	✓		Not Eligible	Ineligible	
\$18.2-31(15)	Capital - Accessory Before the Fact / Principal 2nd Degree								
	Witness	✓ MUR-0993-F2	20Y - Life	N	✓	✓		Ineligible	
\$18.2-32	Non Aggravated Murder								
	First degree	✓ MUR-0925-F2	20Y - Life	Y	✓	✓	Not Eligible	Ineligible	
\$18.2-32	Second degree	✓ MUR-0935-F9	5Y - 40Y	Y	✓	✓	Not Eligible	Ineligible	
\$18.2-32.1	Pregnant victim, without premeditation	✓ MUR-0936-F9	10Y - 40Y	N	✓	✓	Not Eligible	Ineligible	
\$18.2-32.2(A)	Fetus of another, kill with premeditation	✓ MUR-0937-F2	20Y - Life	N	✓	✓	Not Eligible	Ineligible	
\$18.2-32.2(B)	Fetus of another, unlawfully and maliciously kill	✓ MUR-0938-F9	5Y - 40Y	N	✓	✓	Not Eligible	Ineligible	
\$18.2-33	Felony	✓ MUR-0934-F9	5Y - 40Y	Y	✓	✓	Not Eligible	Ineligible	
	Non Capital								
\$18.2-33	Felony	✓ MUR-0934-F3	5Y - 20Y	Y	✓	✓	Not Eligible	Ineligible	

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Statute	Description	ESC 85% VCC	Penalty	SG	17.1 -805	19.2 -297.1	53.1-40.02	Sealing	MM
	MURDER								
§18.2-35	Manslaughter								
	Voluntary manslaughter	# MUR-0944-F5	1Y - 10Y	Y	✓	✓	2nd or Subsq	Ineligible	
§18.2-36.1(B)	Involuntary manslaughter, under the influence - vehicular,	MUR-0948-F9	1Y - 20Y	Y	✓		2nd or Subsq	Ineligible	1Y
§18.2-36.2(B)	Involuntary manslaughter, under the influence - watercraft,	MUR-0949-F9	1Y - 20Y	N	✓		2nd or Subsq	Ineligible	1Y
	LYNCHING								
Refer To									
§18.2-40	Murder	✓	-	N	✓		Not Eligible	Ineligible	
	ASSAULT								
	Mob								
§18.2-41	Shoot, cut, stab, maliciously or unlawfully	# ASL-1328-F3	5Y - 20Y	Y	✓	✓	2nd or Subsq	Ineligible	
	MOB								
	Acts of Violence by Mob								
§18.2-42.1	See specific act	#	-	N	✓	✓	2nd or Subsq	Ineligible	
§18.2-45	Death While Attempting to Lynch Another								
	See Murder		-	N	✓	✓	Not Eligible	Ineligible	
	GANGS								
	Recruitment								
§18.2-46.3(B,c)	Felony, use force/threats to encourage person to commit a	MOB-1296-F6	1Y - 5Y	N	✓			Ineligible	
§18.2-46.3(B,c)	Recruitment - School Zone, Community Center, Etc.								
	Felony, use force/threats to encourage person to commit - school,	MOB-1286-F4	2Y - 10Y	N	✓			Ineligible	
§18.2-46.3(B,c)	Felony, use force/threats to encourage person to commit - school,	MOB-1286-F5	1Y - 10Y	N	✓			Ineligible	
	TERRORISM								
	Act								
§18.2-46.5(A)	Act of terrorism - base offense 20 years or more	✓ TER-8000-F2	20Y - Life	N	✓		Not Eligible	Ineligible	
§18.2-46.5(B)	Act of terrorism - base offense less than 20 years	# TER-8001-F3	5Y - 20Y	N	✓		Not Eligible	Ineligible	
	Solicit								
§18.2-46.5(C)	Solicit, recruit, etc., another for act of terrorism	# TER-8006-F4	2Y - 10Y	N	✓		Not Eligible	Ineligible	
	Material Support								
§18.2-46.5(D)	Provide material support to terrorist	# TER-8008-F3	5Y - 20Y	N	✓		Not Eligible	Ineligible	
§18.2-46.5(D)	Provide material support to terrorist, results in death	✓ TER-8009-F2	20Y - Life	N	✓		Not Eligible	Ineligible	
	Weapon								
§18.2-46.6(A)	Possess, etc., weapon of terrorism w/intent to terrorize	✓ TER-8002-F2	20Y - Life	N	✓		Not Eligible	Ineligible	

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	TERRORISM								
	Weapon								
§ 18.2-46.6(B)	Possess, etc., imitation weapon of terror w/intent to terrorize	TER-8003-F3	5Y - 20Y	N	✓		Not Eligible	Ineligible	
§ 18.2-46.6(C)	Possess, etc., imitation weapon of terror with intent to intimidate	TER-8004-F6	1Y - 5Y	N	✓		2nd or Subsq	Ineligible	
	Fentanyl								
§ 18.2-46.6(D)	Fentanyl, weapon of terrorism	TER-8011-F4	2Y - 10Y	N	✓				
	Biological								
§ 18.2-46.7	Malicious biological destruction of crops/animals value \$2500 or #	TER-8005-F3	5Y - 20Y	N	✓		Not Eligible	Ineligible	
	KIDNAPPING								
	Force, Deception or Intimidation								
§ 18.2-47(A)	Abduct by force without justification	✓ KID-1010-F5	1Y - 10Y	Y	✓	✓	Not Eligible	Ineligible	
§ 18.2-47(B)	Forced labor or service	✓ KID-1021-F5	1Y - 10Y	N	✓	✓	Not Eligible	Ineligible	
	Parent								
§ 18.2-47(B)	Kidnapping by parent removing from state	✓ KID-1015-F6	1Y - 5Y	Y		✓	Not Eligible	Ineligible	
	Minor								
§ 18.2-47(C)	Abduction of minor	✓ KID-1024-F2	20Y - Life	N		✓	Not Eligible	Ineligible	
	Parent								
§ 18.2-47(D)	Kidnapping by parent, etc., removing from state	✓ KID-1015-F6	1Y - 5Y	Y		✓	Not Eligible	Ineligible	
	Pecuniary Benefit								
§ 18.2-48(i)	Extortion, abduct with intent to gain pecuniary benefit	✓ KID-1012-F2	20Y - Life	Y	✓	✓	Not Eligible	Ineligible	
	Defile								
§ 18.2-48(ii)	Abduction of person with intent to defile	✓ KID-1004-F2	20Y - Life	Y	✓	✓	Not Eligible	Ineligible	
	Prostitution								
§ 18.2-48(iii)	Abduct child under 16 yrs. of age for concubinage or prostitution	✓ KID-1003-F2	20Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§ 18.2-48(iv)	Abduct for the purpose of prostitution	✓ KID-1023-F2	20Y - Life	N	✓	✓	Not Eligible	Ineligible	
	Pornography								
§ 18.2-48(v)	Abduct minor for the purpose of manufacturing child pornography	✓ KID-1022-F2	20Y - Life	N	✓	✓	Not Eligible	Ineligible	
	Prisoner								
§ 18.2-48.1	Abduction by prisoner or confined person	✓ KID-1016-F3	5Y - 20Y	N	✓	✓	Not Eligible	Ineligible	
	Assist								
§ 18.2-49	Assist or threaten	✓ KID-1011-F5	1Y - 10Y	Y	✓	✓	Not Eligible	Ineligible	
	Violation, Court Order								
§ 18.2-49.1(A)	Child held outside VA, in violation of custody/visitation order	✓ KID-1017-F6	1Y - 5Y	Y		✓		Ineligible	

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	ENTICE								
	Type								
§ 18.2-50.3	Entice etc. into dwelling w/intent to commit a specific felony	✓	1Y - 5Y	N		✓	Not Eligible	Petition	
	ASSAULT								
	Malicious Wounding								
§ 18.2-51	Stab, cut, wound with malicious intent	✓	5Y - 20Y	Y	✓	✓	Not Eligible	Ineligible	
	Unlawful Injury								
§ 18.2-51	Stab, cut, wound without malicious intent	#	1Y - 5Y	Y	✓		2nd or Subsq	Ineligible	
	Law Enforcement								
§ 18.2-51.1	Malicious bodily injury to law enforcement officer	✓	5Y - 20Y	N	✓	✓	Not Eligible	Ineligible	1Y
	Law Enforcement, Court, Fire, Medical Services, Etc.								
§ 18.2-51.1	Malicious bodily injury to law enforcement, fire or EMS	✓	5Y - 30Y	Y	✓	✓	Not Eligible	Ineligible	2Y
§ 18.2-51.1	Non-malicious injury to law enforcement, fire/EMS personnel, etc.	#	1Y - 5Y	Y	✓		2nd or Subsq	Ineligible	1Y
	Malicious Wounding								
§ 18.2-51.2(A)	Stab, cut, wound w/malicious intent, victim perm. Impaired	✓	20Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§ 18.2-51.2(B)	Pregnant victim perm. impaired or pregnancy terminated	✓	20Y - Life	N	✓	✓	Not Eligible	Ineligible	
	Unlawful Injury								
§ 18.2-51.3	Throw object from roof top, etc., with intent to injure	ASL-1355-F6	1Y - 5Y	N	✓			Ineligible	
	Drive Vehicle / Operate Watercraft While Intoxicated								
§ 18.2-51.4(A)	Victim permanently impaired, DWI vehicle with reckless disregard	ASL-1339-F6	1Y - 5Y	Y	✓			Ineligible	
§ 18.2-51.4(B)	Victim permanently impaired, DWI vehicle with reckless disregard	ASL-1339-F4	2Y - 10Y	Y	✓			Ineligible	
	Strangulation								
§ 18.2-51.6	Strangulation resulting in wounding or bodily injury	✓	1Y - 5Y	Y	✓			Ineligible	
§ 18.2-51.6(A)	Strangulation resulting in wounding or bodily injury	✓	1Y - 5Y	Y	✓			Ineligible	
	Suffocation								
§ 18.2-51.6(B)	Suffocation resulting in wounding or bodily injury	✓	1Y - 5Y	N	✓			Ineligible	
	Genital Mutilation								
§ 18.2-51.7(A)	Circumcision, etc., of minor's labia majora, etc.	✓	20Y - Life	N			Not Eligible		
§ 18.2-51.7(B)	Parent, etc., consents to minor's labia majora circumcision, etc.	✓	20Y - Life	N			Not Eligible		
§ 18.2-51.7(C)	Parent, etc., takes minor from state, labia majora circumcision, etc.	✓	20Y - Life	N			Not Eligible		
	Caustic Substance								
§ 18.2-52	Malicious injury by caustic substance or fire	✓	5Y - 30Y	Y	✓	✓	Not Eligible	Ineligible	
§ 18.2-52	Non-malicious injury by caustic substance or fire	ASL-1331-F6	1Y - 5Y	Y	✓			Ineligible	

