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COMMONWEALTH *of* VIRGINIA  
*Board of Juvenile Justice*

## BOARD MEETING

November 9, 2022

Virginia Public Safety Training Center, Knox Hall

### A G E N D A

9:30 a.m. Board Meeting

- 1. CALL TO ORDER and INTRODUCTIONS**
- 2. PUBLIC COMMENT**
- 3. CONSIDERATION OF REVISIONS TO THE LENGTH OF STAY GUIDELINES**  
Amy M. Floriano, Director, Department of Juvenile Justice
- 4. DIRECTOR AND BOARD COMMENTS**
- 5. NEXT MEETING**  
December 7, 2022, Virginia Public Safety Training Center, Knox Hall, 9:30 a.m.
- 6. ADJOURNMENT**

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**GUIDELINES FOR DETERMINING THE LENGTH OF STAY (LOS)  
FOR JUVENILES INDETERMINATELY COMMITTED TO THE DEPARTMENT OF  
JUVENILE JUSTICE**

**Effective July 1, 2023**

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**1.0 PURPOSE**

The Guidelines for Determining the Length of Stay (LOS) for Juveniles Indeterminately Committed to the Department of Juvenile Justice (LOS Guidelines) provide direction for determining the projected LOS and establish the release review process and eligibility requirements for juveniles committed to the Department of Juvenile Justice (the department) for an indeterminate period of time.

The LOS Guidelines seek to promote accountability and rehabilitation by combining data-driven decision making with an analysis of the youth's individualized therapeutic, educational, vocational, and behavioral needs to support the youth's successful reentry from commitment to the community. The LOS Guidelines provide an initial baseline for estimating the juvenile length of stay and build in an enhanced review and evaluation process that considers additional eligibility requirements to ensure that indeterminately committed youth have obtained the skills and resources needed for success upon release.

**2.0 SCOPE**

The LOS Guidelines apply to all juveniles who are committed to the department for an indeterminate period of time pursuant to subdivision A 14 of § 16.1-278.8 or § 16.1-272 of the *Code of Virginia*. Indeterminately committed juveniles placed in alternative direct care programs also fall under the purview of these guidelines.

The LOS Guidelines do not apply to juveniles determinately committed to the department as serious offenders under § 16.1-285.1 or subdivision A 2 of § 16.1-272 of the *Code of Virginia*. Notwithstanding the projected LOS determination and the case review process established in Section 8.0, the LOS Guidelines shall neither restrict nor limit the authority of the department director or the director's designee to release juveniles pursuant to §§ 16.1-285 and 66-3 of the *Code of Virginia* or other applicable statutes and regulations.

**3.0 AUTHORITY**

Section 66-10 of the *Code of Virginia* requires the Board of Juvenile Justice (the board) to "establish length-of-stay guidelines for juveniles indeterminately committed to the department and to make such guidelines available for public comment."

#### **4.0 OVERVIEW**

The LOS Guidelines have been updated to achieve a balance of public safety, personal accountability, and competency development.

Public safety primarily emphasizes Virginia citizens' rights to safe and secure communities. Achieving public safety requires a recognition that the more egregious a juvenile's criminal offense, the more the public's perception of safety and security is diminished. In these cases, the department should devote additional resources and time to the juvenile to address their criminogenic and therapeutic needs in order to reduce the likelihood of reoffending.

Accountability requires that staff make every effort to instill in juveniles a full appreciation of the harmful impact their actions have had on victims, the larger community, and the juveniles themselves.

Competency development requires that juveniles receive opportunities to acquire or build on interpersonal, cognitive, behavioral, and vocational skills and strengths to ensure they are released from direct care with increased likelihood of success when returning to the community.

The department seeks to achieve this balance by using the juvenile's risk for rearrest and offense severity to calculate an initial projected LOS and employing an objective, enhanced case review process that considers several criteria to assess the youth's progress in treatment, facility behavior, educational progress, and independent skill attainment. While the projected LOS shall serve as the initial consideration for release determinations, a youth's release also will be contingent upon the fulfillment of several objective criteria as well as an enhanced case review and release evaluation conducted by an impartial committee. The department believes this multipronged approach will ensure the juvenile has received the necessary skills and competencies for successful reintegration into the community.

#### **5.0 DEFINITIONS**

*"Date of commitment"* means the hearing date on which the court made the determination to issue a final order committing the juvenile to the department.

*"Day"* means a calendar day unless otherwise specified.

*"Direct care"* means the time during which a juvenile who is committed to the department pursuant to § 16.1-272 or subsections A 14 or 17 of § 16.1-278.8 of the *Code of Virginia* is under the supervision of staff in a juvenile residential facility operated or contracted by the department.

*"Dynamic protective score"* means the juvenile's protective score on exclusively "dynamic" (changeable) items on the Youth Assessment Screening Instrument. Examples of dynamic protective factors include relationships with pro-social adult role models, good school performance, pro-social peers, good parental supervision, usually obeying and following rules, consistently appropriate consequences from parents for bad behavior, consistently appropriate rewards from parents for good behavior, and involvement in two or more school activities.

*LOS Guidelines*

*Effective: July 1, 2023*

*“Dynamic risk score”* means the juvenile’s risk score on exclusively “dynamic” (changeable) items on the YASI. Examples of dynamic risk factors include negative peer influences; negative family influences and failure to follow rules at home; school behavioral problems and poor school attendance; lack of empathy, dispositions favorable toward crime, and lack of receptivity toward change; and deficits in problem solving, interpersonal skills, and other cognitive skills that normally promote pro-social adjustment.

*“Early release date”* means the date associated with the estimated minimum amount of time, based upon the projected length of stay calculation, that indeterminately committed juveniles are expected to be in direct care, starting from their date of commitment.

*“Facility-level review committee”* means the internal decision-making body in a juvenile correctional center that serves as the highest level of committee review and decision making for case management decisions at the facility.

*“Institutional offense”* means a violation of the facility’s Code of Conduct governing juvenile behavior.

*“Juvenile”* means an individual, regardless of age, who is committed to the department and is residing in a juvenile residential facility. For purposes of these guidelines, the term “juvenile” is limited to a juvenile committed to the department pursuant to § 16.1-272 or subsection A 14 of § 16.1-278.8 of the *Code of Virginia*.

*“Juvenile residential facility”* means a publicly or privately operated facility, a secure facility defined in § 16.1-228 of the *Code of Virginia*, or an alternative placement for juveniles where 24-hour-per-day care is provided to juveniles under the direct care of the department.

*“Late release date”* means the date associated with the estimated maximum amount of time, based upon the projected length of stay calculation, indeterminately committed juveniles are expected to be in direct care, starting from their date of commitment.

*“Overall risk score”* means the overall risk to reoffend as determined by the YASI.

*“Pending charge”* means an alleged offense committed before the date of commitment on which there was not a final disposition or sentence prior to the determination of the projected length of stay.

*“Projected length of stay”* or *“Projected LOS”* means the projected duration, as calculated in accordance with these guidelines, a juvenile will spend in the department’s direct care after receiving an indeterminate commitment to the department. A juvenile’s actual LOS may vary from the projected LOS, based on the provisions of these guidelines.

*“Serious injury”* means an injury that requires immediate medical treatment from medical staff either in a juvenile residential facility or an offsite medical facility, and where the treatment provided or condition diagnosed prevents the immediate return of the juvenile to the general population, prevents the immediate return of staff to their individual duties, or causes significant disruption to the normal

routine due to required follow-up medical care. The term ‘serious injury’ does not include an injury requiring only basic first aid.

*Sexual abuse*” means any nonconsensual sexual contact by a juvenile on another juvenile or staff, including but not limited to (i) contact between the penis and the vagina or the anus; (ii) contact between the mouth and the penis, vagina, or anus; (iii) penetration of the anal or genital opening of another person by a hand, finger, or other object; (iv) non-penetrative intentional touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks; or (v) intentional sexual touching (either directly or through clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks.