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ASSAULT									
Biological Substances and Radiological Agents									
§ 18.2-52.1(A)	Injure w/infectious biological/radiological agent, possession w/intent	ASL-1338-F5	1Y - 10Y	N	✓			Ineligible	
Biological Substances									
§ 18.2-52.1(B)	Damage facility involved w/infectious biological substances	ASL-1337-F5	1Y - 10Y	N	✓			Ineligible	
Biological Substances and Radiological Agents									
§ 18.2-52.1(B)	Damage facility involved w/infectious biological/radiological agents	ASL-1337-F4	2Y - 10Y	N	✓			Ineligible	
§ 18.2-52.1(C)	Malicious injury by means of infectious biological/radiological agents/	ASL-1344-F9	5Y - 30Y	N	✓	✓	Not Eligible	Ineligible	
Other									
§ 18.2-53	During commission of a felony, shoot, stab, cut or wound	ASL-1318-F6	1Y - 5Y	Y	✓			Ineligible	
Firearm									
§ 18.2-53.1	Firearm use in commission of felony - first offense	ASL-1319-F9	3Y - 3Y	Y	✓			Ineligible	3Y
§ 18.2-53.1	Firearm use in commission of felony - subsequent offense	ASL-1323-F9	5Y - 5Y	Y	✓			Ineligible	5Y
Poisoning									
§ 18.2-54.1	Poison food, drugs, water, drinks w/intent to injure or kill	# ASL-1332-F3	5Y - 20Y	Y	✓		Not Eligible	Ineligible	
§ 18.2-54.1	Attempt to poison, change "F" to "A" only if under § 18.2-26	#	-	N					
§ 18.2-54.2	Adulteration of food, drug, etc., w/intent to injure or kill	# ASL-1317-F3	5Y - 20Y	Y	✓		Not Eligible	Ineligible	
Prisoner, Probationer, Etc.									
§ 18.2-55	Assault by accused prisoner, probationer, or parolee	ASL-1333-F5	1Y - 10Y	Y	✓			Ineligible	
Simple Assault - Hate Crime									
§ 18.2-57(B)	Hate crime; assault and battery (felony)	ASL-1341-F6	1Y - 5Y	N	✓			Ineligible	30D
§ 18.2-57(B)	Hate crime; assault and battery (felony)	ASL-1341-F6	1Y - 5Y	N	✓			Ineligible	
Simple Assault - Family									
§ 18.2-57.2(B)	Simple assault, against family member, 3rd/subsequent	✓ ASL-1316-F6	1Y - 5Y	Y	✓		Not Eligible	Ineligible	
ROBBERY									
Type									
§ 18.2-58	Assault or Violence	✓ ROB-1212-F9	5Y - Life	N	✓	✓	Not Eligible	Ineligible	
ROBBERY - Prior to July 1, 2021									
§ 18.2-58	Bank or banking type institution	✓ ROB-1211-F9	5Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§ 18.2-58	Bank with use of gun or simulated gun	✓ ROB-1210-F9	5Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§ 18.2-58	Business	✓ ROB-1213-F9	5Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§ 18.2-58	Business with use of gun or simulated gun	✓ ROB-1201-F9	5Y - Life	Y	✓	✓	Not Eligible	Ineligible	

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ROBBERY - Prior to July 1, 2021									
	Type								
§18.2-58	Residence	✓ ROB-1215-F9	5Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§18.2-58	Residence with use of gun or simulated gun	✓ ROB-1207-F9	5Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§18.2-58	Street	✓ ROB-1214-F9	5Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§18.2-58	Street with use of gun or simulated gun	✓ ROB-1204-F9	5Y - Life	Y	✓	✓	Not Eligible	Ineligible	
ROBBERY									
Death									
§18.2-58(B,1)	Robbery causes death	✓ ROB-1230-F2	20Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§18.2-58(B,1)	Injury, Serious Robbery causes serious bodily injury	✓ ROB-1231-F2	20Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§18.2-58(B,2)	Firearm Robbery by using firearm or displaying a firearm	✓ ROB-1232-F3	5Y - 20Y	Y	✓	✓	Not Eligible	Ineligible	
§18.2-58(B,3)	Injury, No Serious Robbery by using physical force, no serious bodily injury	✓ ROB-1233-F5	1Y - 10Y	Y	✓	✓	Not Eligible	Ineligible	
§18.2-58(B,3)	Weapon, Other Deadly Robbery by using or displaying other deadly weapon (not firearm)	✓ ROB-1234-F5	1Y - 10Y	Y	✓	✓	Not Eligible	Ineligible	
§18.2-58(B,4)	Threat Robbery by threat etc., no deadly weapon	✓ ROB-1239-F6	1Y - 5Y	Y	✓	✓	Not Eligible	Ineligible	
§18.2-58.1(A)	Carjacking Carjacking	✓ ROB-1217-F9	15Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§18.2-58.1(A)	Carjacking with use of gun or simulated gun	✓ ROB-1224-F9	15Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§18.2-58.1(A)	Type Carjacking	✓ ROB-1225-F9	15Y - Life	N	✓	✓	Not Eligible	Ineligible	
EXTORTION									
§18.2-60.1	Governor Threaten governor or family	EXT-2108-F6	1Y - 5Y	N	✓			Ineligible	
STALKING									
	Type								
§18.2-60.3(B)	2nd conviction w/in 5 yrs. prior assault/protective order conviction	✓ STK-2115-F6	1Y - 5Y	N	✓		Not Eligible	Ineligible	
§18.2-60.3(B)	3rd conviction or subsequent w/in 5 years of 1st conviction	✓ STK-2112-F6	1Y - 5Y	N	✓		Not Eligible	Ineligible	
§18.2-60.3(B)	Stalking with intent to cause fear, etc., 2nd offense w/in 5 years	✓ STK-2116-F6	1Y - 5Y	N	✓		Not Eligible	Ineligible	
§18.2-60.3(C)	3rd conviction/subsequent conv w/in 5 years of 1st conviction	✓ STK-2112-F6	1Y - 5Y	N	✓		Not Eligible	Ineligible	