*Sexual misconduct*” means any sexual conduct or act by a juvenile either individually, with another juvenile, or directed towards staff, including but not limited, to non-forced sexual contact, indecent exposure or masturbation, and sexual harassment.

*Statutory release date*” means the date upon which the department’s legal authority to confine the juvenile expires. For indeterminately committed juveniles, with the exception of juveniles committed for murder or manslaughter, the statutory release date is the day before their 21<sup>st</sup> birthday or the date that occurs 36 continuous months from the latest date of commitment, whichever occurs first. For juveniles indeterminately committed for murder or manslaughter, the statutory release date is the day before their 21<sup>st</sup> birthday.

*Subsequent commitment*” means a commitment to the department for an offense that a juvenile commits after the date of commitment.

*Youth Assessment and Screening Instrument*” or *YASI*” is the instrument the department uses to assess juveniles’ risk and protective factors. The full assessment includes 87 items across the following 10 domains: legal history, family, school, community and peers, alcohol and drugs, mental health, aggression and violence, (pro-social and antisocial) attitudes, (social and cognitive) skills, and employment and free time.<sup>1</sup> The legal history accounts for previous intake contacts for delinquent offenses, age at first intake contact, intake contacts for offenses, felony offenses, weapon offenses, intake contacts for offenses against person, intake contacts for felony offenses against persons, placements, juvenile detention, department custody, escapes, failure to appear in court, and violations of probation or rules of supervision.

## **6.0 CALCULATING THE PROJECTED LOS**

The department shall determine a projected LOS for every indeterminately committed juvenile. The juvenile court service unit shall estimate the appropriate LOS no later than three (3) business days following the date of commitment if a social history report was previously completed prior to disposition and a maximum of five (5) business days following the date of commitment if a social

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<sup>1</sup> Orbis Partners, Inc. conducted a validation study of the YASI in New York in 2007. The National Council on Crime and Delinquency conducted a study comparing the validity, inter-rater reliability, and costs of juvenile risk assessments that included the implementation of the YASI pre-screen in Virginia in 2013.

history report was not completed prior to disposition. The department's Central Admission and Placement Unit shall review the court service unit's estimated LOS and provide a final calculation.

The projected LOS will be determined using two criteria:  
The assessed risk level category (A, B, C, and D); and  
The most serious committing offense severity tier (I, II, III, IV, and V).

### **6.1 Determining Risk Level Category**

The committed juvenile's risk level category shall be determined by reviewing the youth's risk and protective factors at the time of admission to direct care based on the most recently administered YASI. The committed juvenile's risk level shall be assessed as one of four categories. In determining the juvenile's risk level, the YASI assesses static and dynamic risk and protective factors based on responses to the questions in the 10 domains, and the risk and protective factors are scored as being low through high or very high. The four risk level categories used for calculating the projected LOS are as follows in order of ascending levels of risk:

"*Risk Level A*" means the committed juvenile has an overall risk score of none/low or moderate on the juvenile's most recent YASI full assessment. This is the lowest possible level of risk;

"*Risk Level B*" means the committed juvenile has (i) an overall risk score of high and (ii) a dynamic protective score of moderate-high to very high on the juvenile's most recent YASI full assessment;

"*Risk Level C*" means the committed juvenile has (i) an overall risk score of high, (ii) a dynamic protective score of none to moderate, and (iii) a dynamic risk score of less than very high on the juvenile's most recent YASI full assessment; and

"*Risk Level D*" means the committed juvenile has (i) an overall risk score of high, (ii) a dynamic protective score of none to moderate, and (iii) a dynamic risk score of very high on the juvenile's most recent YASI full assessment. This is the highest possible level of risk.

[Appendix A](#) provides a flow chart depicting how the LOS risk level category is to be determined.

### **6.2 Determining the Most Serious Committing Offense Severity**

The committed juvenile's offense severity shall be established based upon the juvenile's most serious committing offense. Offenses are separated into five tiers. An explanation of the types of offenses captured under each tier is provided below. For the abbreviated lists of offenses within each tier, please see Appendices B through F.