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PROTECTIVE ORDERS									
Other									
§ 18.2-60.4	Assault w/serious injury to person with protective order	✓ PRT-5063-F6	1Y - 5Y	N	✓		Not Eligible	Ineligible	
§ 18.2-60.4	Enter home of person with protective order	✓ PRT-5064-F6	1Y - 5Y	N	✓		Not Eligible	Ineligible	
§ 18.2-60.4	Violation of protective order (violence) 3rd w/in 20 yrs.	✓ PRT-5067-F6	1Y - 5Y	N	✓		Not Eligible	Ineligible	6M
§ 18.2-60.4(A)	Violation of protective order (violence) 3rd w/in 20 yrs.	✓ PRT-5067-F6	1Y - 5Y	N	✓		Not Eligible	Ineligible	6M
§ 18.2-60.4(B)	Armed with deadly weapon, violation of protective order while	✓ PRT-5074-F6	1Y - 5Y	N	✓		Not Eligible	Ineligible	
§ 18.2-60.4(C)	Assault with injury to person with protective order	✓ PRT-5063-F6	1Y - 5Y	N	✓		Not Eligible	Ineligible	
§ 18.2-60.4(C)	Enter home of person with protective order	✓ PRT-5064-F6	1Y - 5Y	N	✓		Not Eligible	Ineligible	
§ 18.2-60.4(C)	Stalk person with protective order	✓ PRT-5075-F6	1Y - 5Y	N	✓		Not Eligible	Ineligible	
SEXUAL ASSAULT									
Rape, Forcible									
§ 18.2-61	Forcible intercourse	✓ RAP-1130-F9	5Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§ 18.2-61	Rape, Forcible - Type not clear from record	✓ RAP-1162-F9	-	N	✓	✓	Not Eligible	Ineligible	
§ 18.2-61(A)	Spouse by force, threat, etc.	✓ RAP-1141-F9	5Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§ 18.2-61(A,i)	Intercourse with victim by force, threat or intimidation	✓ RAP-1129-F9	5Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§ 18.2-61(A,ii)	Intercourse with victim thru mental incapacity/helplessness	✓ RAP-1128-F9	5Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§ 18.2-61(A,iii)	Intercourse with victim under age 13	✓ RAP-1130-F9	5Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§ 18.2-61(A,iii)	Intercourse with victim under age 13 (indicted as an adult)	✓ RAP-1131-F9	Life - Life	Y	✓	✓	Not Eligible	Ineligible	Life
§ 18.2-61(A,iii)	Intercourse with victim under age 13, w/kidnapping, burglary,	✓ RAP-1150-F9	25Y - Life	N	✓	✓	Not Eligible	Ineligible	25Y
Carnal Knowledge/Statutory Rape No Force									
§ 18.2-63(A)	Age of victim 13, 14	✓ RAP-1124-F4	2Y - 10Y	Y	✓	✓	Not Eligible	Ineligible	
§ 18.2-63(B)	Consenting victim age 13,14 - accused minor 3+ yrs. older	✓ RAP-1123-F6	1Y - 5Y	Y		✓	Not Eligible	Ineligible	
§ 18.2-64.1	Person providing service under purview of court, corrections	✓ RAP-1125-F6	1Y - 5Y	Y	✓	✓	Not Eligible	Ineligible	
§ 18.2-64.2	Carnal knowledge by employee of bail bond company	✓ RAP-1117-F6	1Y - 5Y	N		✓	Not Eligible	Ineligible	
§ 18.2-64.2	Carnal knowledge of confidential informant by LEO	✓ RAP-1115-F6	1Y - 5Y	N		✓	Not Eligible	Ineligible	
§ 18.2-64.2	Carnal knowledge of person detained etc., by DOC, DJJ staff or	✓ RAP-1118-F6	1Y - 5Y	N		✓	Not Eligible	Ineligible	
§ 18.2-64.2	Carnal knowledge of probationer/inmate by DOC/DJJ, jail, etc.	✓ RAP-1118-F6	1Y - 5Y	N		✓	Not Eligible	Ineligible	
Sodomy, Forcible									
§ 18.2-67.1	Sodomy, Forcible - Type not clear from record	✓ RAP-1165-F9	0 - 0	N	✓	✓	Not Eligible	Ineligible	
§ 18.2-67.1(A)	Spouse by force, threat, etc.	✓ RAP-1142-F9	5Y - Life	Y	✓	✓	Not Eligible	Ineligible	

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SEXUAL ASSAULT									
§18.2-67.1(A,1)	Sodomy, Forcible								
	Victim under age 13	✓ RAP-1133-F9	5Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§18.2-67.1(A,1)	Victim under age 13 (indicted as an adult)	✓ RAP-1153-F9	Life - Life	Y	✓	✓	Not Eligible	Ineligible	Life
§18.2-67.1(A,1)	Victim under age 13, w/kidnapping, burglary, wounding	✓ RAP-1151-F9	25Y - Life	N	✓	✓	Not Eligible	Ineligible	25Y
§18.2-67.1(A,2)	By force, threat, mental incap/helplessness of victim age 13+	✓ RAP-1132-F9	5Y - Life	Y	✓	✓	Not Eligible	Ineligible	
	Object Sexual Penetration								
§18.2-67.2	Object Sexual Penetration - Type not clear from record	✓ RAP-1166-F9	0 - 0	N	✓	✓	Not Eligible	Ineligible	
SEX OFFENSES									
	Inanimate Object Sexual Penetration								
§18.2-67.2(1)	Victim under age 13	✓ RAP-1127-F9	5Y - Life	N	✓	✓	Not Eligible	Ineligible	
§18.2-67.2(2)	By force, threat, intim. or via mental incap/helpless victim	✓ RAP-1126-F9	5Y - Life	N	✓	✓	Not Eligible	Ineligible	
SEXUAL ASSAULT									
	Object Sexual Penetration								
§18.2-67.2(A)	Spouse by force, threat, etc.	✓ RAP-1143-F9	5Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§18.2-67.2(A,1)	Victim under age 13 (indicted as an adult)	✓ RAP-1154-F9	Life - Life	Y	✓	✓	Not Eligible	Ineligible	Life
§18.2-67.2(A,1)	Victim under age 13	✓ RAP-1136-F9	5Y - Life	Y	✓	✓	Not Eligible	Ineligible	
§18.2-67.2(A,1)	Victim under age 13, w/kidnapping, burglary, wounding	✓ RAP-1152-F9	25Y - Life	N	✓	✓	Not Eligible	Ineligible	25Y
§18.2-67.2(A,2)	By force, threat, intim. or via mental incap/helpless of victim	✓ RAP-1135-F9	5Y - Life	Y	✓	✓	Not Eligible	Ineligible	
	Marital								
§18.2-67.2:1	Marital sexual assault	✓ RAP-1134-F9	1Y - 20Y	Y	✓	✓	Not Eligible	Ineligible	
	Aggravated Sexual Battery								
§18.2-67.3	Aggravated Sexual Battery - Type not clear from record	✓ RAP-1159-F9	1Y - 20Y	N	✓	✓	Not Eligible	Ineligible	
§18.2-67.3(2)	By force, threat, intim. or via mental incap/helpless of victim	✓ RAP-1120-F9	1Y - 20Y	Y	✓	✓	Not Eligible	Ineligible	
§18.2-67.3(A,1)	Victim under age 13	✓ RAP-1121-F9	1Y - 20Y	Y	✓	✓	Not Eligible	Ineligible	
§18.2-67.3(A,2)	Mental incapacity or helplessness, through the use of	✓ RAP-1144-F9	1Y - 20Y	Y	✓	✓	Not Eligible	Ineligible	
§18.2-67.3(A,2)	Mental incapacity, through the use of	✓ RAP-1144-F9	1Y - 20Y	Y	✓	✓	Not Eligible	Ineligible	
§18.2-67.3(A,3)	Parent/grandparent, etc., with child age 13 to 17	✓ RAP-1148-F9	1Y - 20Y	Y	✓	✓	Not Eligible	Ineligible	
§18.2-67.3(A,3,a)	Force, threat, intimidation, helplessness of victim age 13 or 14	✓ RAP-1145-F9	1Y - 20Y	Y	✓	✓	Not Eligible	Ineligible	
§18.2-67.3(A,3,b)	Force, threat, intimidation, helplessness with serious injury	✓ RAP-1146-F9	1Y - 20Y	Y	✓	✓	Not Eligible	Ineligible	
§18.2-67.3(A,3,c)	Force, threat, intimidation, helplessness with threat of weapon	✓ RAP-1147-F9	1Y - 20Y	Y	✓	✓	Not Eligible	Ineligible	

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SEXUAL ASSAULT									
Aggravated Sexual Battery									
§18.2-67.3(A, 4, a)	Force, threat, intimidation of victim age 13 or 14	✓ RAP-1145-F9	1Y - 20Y	Y	✓	✓	Not Eligible	Ineligible	
§18.2-67.3(A, 4, b)	Force, threat, intimidation with serious injury	✓ RAP-1146-F9	1Y - 20Y	Y	✓	✓	Not Eligible	Ineligible	
§18.2-67.3(A, 4, c)	Force, threat, intimidation with threat of weapon	✓ RAP-1147-F9	1Y - 20Y	Y	✓	✓	Not Eligible	Ineligible	
§18.2-67.3(A, 5)	Battery as treatment, not recognized in the profession	✓ RAP-1116-F9	1Y - 20Y	N	✓	✓	Not, If Minor	Ineligible	
Battery, Infected Sexual									
§18.2-67.4:1(A)	Sexual behavior with intent to transmit and transmits infection	✓ RAP-1174-F6	1Y - 5Y	N	✓	✓	Not, If Minor	Ineligible	
§18.2-67.4:1(A)	Sexual intercourse, etc., with intent to transmit infection	✓ RAP-1176-F6	1Y - 5Y	N	✓	✓	Not, If Minor	Ineligible	
Attempts, Felony									
§18.2-67.5	Use VCC for actual crime & change "F" to "A" in code	✓	-	Y	✓			Ineligible	
Third Conviction, Sexual Abuse									
§18.2-67.5:1	3rd conviction, consensual intercourse, sodomy, with a child	✓ RAP-1139-F6	1Y - 5Y	N		✓	Not, If Minor	Ineligible	
§18.2-67.5:1	3rd conviction, indecent exposure	✓ RAP-1140-F6	1Y - 5Y	N		✓	Not, If Minor	Ineligible	
§18.2-67.5:1	3rd conviction, peeping	✓ RAP-1149-F6	1Y - 5Y	N		✓	Not, If Minor	Ineligible	
§18.2-67.5:1	3rd conviction, sexual battery	✓ RAP-1137-F6	1Y - 5Y	N	✓	✓	Not, If Minor	Ineligible	
§18.2-67.5:1	3rd conviction, sexual battery, attempted	✓ RAP-1138-F6	1Y - 5Y	N	✓	✓	Not, If Minor	Ineligible	
Subsequent Violent Felony									
§18.2-67.5:2	Use VCC for offense & change position 8 of VCC to "X"	✓	-	N	✓	✓	Not Eligible	Ineligible	5-20Y
§18.2-67.5:3	Use VCC for offense & change position 8 of VCC to "X"	✓	-	N	✓	✓	Not Eligible	Ineligible	10Y-Life
ARSON, EXPLOSIVES, BOMBS									
Building, Dwelling Place									
§18.2-77	Night-occupied	# ARS-2002-F2	20Y - Life	N			2nd or Subsq		
Building, Dwelling Place/Church									
§18.2-77(A, i)	Occupied dwelling/church, burn	# ARS-2003-F9	5Y - Life	Y	✓	✓	2nd or Subsq	Ineligible	
§18.2-77(A, ii)	Occupied dwelling/church, aid or procure burning	# ARS-2004-F9	5Y - Life	N	✓	✓	2nd or Subsq	Ineligible	
Building, Public									
§18.2-79	Occupied	# ARS-2008-F3	5Y - 20Y	N	✓	✓	2nd or Subsq	Ineligible	
Building, Other									
§18.2-80	Occupied	ARS-2001-F3	5Y - 20Y	N	✓	✓		Ineligible	
Bomb									
§18.2-85	Hoax firebomb, explosive, construct, use or send	ARS-2025-F6	1Y - 5Y	N	✓			Ineligible	

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	ARSON, EXPLOSIVES, BOMBS								
	Bomb								
§ 18.2-85	Manufacture or possession of firebomb, explosive, etc.	ARS-2016-F5	1Y - 10Y	N	✓			Ineligible	
	BURGLARY								
	Common Law - Larceny, Other Felony/Night								
§ 18.2-89	Dwelling at night w/intent to commit felony or larceny	# BUR-2221-F3	5Y - 20Y	Y	✓		2nd or Subsq	Ineligible	
§ 18.2-89	Dwelling at night w/intent to commit felony/larceny - deadly weapon	# BUR-2222-F2	20Y - Life	Y	✓		2nd or Subsq	Ineligible	
	Statutory - Murder, Rape, Rob, Arson								
§ 18.2-90	Dwelling house with intent to commit murder, rape, rob, arson	✓ BUR-2211-F3	5Y - 20Y	Y	✓		Not Eligible	Ineligible	
§ 18.2-90	Dwelling house with intent to murder, etc. - deadly weapon	✓ BUR-2212-F2	20Y - Life	Y	✓		Not Eligible	Ineligible	
§ 18.2-90	Other structure with intent to commit murder, rape, rob, arson	✓ BUR-2218-F3	5Y - 20Y	Y	✓		Not Eligible	Ineligible	
§ 18.2-90	Other structure with intent to murder, etc. - deadly weapon	✓ BUR-2215-F2	20Y - Life	Y	✓		Not Eligible	Ineligible	
	Statutory - Other Felony, Assault & Battery								
§ 18.2-91	Dwelling house with intent to commit larceny, A&B, etc.	BUR-2213-F9	1Y - 20Y	Y	✓			Ineligible	
§ 18.2-91	Dwelling with intent to commit larceny, A&B, etc. - deadly weapon	BUR-2214-F2	20Y - Life	Y	✓			Ineligible	
§ 18.2-91	Other structure with intent to commit larceny, A&B, etc.	BUR-2216-F9	1Y - 20Y	Y	✓			Ineligible	
§ 18.2-91	Other structure with intent to commit larceny, A&B, etc. - weapon	BUR-2217-F2	20Y - Life	Y	✓			Ineligible	
	Breaking & Entering - Other Misdemeanors								
§ 18.2-92	Occupied dwelling, enter, intent to commit misd.	# BUR-2219-F6	1Y - 5Y	Y	✓		2nd or Subsq	Ineligible	
§ 18.2-92	Occupied dwelling, enter, intent to commit misd. - deadly weapon	# BUR-2220-F2	20Y - Life	Y	✓		2nd or Subsq	Ineligible	
	Bank								
§ 18.2-93	Entering bank armed with intent to commit larceny	BUR-2207-F2	20Y - Life	Y	✓		Not Eligible	Ineligible	
	TRESPASS								
	School Property								
§ 18.2-128(B)	Intent to abduct from school property/bus, (not parent)	✓ TRS-5707-F6	1Y - 5Y	N				Petition	
	COMPUTER CRIME								
	Computer Trespass - Injury to Person								
§ 18.2-152.7	Malicious computer use - intent physical injury to individual	COM-2965-F3	5Y - 20Y	N	✓			Ineligible	
§ 18.2-152.7	Unlawful computer use - intent physical injury to individual	COM-2966-F6	1Y - 5Y	N	✓			Ineligible	
	VANDALISM, DAMAGE PROPERTY								
	Railroad, Canal, Electric Line, Etc.								
§ 18.2-153	Obstruct or injure canal, railroad - malicious	VAN-2929-F4	2Y - 10Y	N	✓			Ineligible	

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	VANDALISM, DAMAGE PROPERTY								
	Vehicle								
§18.2-154	Shoot or throw missile at train, car, vessel w/malice	VAN-2939-F4	2Y - 10Y	Y	✓			Ineligible	
§18.2-154	Vehicle - Law Enforcement/Emergency Shoot or throw missile at law enforc./emerg. veh. w/malice	VAN-2905-F4	2Y - 10Y	N	✓			Ineligible	1Y
	Railroad								
§18.2-155	Injure railroad signal maliciously	VAN-2917-F4	2Y - 10Y	N	✓			Ineligible	
	Elec., Oil, Phone, Gas, Water Facility								
§18.2-162	Damage to public utilities or services ≥ \$1000	VAN-2911-F4	2Y - 10Y	N	✓			Ineligible	
§18.2-162	Damage to public utilities or services ≥ \$500	VAN-2911-F4	2Y - 10Y	N	✓			Ineligible	
	Utilities: Electric, Oil, Phone, Gas, Water Facility, Etc.								
§18.2-162	Damage over \$200	VAN-2911-F4	2Y - 10Y	N	✓			Ineligible	
§18.2-162	Damage threat release of radioactive materials - no Injury	VAN-2912-F4	2Y - 10Y	N	✓			Ineligible	
§18.2-162	Radioactive damage resulting in damage or injury	VAN-2914-F3	5Y - 20Y	N	✓			Ineligible	
§18.2-162	Radioactive damage resulting in death	VAN-2915-F2	20Y - Life	N	✓			Ineligible	
	WEAPONS								
	Building								
§18.2-279	Discharge firearm, missile in/at occupied bldg, unlawfully	WPN-5242-F6	1Y - 5Y	Y	✓			Ineligible	
§18.2-279	Discharge firearm, missile in/at occupied bldg., maliciously	WPN-5229-F4	2Y - 10Y	Y	✓			Ineligible	
	Schools								
§18.2-279	Discharge firearm within or at occupied school	WPN-5255-F4	2Y - 10Y	N	✓			Ineligible	
	Public Place								
§18.2-280(A)	Discharge firearm in public place, results in injury	WPN-5301-F6	1Y - 5Y	N	✓			Ineligible	
§18.2-280(A)	Discharge firearm in public place; 3rd/subsequent	WPN-5273-F6	1Y - 5Y	N	✓			Ineligible	
	Schools								
§18.2-280(B)	Discharge firearm on school property or w/in 1000 feet	WPN-5254-F4	2Y - 10Y	N	✓			Ineligible	
§18.2-280(B)	Discharge firearm upon buildings or grounds	WPN-5200-F4	2Y - 10Y	N	✓			Ineligible	
	Remotely Controlled								
§18.2-281	Spring gun or deadly weapon, remotely controlled	WPN-5238-F6	1Y - 5Y	N	✓			Ineligible	
	Brandish								
§18.2-282(A)	Brandish or point firearm; 3rd/subsequent	WPN-5274-F6	1Y - 5Y	N	✓			Ineligible	
	Schools								
§18.2-282(A)	Brandish/point firearm on school property or w/in 1000 feet	WPN-5258-F6	1Y - 5Y	N	✓			Ineligible	