"*Tier I*" means the juvenile's most serious committing offense constitutes a Class 1 misdemeanor unless the offense is specifically listed under Tier II or Tier III. The Tier I offenses are the least serious of the LOS most serious committing offense designation and are enumerated in [Appendix B](#).

"*Tier II*" includes a combination of Class 1 misdemeanor offenses and lower level felony offenses. The elevated Class 1 misdemeanor offenses require some heightened level of intent, malice, or



cruelty; result in increased injury or harm to the victim, including victims in a protected class; or involve the carrying of firearms or the use of firearms or other weapons in a dangerous or reckless manner or in a setting that potentially could threaten the safety of a larger number of individuals. Examples of Class 1 misdemeanor offense categories that are elevated to Tier II include certain misdemeanors involving cruelty to animals, non-forceful escapes from secure facilities, and brandishing or pointing firearms.

Tier II also includes a portion of the non-person felony offenses that have a statutory minimum penalty of less than 20 years. Examples of such Tier II offense categories include: (i) felony driving while intoxicated offenses; (ii) felony fraud offenses; (iii) felony labor-related offenses; (iv) felony larceny offenses excluding those involving stealing or receiving firearms; (v) felony vandalism offenses excluding those involving significant injury or death to animals; and (vi) several Schedule III or higher possession or distribution offenses. The abbreviated list of misdemeanor and felony offenses captured under Tier II is found in [Appendix C](#).

“*Tier III*” includes all parole violations, regardless of the severity of the underlying offense, as well as a combination of Class 1 misdemeanor and felony offenses. The Tier III Class 1 misdemeanor offenses include certain protective order violations and certain indecent exposure offenses involving minors.

In addition, Tier III includes, among others, the following felony categories: (i) arson of personal property valued at \$1000 or more or of unoccupied buildings; (ii) felony sex trafficking offenses not involving a minor; (iii) felony offenses involving escape from secure facilities using force or violence; (iv) extortion felonies; (v) child abuse and neglect; (vi) felony kidnapping with a statutory maximum penalty of 20 years or less; (vii) firearm-related larcenies; (viii) grand larceny from a person; (ix) carnal knowledge; (x) felony reckless driving offenses; (xi) offenses involving possession of Schedule I and II narcotics; and (xii) felony stalking offenses. The combined list of Class 1 misdemeanor offenses and felony offenses assigned to Tier III is found in [Appendix D](#).

“*Tier IV*” includes felony offenses that are deemed more serious in nature than those enumerated in Tiers II and III. Among the felony categories under Tier IV are the following: (i) arson of an occupied building; (ii) Class 3 felony assault offenses; (iii) kidnapping with a statutory maximum penalty exceeding 10 years; (iv) sex trafficking offenses involving minors; (v) offenses involving distribution or sale of Schedule I or II drugs; (vi) third or subsequent firearm conviction offenses; (vii) discharge of firearm in certain public places; (viii) involuntary manslaughter; and (ix) certain terrorism offenses. The abbreviated list of Tier IV offenses is found in [Appendix E](#).

“*Tier V*” means the juvenile’s most serious committing offense fell within any one of the following categories: (i) murder; (ii) accessory to murder; (iii) voluntary manslaughter; (iv) robbery resulting in death or serious bodily injury; (v) malicious wounding resulting in the victim’s permanent impairment; (vi) rape or sex-related offenses with a maximum statutory penalty of life; and (vii) burglary of a dwelling with a deadly weapon. These offenses are enumerated in [Appendix F](#) and constitute the most serious of the LOS most serious committing offense designation.

The department director shall have the discretion to add new offenses, eliminate repealed offenses, or move offenses to alternative tiers in accordance with applicable legislative changes made by the Virginia General Assembly. Any changes in tier assignments made in accordance with this section shall be posted on the department's website at least 30 days prior to taking effect.

Commitments on violations of probation shall be categorized as provided in section 6.22.