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WEAPONS								
Schools								
§ 18.2-282.1	Brandish machete or bladed weapon on school property	WPN-5287-F6	1Y - 5Y	N	✓		Ineligible	
Vehicle								
§ 18.2-286.1	Discharge firearm from motor vehicle	WPN-5248-F5	1Y - 10Y	Y	✓		Ineligible	
Body Armor								
§ 18.2-287.2	Body armor, wear during commission of violent or drug crime	WPN-5247-F4	2Y - 10Y	N	✓		Ineligible	
Machine Guns								
§ 18.2-289	Possession in perpetration of crime	✓ WPN-5227-F2	20Y - Life	N	✓	Not Eligible	Ineligible	
§ 18.2-290	Possession for offensive or aggressive purposes	WPN-5226-F4	2Y - 10Y	N	✓		Ineligible	
Sawed-off Shotguns								
§ 18.2-300(A)	Possession in perpetration of violent crime	✓ WPN-5261-F2	20Y - Life	N	✓	Not Eligible	Ineligible	
Schools								
§ 18.2-308.1(B)	Firearm, use or attempt to use on school property	WPN-5300-F9	5Y - 5Y	N	✓		Ineligible	5Y
§ 18.2-308.1(C)	Firearm, use or attempt to use on school property, etc.	WPN-5300-F9	5Y - 5Y	N	✓		Ineligible	5Y
Felon - Offense Prior to July 1, 1999								
§ 18.2-308.2	Convicted felon, poss., transp. firearm/concealed weapon	WPN-5220-F6	1Y - 5Y	Y	✓		Ineligible	
Felon								
§ 18.2-308.2(A)	Convicted felon (non-violent >10 yr) possess firearm, etc.	WPN-5291-F6	1Y - 5Y	Y	✓		Ineligible	
§ 18.2-308.2(A)	Convicted felon (non-violent w/in 10 yr.) possess firearm, etc.	WPN-5297-F6	1Y - 5Y	Y	✓		Ineligible	2Y
§ 18.2-308.2(A)	Convicted felon (violent) possess/transport firearm	WPN-5296-F6	1Y - 5Y	Y	✓		Ineligible	5Y
§ 18.2-308.2(A)	Convicted felon possess taser, explosives, ammunition, other	WPN-5298-F6	1Y - 5Y	Y	✓		Ineligible	
§ 18.2-308.2:1	Sell, give firearm to designated felon	WPN-5218-F6	1Y - 5Y	N	✓		Ineligible	
Ineligible Person, Purchase/Provide to								
§ 18.2-308.2:1	Sell, give firearm to designated felon or ineligible person	WPN-5218-F4	2Y - 10Y	N	✓		Ineligible	
§ 18.2-308.2:1(A)	Sell, give firearm to designated felon or ineligible person	WPN-5218-F4	2Y - 10Y	N	✓		Ineligible	
Purchase								
§ 18.2-308.2:2(M)	Provide > 1 firearm to ineligible person through purchase/trans.	WPN-5285-F5	1Y - 10Y	N	✓		Ineligible	5Y
§ 18.2-308.2:2(M)	Provide > 1 firearm to ineligible person through purchase/trans.	WPN-5285-F4	2Y - 10Y	N	✓		Ineligible	5Y
Ineligible Person, Purchase/Provide to								
§ 18.2-308.2:2(M,i)	Purchase firearm - provide to ineligible person	WPN-5283-F4	2Y - 10Y	N	✓		Ineligible	1Y
§ 18.2-308.2:2(M,i)	Purchase firearm - provide to ineligible person	WPN-5283-F5	1Y - 10Y	N	✓		Ineligible	

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WEAPONS									
Ineligible Person, Purchase/Provide to									
§ 18.2-308.2:2(M,ii)	Transport firearm out of state - provide to ineligible person	WPN-5284-F4	2Y - 10Y	N	✓			Ineligible	1Y
§ 18.2-308.2:2(M,ii)	Transport firearm out of state - provide to ineligible person	WPN-5284-F5	1Y - 10Y	N	✓			Ineligible	
§ 18.2-308.2:2(N)	Solicit by ineligible person, violation of § 18.2-308.2:2(M)	WPN-5286-F4	2Y - 10Y	N	✓			Ineligible	5Y
§ 18.2-308.2:2(N)	Solicit by ineligible person, violation of § 18.2-308.2:2(M)	WPN-5286-F5	1Y - 10Y	N	✓			Ineligible	5Y
Ammunition									
§ 18.2-308.3	Restricted firearm ammunition use in crimes	WPN-5233-F5	1Y - 10Y	N	✓			Ineligible	
Tear Gas									
§ 18.2-312	Malicious release of dangerous gas resulting in injury	WPN-5239-F3	5Y - 20Y	N	✓			Ineligible	
§ 18.2-312	Unlawful release of dangerous gas resulting in injury	WPN-5240-F6	1Y - 5Y	N	✓			Ineligible	
SEX OFFENSES									
Prostitution									
§ 18.2-346(B.i)	Solicitation of prostitution from minor age 16 or older	✓ SEX-3650-F6	1Y - 5Y	N	✓		Not, If Minor	Ineligible	
§ 18.2-346(B.ii)	Solicitation of prostitution from minor less than age 16	✓ SEX-3651-F5	1Y - 10Y	N	✓		Not, If Minor	Ineligible	
§ 18.2-346.01(i)	Solicitation of prostitution from minor age 16 or older	✓ SEX-3650-F6	1Y - 5Y	N	✓		Not, If Minor	Ineligible	
§ 18.2-346.01(ii)	Solicitation of prostitution from minor less than age 16	✓ SEX-3651-F5	1Y - 10Y	N	✓		Not, If Minor	Ineligible	
§ 18.2-348	Aiding/assisting in procurement of person <18	✓ SEX-3611-F6	1Y - 5Y	N	✓		Not, If Minor	Ineligible	
§ 18.2-349	Using vehicle to promote prostitution of person <18	✓ SEX-3612-F6	1Y - 5Y	N	✓		Not, If Minor	Ineligible	
§ 18.2-355	Minor, take etc., for prostitution	✓ SEX-3607-F4	2Y - 10Y	N			Not, If Minor	Ineligible	
§ 18.2-355(1)	Enticement, procurement	✓ SEX-3626-F4	2Y - 10Y	Y	✓		Not, If Minor	Ineligible	
§ 18.2-355(2)	Compel to marry by force or threats	✓ SEX-3624-F4	2Y - 10Y	Y	✓		Not, If Minor	Ineligible	
§ 18.2-355(3)	Parent permitting child	✓ SEX-3629-F4	2Y - 10Y	Y	✓		Not, If Minor	Ineligible	
§ 18.2-355(4)	Minor, take etc., for prostitution, pandering	✓ SEX-3607-F3	5Y - 20Y	N	✓		Not, If Minor	Ineligible	
§ 18.2-356(i)	Receive money, etc., for procuring/placing < age 18 to engage in	✓ SEX-3692-F3	5Y - 20Y	N	✓		Not, If Minor	Ineligible	
§ 18.2-356(i)	Receive money, etc., for procuring/placing person to engage in sex	✓ SEX-3631-F4	2Y - 10Y	Y	✓		Not, If Minor	Ineligible	
LABOR									
Procurement									
§ 18.2-356(ii)	Receive money, etc., for procuring < age 18 for forced labor/services	LAB-7485-F3	5Y - 20Y	N	✓		Not, If Minor	Ineligible	
§ 18.2-356(ii)	Receive money, etc., for procuring person for forced labor/services	✓ LAB-7482-F4	2Y - 10Y	N	✓		Not, If Minor	Ineligible	

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OBSCENITY									
Procurement									
§ 18.2-356(ii)	Receive money, etc., procuring < age 18 - manufacture obscene	✓ OBS-3694-F3	5Y - 20Y	N	✓		Not, If Minor	Ineligible	
§ 18.2-356(ii)	Receive money, etc., procuring person - manufacture obscene	✓ OBS-3696-F4	2Y - 10Y	N	✓		Not, If Minor	Ineligible	
OBSCENITY - CHILD PORN									
§ 18.2-356(ii)	Receive money, etc., procuring < age 18 - manufacture child porn	✓ OBS-3697-F3	5Y - 20Y	N	✓		Not, If Minor	Ineligible	
§ 18.2-356(ii)	Receive money, etc., procuring person - manufacture child porn	✓ OBS-3695-F4	2Y - 10Y	N	✓		Not, If Minor	Ineligible	
SEX OFFENSES									
Concubinage									
§ 18.2-356(ii)	Receive money, etc., for procuring < age 18 to engage in	✓ SEX-3698-F3	5Y - 20Y	N	✓		Not, If Minor	Ineligible	
§ 18.2-356(ii)	Receive money, etc., for procuring person to engage in concubinage	SEX-3647-F4	2Y - 10Y	N	✓		Not, If Minor	Ineligible	
Prostitution									
§ 18.2-356(ii)	Receive money, etc., for procuring < age 18 to engage in prostitution	SEX-3699-F3	5Y - 20Y	N	✓		Not, If Minor	Ineligible	
§ 18.2-356(ii)	Receive money, etc., for procuring person to engage in prostitution	✓ SEX-3646-F4	2Y - 10Y	N	✓		Not, If Minor	Ineligible	
LABOR									
Procurement									
§ 18.2-356(iii)	Receive money, etc., for procuring < age 18 for forced labor/services	LAB-7485-F3	5Y - 20Y	N	✓		Not, If Minor	Ineligible	
§ 18.2-356(iii)	Receive money, etc., for procuring person for forced labor/services	✓ LAB-7482-F4	2Y - 10Y	N	✓		Not, If Minor	Ineligible	
SEX OFFENSES									
Prostitution									
§ 18.2-357	Pander, pimp, or receive money from person < age 18	✓ SEX-3648-F3	5Y - 20Y	N	✓		Not, If Minor	Ineligible	
§ 18.2-357	Pander, pimp, or receive money from prostitute	✓ SEX-3628-F4	2Y - 10Y	Y	✓		Not, If Minor	Ineligible	
Commercial Sex Trafficking									
§ 18.2-357.1(A)	Sex trafficking	✓ SEX-3662-F5	1Y - 10Y	N	✓		Not, If Minor	Ineligible	
§ 18.2-357.1(B)	Sex trafficking by force, etc.	✓ SEX-3663-F4	2Y - 10Y	N	✓		Not, If Minor	Ineligible	
§ 18.2-357.1(C)	Sex trafficking of person less than age 18	✓ SEX-3664-F3	5Y - 20Y	N	✓		Not, If Minor	Ineligible	
Prostitution									
§ 18.2-358	Detain in bawdy place	SEX-3625-F4	2Y - 10Y	Y	✓		Not, If Minor	Ineligible	
Crimes Against Nature									
§ 18.2-361	Forcible carnal knowledge	✓ SEX-1195-F4	2Y - 10Y	N	✓		Not, If Minor	Ineligible	
§ 18.2-361	Forcible carnal knowledge	✓ SEX-1196-F3	5Y - 20Y	N	✓		Not, If Minor	Ineligible	
Sodomy									
§ 18.2-361	Parent to child aged 13 or 14	✓ SEX-3633-F3	5Y - 20Y	N			Not, If Minor	Ineligible	

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SEX OFFENSES								
Bestiality								
§18.2-361(A)	Bestiality, carnally know any brute animal	✓ SEX-3606-F6	1Y - 5Y	Y		Not, If Minor	Ineligible	
Sodomy								
§18.2-361(A)	Non-Fordle	✓ SEX-3652-F6	1Y - 5Y	Y		Not, If Minor	Ineligible	
§18.2-361(B)	Family member to family member	✓ SEX-3641-F5	1Y - 10Y	N	✓	Not, If Minor	Ineligible	
§18.2-361(B)	Parent/grandparent to child/grandchild age 13 to 17	✓ SEX-3640-F3	5Y - 20Y	Y	✓	Not, If Minor	Ineligible	
Adultery and Fornication								
§18.2-366	With own children age 13 to 14 (incest)	✓ SEX-3617-F3	5Y - 20Y	N		Not, If Minor	Ineligible	
Incest, Forbidden to Marry								
§18.2-366(B)	W/own or step child/grandchild age 13 to 17 (incest)	✓ SEX-3642-F3	5Y - 20Y	Y	✓	Not, If Minor	Ineligible	
§18.2-366(B)	With own or step child or grandchild, father, mother, etc. (incest)	✓ SEX-3616-F5	1Y - 10Y	Y	✓	Not, If Minor	Ineligible	
Prostitution								
§18.2-368	Place or leave wife for prostitution (pandering)	✓ SEX-3630-F4	2Y - 10Y	Y	✓	Not, If Minor	Ineligible	
FAMILY OFFENSE								
Adult Abuse and Neglect								
§18.2-369(A)	Incapacitated adult, abuse or neglect-serious injury/disease	✓ FAM-3802-F6	1Y - 5Y	N	✓		Ineligible	
§18.2-369(A)	Vulnerable adult, abuse or neglect, subsequent offense	✓ FAM-3804-F6	1Y - 5Y	N			Ineligible	
§18.2-369(B)	Vulnerable adult, abuse or neglect, serious injury/disease	✓ FAM-3802-F4	2Y - 10Y	N	✓		Ineligible	
§18.2-369(B)	Vulnerable adult, abuse or neglect, results in death	✓ FAM-3776-F3	5Y - 20Y	N			Ineligible	
Adults								
§18.2-369(B)	Incapacitated adult, abuse or neglect-serious injury/disease	✓ FAM-3802-F6	1Y - 5Y	N	✓		Ineligible	
SEX OFFENSES								
Indecent Liberties								
§18.2-370	Take indecent liberties with child	✓ SEX-3634-F6	1Y - 5Y	Y	✓	Not, If Minor	Ineligible	
§18.2-370	Take indecent liberties with child (2nd or Subsequent Offense)	✓ SEX-3666-F5	1Y - 10Y	N	✓	Not, If Minor	Ineligible	
§18.2-370(A)	Child under age 15	✓ SEX-3643-F5	1Y - 10Y	Y	✓	Not, If Minor	Ineligible	
§18.2-370(A)	Take indecent liberties with child under age 14	✓ SEX-3634-F5	1Y - 10Y	Y	✓	Not, If Minor	Ineligible	
§18.2-370(B)	Receive money, allowing minor subject of sexual material	✓ SEX-3669-F5	1Y - 10Y	N	✓	Not, If Minor	Ineligible	
§18.2-370(C)	Receive money, allowing minor subject of sexual material, subseq.	✓ SEX-3670-F4	2Y - 10Y	N	✓	Not, If Minor	Ineligible	
§18.2-370(C)	Take indecent liberties with child - 2nd or Subsequent	✓ SEX-3666-F4	2Y - 10Y	N	✓	Not, If Minor	Ineligible	
§18.2-370(D,i)	Parent/grandparent, etc., child age of 15 to 17	✓ SEX-3644-F5	1Y - 10Y	N	✓	Not, If Minor	Ineligible	

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Statute	Description	ESC 85% VCC	Penalty	SG	17.1-805 19.2-297.1	53.1-40.02	Sealing	MM
SEX OFFENSES								
Indecent Liberties								
§ 18.2-370(D,ii)	Parent/grandparent, etc., child age less than 15	✓ SEX-3645-F4	2Y - 10Y	N	✓	Not, If Minor	Ineligible	
§ 18.2-370.1(A)	Take indecent liberties with child - custodian	✓ SEX-3635-F6	1Y - 5Y	Y	✓	Not, If Minor	Ineligible	
§ 18.2-370.1(B)	Take indecent liberties with child - custodian, 2nd/subsq.	✓ SEX-3668-F5	1Y - 10Y	N	✓	Not, If Minor	Ineligible	
Schools, Day Care, Playgrounds, Etc.								
§ 18.2-370.2	Loitering at school, contact at playground etc., after conviction	✓ SEX-3693-F6	1Y - 5Y	N		Not, If Minor	Ineligible	
§ 18.2-370.2(B)	Loitering at school after conv. prohibits proximity to children	✓ SEX-3667-F6	1Y - 5Y	N		Not, If Minor	Ineligible	
§ 18.2-370.2(C)	Near playground etc., after conviction prohibits proximity to children	✓ SEX-3675-F6	1Y - 5Y	N		Not, If Minor	Ineligible	
§ 18.2-370.3(A)	Reside near school after conviction prohibits proximity to children	✓ SEX-3671-F6	1Y - 5Y	N		Not, If Minor	Ineligible	
§ 18.2-370.3(C)	Reside near park after conviction prohibits proximity to children	✓ SEX-3676-F6	1Y - 5Y	N		Not, If Minor	Ineligible	
§ 18.2-370.4	Work, etc., at school after conviction prohibits proximity to children	✓ SEX-3672-F6	1Y - 5Y	N		Not, If Minor	Ineligible	
§ 18.2-370.5	Enter school property, etc., after Tier III sex offense conviction	✓ SEX-3673-F6	1Y - 5Y	N			Ineligible	
FAMILY OFFENSE								
Child Abuse and Neglect								
§ 18.2-371.1(A)	Child abuse and neglect, serious injury	✓ FAM-3806-F4	2Y - 10Y	Y	✓	Not, If Minor	Ineligible	
OBSCENITY								
Pictures, Etc.								
§ 18.2-374	Production or possession for sale (subsequent offense)	✓ OBS-3729-F6	1Y - 5Y	N		Not, If Minor	Ineligible	
Minors (Offense Prior to July 1, 2007)								
§ 18.2-374.1(B,1)	Accost, entice to perform in sexually explicit material	✓ OBS-3735-F5	1Y - 10Y	Y	✓	Not, If Minor	Ineligible	
OBSCENITY - CHILD PORN								
Production, Publication, Sale, Financing								
§ 18.2-374.1(B,1)	Entice minor to perform in porn, age <15	✓ OBS-3741-F9	5Y - 30Y	Y	✓	Not, If Minor	Ineligible	
§ 18.2-374.1(B,1)	Entice minor to perform in porn, age <15, offender 7+ yrs.	✓ OBS-3742-F9	5Y - 30Y	Y	✓	Not, If Minor	Ineligible	5Y
§ 18.2-374.1(B,1)	Entice minor to perform in porn, age <15, offender 7+ yrs.,	✓ OBS-3743-F9	15Y - 40Y	Y	✓	Not, If Minor	Ineligible	15Y
§ 18.2-374.1(B,1)	Entice minor to perform in porn, age 15+	✓ OBS-3744-F9	1Y - 20Y	Y	✓	Not, If Minor	Ineligible	
§ 18.2-374.1(B,1)	Entice minor to perform in porn, age 15+, offender 7+ yrs.	✓ OBS-3745-F9	3Y - 30Y	Y	✓	Not, If Minor	Ineligible	3Y
§ 18.2-374.1(B,1)	Entice minor to perform in porn, age 15+, offender 7+ yrs.,	✓ OBS-3746-F9	10Y - 30Y	Y	✓	Not, If Minor	Ineligible	10Y
OBSCENITY								
Minors (Offense Prior to July 1, 2007)								
§ 18.2-374.1(B,2)	Produce materials involving minor	✓ OBS-3721-F5	1Y - 10Y	Y	✓	Not, If Minor	Ineligible	