#### *6.21 Only Current Committing Offenses Will Be Used*

The LOS calculation will be based solely on delinquency or criminal offenses that resulted in the current admission to direct care. With the exception of violations of probation, court orders, or suspended sentences discussed in Section 6.22, offenses not resulting in the current commitment(s) may not be considered in classifying the most serious committing offense severity tier.

#### *6.22 Violations of Probation, Court Orders, or Suspended Commitments*

If a juvenile was committed for: (i) violating the terms or conditions of probation, (ii) violating a court order, or (iii) violating a suspended commitment, then the most serious underlying offense will be used to determine the most serious committing offense severity tier.

When a juvenile is committed for a violation of probation along with another Class 1 misdemeanor or felony offense, both the underlying offense for the violation of probation and the additional misdemeanor or felony offense shall be considered in determining the LOS most serious committing offense severity tier.

### **6.3 Determining the Projected LOS**

Except as provided in section 6.4 addressing treatment overrides, the risk level category and most serious committing offense severity tier determinations shall be used to assign the juvenile a projected LOS. As illustrated in the table below, the youth will be assigned an early and late release date that progresses in accordance with increases in the youth's risk level category and offense severity tier. The time frame between the early and late release dates also will vary depending upon the youth's risk level and offense severity. If the youth's most serious committing offense falls within Tiers I through III and the youth's risk level category is A, B, or C, the early and late release dates will span a period of three months. This reflects the department's belief that such youth will have fewer treatment needs and shorter programming requirements.

Juveniles who fall under Risk Level D, however, represent the highest level of risk, regardless of whether their most serious committing offenses are deemed less severe. Additional time will need to be devoted to addressing the juvenile's enhanced treatment needs and providing additional programming or services prior to release. Accordingly, for juveniles assessed as Risk Level D with offenses falling in Tiers I through III, the early and late release dates will span a period of six months.

Youth whose most serious committing offense falls in Tier IV or V also present an increased threat to public safety that necessitates additional time in commitment to provide more intensive treatment, address victim impact and accountability, and assist the youth in attaining additional competencies

and skills needed for successful reintegration into the community. When such youth have an assigned risk level category of A, B, or C, the early and late release dates will span a six-month period. Because youth with Tier IV or V offenses and who have been assessed as Risk Level D have committed the most severe offenses and represent the highest risk, the early and late release dates will span a period of nine months for these committed youth.

**Projected LOS  
 Table**

Most Serious Committing Offense		Risk Level			
		A	B	C	D
<b>Tier I</b>	Class 1 misdemeanors not listed in Tiers II or III (see <a href="#">Appendix B</a> )	6-9 months	7-10 months	8-11 months	9-15 months
<b>Tier II</b>	Certain other Class 1 misdemeanors; certain non-person felonies (see <a href="#">Appendix C</a> )	8-11 months	9-12 months	10-13 months	11-17 months
<b>Tier III</b>	Parole violations; certain other Class 1 misdemeanors; certain felonies (see <a href="#">Appendix D</a> )	10-13 months	11-14 months	12-15 months	13-19 months
<b>Tier IV</b>	Certain felonies (see <a href="#">Appendix E</a> )	12-18 months	15-21 months	18-24 months	21-30 months
<b>Tier V</b>	Murder, manslaughter, and other serious felony offenses (see <a href="#">Appendix F</a> )	18-24 months	21-27 months	24-30 months	27-36 months
<b>Other</b>	Treatment Override	Juveniles who have been assessed as needing inpatient sex offender treatment are managed as an exception to the grid. (See Section 6.4 for an explanation of the treatment override process)			

#### **6.4 Treatment Override**

Juveniles who have been assessed as needing inpatient sex offender treatment, regardless of their committing offense, will not be assigned a projected LOS. Instead, they will be handled according to the treatment override process. Treatment override cases will be eligible for release consideration upon completion of the designated treatment program and fulfillment of the additional requirements set out in Section 8.2. If a juvenile is committed on a sex offense but the assessment does not indicate a need for inpatient sex offender treatment, the juvenile's projected LOS shall be determined in accordance with Section 6.3.