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OBSCENITY - CHILD PORN									
§18.2-374.1(B,2)	Production, Publication, Sale, Financing								
	Produce, make child porn, age <15	✓ OBS-3747-F9	5Y - 30Y	Y	✓		Not, If Minor	Ineligible	
§18.2-374.1(B,2)	Produce, make child porn, age <15, offender 7+ yrs.	✓ OBS-3748-F9	5Y - 30Y	Y	✓		Not, If Minor	Ineligible	5Y
§18.2-374.1(B,2)	Produce, make child porn, age <15, offender 7+ yrs., 2nd/Subsq.	✓ OBS-3749-F9	15Y - 40Y	Y	✓		Not, If Minor	Ineligible	15Y
§18.2-374.1(B,2)	Produce, make child porn, age 15+	✓ OBS-3750-F9	1Y - 20Y	Y	✓		Not, If Minor	Ineligible	
§18.2-374.1(B,2)	Produce, make child porn, age 15+, offender 7+ yrs.	✓ OBS-3751-F9	3Y - 30Y	Y	✓		Not, If Minor	Ineligible	3Y
§18.2-374.1(B,2)	Produce, make child porn, age 15+, offender 7+ yrs., 2nd/Subsq.	✓ OBS-3752-F9	10Y - 30Y	Y	✓		Not, If Minor	Ineligible	10Y
OBSCENITY									
Minors (Offense Prior to July 1, 2007)									
§18.2-374.1(B,3)	Participate in filming etc. of sexually explicit material	✓ OBS-3736-F5	1Y - 10Y	Y	✓		Not, If Minor	Ineligible	
OBSCENITY - CHILD PORN									
§18.2-374.1(B,3)	Production, Publication, Sale, Financing								
	Take part, film child porn, age < 15	✓ OBS-3753-F9	5Y - 30Y	Y	✓		Not, If Minor	Ineligible	
§18.2-374.1(B,3)	Take part, film child porn, age < 15, offender 7+ yrs.	✓ OBS-3754-F9	5Y - 30Y	Y	✓		Not, If Minor	Ineligible	5Y
§18.2-374.1(B,3)	Take part, film child porn, age < 15, offender 7+ yrs., 2nd/Subsq.	✓ OBS-3755-F9	15Y - 40Y	Y	✓		Not, If Minor	Ineligible	15Y
§18.2-374.1(B,3)	Take part, film child porn, age 15+	✓ OBS-3756-F9	1Y - 20Y	Y	✓		Not, If Minor	Ineligible	
§18.2-374.1(B,3)	Take part, film child porn, age 15+, offender 7+ yrs.	✓ OBS-3757-F9	3Y - 30Y	Y	✓		Not, If Minor	Ineligible	3Y
§18.2-374.1(B,3)	Take part, film child porn, age 15+, offender 7+ yrs., 2nd/Subsq.	✓ OBS-3760-F9	10Y - 30Y	Y	✓		Not, If Minor	Ineligible	10Y
OBSCENITY									
Minors (Offense Prior to July 1, 2007)									
§18.2-374.1(B,4)	Sell, give, distribute, transmit sexually explicit material	✓ OBS-3737-F5	1Y - 10Y	Y	✓		Not, If Minor	Ineligible	
OBSCENITY - CHILD PORN									
§18.2-374.1(B,4)	Production, Publication, Sale, Financing								
	Finance child porn, age < 15	✓ OBS-3682-F9	5Y - 30Y	Y	✓		Not, If Minor	Ineligible	
§18.2-374.1(B,4)	Finance child porn, age < 15, offender 7+ yrs.	✓ OBS-3683-F9	5Y - 30Y	Y	✓		Not, If Minor	Ineligible	5Y
§18.2-374.1(B,4)	Finance child porn, age < 15, offender 7+ yrs., 2nd/Subsq.	✓ OBS-3684-F9	15Y - 40Y	Y	✓		Not, If Minor	Ineligible	15Y
§18.2-374.1(B,4)	Finance child porn, age 15+	✓ OBS-3685-F9	1Y - 20Y	Y	✓		Not, If Minor	Ineligible	
§18.2-374.1(B,4)	Finance child porn, age 15+, offender 7+ yrs.	✓ OBS-3686-F9	3Y - 30Y	Y	✓		Not, If Minor	Ineligible	3Y
§18.2-374.1(B,4)	Finance child porn, age 15+, offender 7+ yrs., 2nd/Subsq.	✓ OBS-3687-F9	10Y - 30Y	Y	✓		Not, If Minor	Ineligible	10Y

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OBSCENITY									
§18.2-374.1(C)	Minors (Offense Prior to July 1, 2007) Finance sexually explicit visual material	✓ OBS-3717-F4	2Y - 10Y	Y	✓		Not, If Minor	Ineligible	
§18.2-374.1(C1)	OBSCENITY - CHILD PORN Production, Publication, Sale, Financing Use appropriate VCC for child less than age 15	✓	0 -	N			Not, If Minor	Ineligible	
§18.2-374.1(C2)	Use appropriate VCC for child age 15 or more	✓	0 -	N			Not, If Minor	Ineligible	
§18.2-374.1:1(A)	Possession, Distribution, Reproduction Possess child porn (first offense)	# OBS-3731-F6	1Y - 5Y	Y	✓		2nd or Subsq	Ineligible	
§18.2-374.1:1(B)	Possess child porn (subsequent offense)	✓ OBS-3732-F5	1Y - 10Y	Y	✓		Not, If Minor	Ineligible	
§18.2-374.1:1(C)	Reproduce, transmit, sell, etc., child porn	✓ OBS-3680-F9	5Y - 20Y	Y	✓		Not, If Minor	Ineligible	
§18.2-374.1:1(C)	Reproduce, transmit, sell, etc., child porn, subsequent	✓ OBS-3681-F9	5Y - 20Y	Y	✓		Not, If Minor	Ineligible	5Y
§18.2-374.1:1(C,i)	Reproduce, transmit, sell, etc., child porn	✓ OBS-3680-F9	5Y - 20Y	Y	✓		Not, If Minor	Ineligible	
§18.2-374.1:1(C,i)	Reproduce, transmit, sell, etc., child porn, subsequent	✓ OBS-3681-F9	5Y - 20Y	Y	✓		Not, If Minor	Ineligible	5Y
§18.2-374.1:1(C,ii)	Solicitation of child porn to gain entry to group	✓ OBS-3677-F9	5Y - 20Y	N	✓		Not, If Minor	Ineligible	
§18.2-374.1:1(C,ii)	Solicitation of child porn to gain entry to group, subsequent	✓ OBS-3678-F9	5Y - 20Y	N	✓		Not, If Minor	Ineligible	5Y
OBSCENITY									
Minors									
§18.2-374.1:1(D)	Possess obscene material (subsequent offense)	✓ OBS-3732-F6	1Y - 5Y	N	✓		Not, If Minor	Ineligible	
§18.2-374.1:1(D)	Minors (Offense Prior to July 1, 2007) Possess obscene material (subsequent offense)	✓ OBS-3732-F5	1Y - 10Y	Y	✓		Not, If Minor	Ineligible	
§18.2-374.1:1(D)	OBSCENITY - CHILD PORN Website Operate website; access to sexually explicit material for payment	✓ OBS-3740-F4	2Y - 10Y	N	✓		Not, If Minor	Ineligible	
§18.2-374.1:2	OBSCENITY Minors (Offense Prior to July 1, 2007) Operate website; access to sexually explicit material for payment	✓ OBS-3740-F4	2Y - 10Y	N			Not, If Minor	Ineligible	
§18.2-374.3(A)	Electronic means for procuring minors for obscene material etc.	✓ OBS-3730-F6	1Y - 5Y	Y	✓		Not, If Minor	Ineligible	
§18.2-374.3(B)	Electronic means to solicit minors for prostitution sodomy etc.	✓ OBS-3758-F5	1Y - 10Y	Y	✓		Not, If Minor	Ineligible	
OBSCENITY - CHILD SOLICITATION									
§18.2-374.3(B)	Communications System Procure minor for obscene material by communications system	✓ OBS-3730-F6	1Y - 5Y	Y	✓		Not, If Minor	Ineligible	
§18.2-374.3(C)	Propose sex act by communications sys. age <15	✓ OBS-3701-F5	1Y - 10Y	Y	✓		Not, If Minor	Ineligible	
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OBSCENITY - CHILD SOLICITATION									
Communications System									
§18.2-374.3(C)	Propose sex act by communications sys. age <15, offender 7+ yr	✓ OBS-3702-F9	5Y - 30Y	Y	✓		Not, If Minor	Ineligible	5Y
§18.2-374.3(C)	Propose sex act by communications sys. age <15, offender 7+ yr,	✓ OBS-3703-F9	10Y - 40Y	Y	✓		Not, If Minor	Ineligible	10Y
§18.2-374.3(D)	Propose sex act by communications sys. age 15+, offender 7+ yr	✓ OBS-3690-F5	1Y - 10Y	Y	✓		Not, If Minor	Ineligible	
§18.2-374.3(D)	Propose sex act by communications sys. age 15+, offender 7+ yr	✓ OBS-3690-F9	1Y - 20Y	Y	✓		Not, If Minor	Ineligible	
§18.2-374.3(D)	Propose sex act by communications sys. age 15+, offender 7+ yr,	✓ OBS-3691-F9	1Y - 20Y	Y	✓		Not, If Minor	Ineligible	1Y
§18.2-374.3(E)	Procure minor for prostitution, sodomy, porn by communications	✓ OBS-3689-F5	1Y - 10Y	Y	✓		Not, If Minor	Ineligible	
OBSCENITY - CHILD GROOMING									
Video									
§18.2-374.4	Display child porn or grooming video to child under age 13	✓ OBS-3679-F6	1Y - 5Y	N	✓		Not, If Minor	Ineligible	
OBSCENITY									
Performances									
§18.2-375	Obscene exhibitions and performances (subsequent)	✓ OBS-3725-F6	1Y - 5Y	N			Not, If Minor	Ineligible	
Advertising									
§18.2-376	Advertisement of obscene items (subsequent)	✓ OBS-3709-F6	1Y - 5Y	N			Not, If Minor	Ineligible	
Computer									
§18.2-376.1	Sell obscene pictures/performances by computer (subsequent)	✓ OBS-3739-F6	1Y - 5Y	N			Not, If Minor	Ineligible	
Advertising									
§18.2-377	Obscene advertising, placards, bills, etc. (subsequent)	✓ OBS-3723-F6	1Y - 5Y	N			Not, If Minor	Ineligible	
Coercing									
§18.2-378	Coercing acceptance of obscene publication (subsequent)	✓ OBS-3711-F6	1Y - 5Y	N			Not, If Minor	Ineligible	
Minors									
§18.2-379	Permit minors in obscene performances (subsequent)	✓ OBS-3720-F6	1Y - 5Y	N	✓		Not, If Minor	Ineligible	
Subsequent Offense									
§18.2-381	Subsequent pornography conviction under §§18.2-374 thru 18.2-379	OBS-3734-F6	1Y - 5Y	N	✓		Not, If Minor	Ineligible	
Minors									
§18.2-386.1	Unlawful creation of videographic/still image of a minor	✓ OBS-3705-F6	1Y - 5Y	N			Not, If Minor	Ineligible	
Pictures, Etc.									
§18.2-386.1	Unlawful creation of videographic/still image of another, 3rd/subsq.	✓ OBS-3704-F6	1Y - 5Y	N			Not, If Minor	Ineligible	
RIOT AND UNLAWFUL ASSEMBLY									
Weapons									
§18.2-405	Participate in riot with firearm or weapon	RUA-5321-F5	1Y - 10Y	N	✓			Ineligible	
§ 17.1-805 includes attempts and conspiracies to commit the specified offenses.									
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Statute	Description	ESC 85% VCC	Penalty	SG	17.1 -805	19.2 -297.1	53.1-40.02	Sealing	MM
RIOT AND UNLAWFUL ASSEMBLY									
Weapons									
§18.2-406	Participate in unlawful assembly w/firearm or weapon	RUA-5324-F5	1Y - 10Y	N	✓			Ineligible	
Other									
§18.2-408	Conspire with, incite others to riot	RUA-5315-F5	1Y - 10Y	N	✓			Ineligible	
Governor's Order									
§18.2-413	Governor's order, fail to disperse	RUA-5316-F5	1Y - 10Y	N	✓			Ineligible	
Other									
§18.2-414	Injury to another, damage to property	RUA-5318-F6	1Y - 5Y	N	✓			Ineligible	
VIOLENT ACTIVITIES									
Type									
§18.2-423	Cross, burn to intimidate	# VIO-5328-F6	1Y - 5Y	N	✓		2nd or Subsq	Ineligible	
§18.2-423.01(A)	Burn object on private property w/intent to intimidate	# VIO-5332-F6	1Y - 5Y	N	✓		2nd or Subsq	Ineligible	
§18.2-423.01(B)	Burn object on highway/public place w/intent to intimidate	# VIO-5333-F6	1Y - 5Y	N	✓		2nd or Subsq	Ineligible	
§18.2-423.1	Swastika, placement on building to intimidate	# VIO-5329-F6	1Y - 5Y	N	✓		2nd or Subsq	Ineligible	
§18.2-423.1(A)	Swastika, placement on building or private property to intimidate	# VIO-5329-F6	1Y - 5Y	N	✓		2nd or Subsq	Ineligible	
§18.2-423.1(B)	Swastika, placement on highway, public place, to intimidate	# VIO-5334-F6	1Y - 5Y	N	✓		2nd or Subsq	Ineligible	
§18.2-423.2	Noose, display in public place to intimidate	# VIO-5339-F6	1Y - 5Y	N	✓		2nd or Subsq	Ineligible	
§18.2-423.2	Noose, display on private property to intimidate	# VIO-5338-F6	1Y - 5Y	N	✓		2nd or Subsq	Ineligible	
§18.2-433.2	Paramilitary activity to cause disorder, teach, assemble for	# VIO-5331-F5	1Y - 10Y	N	✓		2nd or Subsq	Ineligible	
OBSTRUCTION OF JUSTICE									
Obstruct or Impede in Court									
§18.2-460(C)	Obstruct/impede justice in court - drug, gang, §17.1-805 offenses	JUS-4820-F5	1Y - 10Y	N	✓			Ineligible	
Resisting Arrest/Intimidation of LEO, Judge, Juror, CA, Etc.									
§18.2-460(C)	Resisting arrest, obstructing justice by threats bodily harm or force	JUS-4832-F5	1Y - 10Y	Y	✓			Ineligible	
PRISONERS, JAILS AND PRISONS									
Security Camera									
§18.2-473.2(C)	Security camera covered, made inoperable, etc., prevent view of	PRI-4902-F6	1Y - 5Y	N	✓			Ineligible	
Drugs, etc.									
§18.2-474.1	Delivery of narcotics, marijuana to prisoner, etc.	PRI-3241-F5	1Y - 10Y	Y	✓			Ineligible	
Weapons									
§18.2-474.1	Delivery of weapons or ammunition to prisoner or confined person	PRI-3242-F3	5Y - 20Y	N	✓			Ineligible	