#### **6.5 Pending Charges**

In some cases, a juvenile may have pending charges at the time of commitment that later result in a commitment to the department. If the most serious pending offense resulting in the commitment falls into a higher offense severity tier, the projected LOS shall be reassessed. Although the date of commitment on the pending charge(s) shall be the starting point for determining the statutory release date in accordance with *Code of Virginia* § 16.1-285, the revised projected LOS shall run from the earliest date of commitment associated with the current direct care stay.

### **7.0 OTHER ISSUES IMPACTING LOS**

#### **7.1 Subsequent Commitments**

If a juvenile receives a subsequent indeterminate commitment, regardless of the severity of the new offense, the LOS shall be recalculated. Notwithstanding the results of the recalculation, a subsequent commitment shall extend the juvenile's projected early and late release dates for a minimum period of three additional months.

All subsequent commitments shall undergo a case review conducted by a facility-level review committee to consider whether additional time, apart from the mandatory three-month extension, should be added to the juvenile's length of stay, and what, if any, additional time is appropriate. The case review process shall include: (i) a reassessment of the YASI; and (ii) a discussion of additional or modified treatment needs resulting from the new offense. All recommendations for modifications made by the facility-level review committee under this section shall be approved by the central review committee. Any extensions to the length of stay may not exceed the juvenile's statutory release date.

#### **7.2 Escape Offenses and Assaults Resulting in Serious Injury**

If a juvenile is found guilty through the department's due process procedures of escape, attempted escape, aiding and abetting escape, or assault resulting in serious injury, the department may extend the juvenile's projected early and late release dates for a maximum period of 12 months, as provided for in department procedures. Any such extension to the LOS shall be approved by the facility-level review committee and may be appealable to the central review committee by the juvenile or, in cases involving assaults resulting in bodily injury, the victim. Any extension imposed may not exceed the juvenile's statutory release date.

Additionally, if the escape-related offense or assault resulting in serious injury is subject to prosecution in a court of competent jurisdiction and the court finds the juvenile guilty and orders a subsequent commitment, the juvenile shall be subject to the process outlined in Section 7.1.

### **7.3 *Other Institutional Offenses***

When a juvenile is found guilty through the department's due process procedures of any other institutional offense not listed in Section 7.2, the case shall undergo a unit-based review to consider how the behavior resulting in the offense may be addressed and whether the projected early and late release dates should be extended. Any such extension to the LOS shall be approved by the facility-level review committee and may be appealable to the central review committee by the juvenile or, in cases involving offenses against the person, the victim. Any extension imposed may not exceed the juvenile's statutory release date.

## **8.0 RELEASE REVIEW PROCESS; ELIGIBILITY**

### **8.1 *Committee Review Hierarchy and Composition of Central Review Committee***

The evaluation and release process shall involve a combination of case reviews at the institutional and central agency level. The department's institutional committees shall be responsible for conducting case reviews throughout the juvenile's commitment and identifying juveniles who fail to meet the eligibility requirements for release necessary for referral to the central review committee and outlined in Section 8.2 as well as for identifying juveniles eligible for release in accordance with Section 8.2. Final release determinations shall be made by the central review committee.

The central review committee shall include, at a minimum, the following department employees: (i) a victim liaison tasked with representing the perspective of victims of crimes in the Commonwealth; (ii) an employee with internal investigations authority designated as such in accordance with § 66-3(7) of the *Code of Virginia* who has not been involved directly in investigations for the juvenile being considered for release; (iii) an employee in the department's Division of Education established pursuant to § 66-13.1; (iv) one employee from the department's Division of Residential Services, who shall be employed in the Behavioral Services Unit established pursuant to § 66-19, who was not involved in treating the juvenile being considered for release; (v) an employee from the department's Division of Community Programs; (vi) an employee from the unit providing reentry services to youth returning to the community from commitment; and (vii) an employee in the department's Quality Assurance Unit, which is responsible for monitoring the integrity and fidelity of services being delivered to youth across the state.