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ESCAPES									
With Force									
§18.2-477	Escape by force or violence from jail	ESC-4908-F6	1Y - 5Y	N	✓			Ineligible	
§18.2-477.1(B)	Juvenile facility by force or violence, escape from secure	ESC-4927-F6	1Y - 5Y	N	✓			Ineligible	
§18.2-478	Not convicted, escape from jail/custody by force or violence	ESC-4911-F6	1Y - 5Y	N	✓			Ineligible	
Fire									
§18.2-480	Escape or attempted escape by setting fire to jail	ESC-4910-F4	2Y - 10Y	N	✓			Ineligible	
TREASON									
Type									
§18.2-481	Levying war against national or state government	✓ TRE-0111-F2	20Y - Life	N	✓		Not Eligible	Ineligible	
§18.2-485	Inciting one race to insurrection against another	TRE-0110-F4	2Y - 10Y	N	✓			Ineligible	
MENTAL HEALTH									
Civil Commitment									
§37.2-917	Sexually violent predator - Escape from facility	✓ HEA-5530-F6	1Y - 5Y	N	✓			Ineligible	
§37.2-918	Sexually violent predator - Fail to return; on conditional release	✓ HEA-5524-F6	1Y - 5Y	N				Petition	
§37.2-918	Sexually violent predator - Leave state while on conditional release	✓ HEA-5531-F6	1Y - 5Y	N				Petition	
LABOR									
Wages									
§40.1-29	Withhold wages with intent to defraud, \$10,000 or more	# LAB-7469-F6	1Y - 5Y	N			2nd or Subsq	Petition	
§40.1-29	Withhold wages with intent to defraud, 2nd or subsequent	# LAB-7468-F6	1Y - 5Y	N			2nd or Subsq	Petition	
Minor									
§40.1-100.2	Permit person under 18 to perform, etc., in sexually explicit material	✓ LAB-7489-F6	1Y - 5Y	N			Not Eligible	Ineligible	
Child Abuse And Neglect									
§40.1-103	Endangerment, cruelty or injuries to children	✓ FAM-3810-F6	1Y - 5Y	Y			Not Eligible	Ineligible	
INTELLIGENCE, CRIMINAL/TERRORISM									
Virginia Fusion Intelligence Center									
§52-48	Disseminate criminal or terrorism intelligence - death/injury results	INT-8051-F4	2Y - 10Y	N	✓			Ineligible	
ESCAPES									
Correctional Facility									
§53.1-203(1)	Escape from a correctional facility	ESC-4921-F6	1Y - 5Y	Y	✓			Ineligible	1Y
PRISONERS, JAILS AND PRISONS									
Destroy Property									
§53.1-203(2)	Break, cut, damage any part of facility to aid escape	PRI-3258-F6	1Y - 5Y	N	✓			Ineligible	

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	ESCAPES								
	Other								
§53.1-203(3)	Possess an instrument to aid escape	ESC-4922-F6	1Y - 5Y	N	✓			Ineligible	
	PRISONERS, JAILS AND PRISONS								
	Weapons								
§53.1-203(4)	Make, possess unauthor. weapon capable of death, injury	PRI-3259-F6	1Y - 5Y	N	✓			Ineligible	
	Drugs, etc.								
§53.1-203(5)	Possess, sell, secrete unlawful chemical compound	PRI-3260-F6	1Y - 5Y	Y	✓			Ineligible	
§53.1-203(6)	Possess, sell, secrete Sch. III drug, marijuana	PRI-3261-F5	1Y - 10Y	Y	✓			Ineligible	
	Weapons								
§53.1-203(7)	Introduce or possess firearms or ammunition in facility	PRI-3262-F6	1Y - 5Y	N	✓			Ineligible	
	Destroy Property								
§53.1-203(8)	Burn or destroy with explosive any personal property	PRI-3263-F6	1Y - 5Y	N	✓			Ineligible	
§53.1-203(9)	Fire protection/suppression system, tamper, damage, etc.	PRI-4942-F6	1Y - 5Y	N	✓			Ineligible	
	Other								
§53.1-203(10)	Conspiracy to commit any act specified in §53.1 - 203	PRI-3264-F6	1Y - 5Y	N	✓			Ineligible	

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