Initial case reviews shall be conducted in accordance with the time frames established in Sections 8.4 and 8.5. Whenever a facility-level review recommends a juvenile for release from commitment, the recommendation shall be approved by a central review committee before the juvenile may be released.

## 8.2 Eligibility for Release

At each stage of the review process, the appropriate committee shall assess the juvenile's preparedness for release from the juvenile residential facility. While the review committees shall have the discretion to consider additional factors in determining whether the juvenile has made sufficient progress during commitment and is prepared to be released, the committee may not recommend a juvenile for release unless the juvenile has fulfilled the minimum eligibility requirements set out in subdivisions (1) through (3) of this section. Whenever a juvenile is being considered for release, regardless of the recommendation, each case review committee shall document its recommendation or decision, as well as the rationale. Juveniles deemed ineligible for release at any stage of the review process shall be reconsidered for release in accordance with the review cycle established in department procedures.

1. *Completion of all required treatment:* The juvenile shall complete all assigned treatment requirements and shall demonstrate consistent application of the skills obtained in treatment in their interactions with staff, other juveniles, or other individuals in the facility. Completion of treatment shall be determined by a clinician employed in the Behavioral Services Unit.
2. *Participation in educational and vocational programs:*
  - a. **Tiers I through III:** School-aged juveniles whose most serious committing offense falls within Tiers I through III and who have not obtained a high school diploma or high school equivalency shall demonstrate active participation and engagement in their assigned educational programs. All other juveniles shall demonstrate active participation in a vocational program, a work education release program, or a college course, as available.
  - b. **Tiers IV and V:** School-aged juveniles whose most serious committing offense falls within Tier IV or V shall actively participate and engage in an assigned educational program, if applicable. Juveniles shall complete coursework, pass an examination, and receive a credential or certification, as applicable for at least one available skilled trade vocational program, such program having a minimum of 6 months coursework or instruction. The department's superintendent, as established in *Code of Virginia* § 66-13.1, shall have the discretion to waive completion of vocational program requirements for juveniles who have disabilities or other conditions that impede their ability to complete the coursework or pass the relevant examination, or who are participating in the reentry assistance program and whose academic performance is so exceptional that the superintendent permits such waiver to enable the juvenile's successful completion of college credits in lieu of the vocational program requirements.
  - c. **Tiers IV and V with ERD of 15 months or later; enhanced vocational requirements for earlier release:** Juveniles assigned to Tier IV or Tier V whose early release date falls at 15 months or later may petition for release prior to their early release date if they have completed a vocational program. Completion is defined in this section as finishing a minimum of 12 months' course work for a skilled trades certification designated in the department's written procedures, including but not limited to HVAC, electrical, plumbing, welding, or any other course meeting the above minimum requirements; passing an examination; and receiving such certification. No

Tier IV or Tier V committed youth may be released prior to their early release date without meeting the requirements of this subdivision. All other requirements for eligibility for release shall apply.

3. *Avoidance of certain behavioral infractions:*

- a. A juvenile found to have committed any of the following infractions within the time frames specified in Section 8.2(3)(b) shall not be eligible for release until, at a minimum, the next review cycle:
  - i. Assault on staff or other juveniles not resulting in serious injury
  - ii. Gang behavior or gang activity
  - iii. Fighting
  - iv. Possession of security contraband
  - v. Sexual abuse
  - vi. Sexual misconduct
  - vii. Pattern of disruptive or noncompliant behavior.
- b. The timeframes for avoiding such behaviors shall be based on the juvenile's offense severity tier, as provided below
  - i. Tiers I and II – 90 days prior to release
  - ii. Tier III – 120 days prior to release
  - iii. Tiers IV and V – 180 days prior to release.

While the behavior infractions listed above will impact a juvenile's eligibility for release, the committee may take into account any additional institutional offenses not specified above in determining whether a juvenile is prepared for release. The central review committee also may recommend exceptions regarding these behavioral criteria in extenuating circumstances; however, the director or their designee, shall approve any exception before the juvenile is deemed eligible for release.

For alternative direct care programs, the approvals and waivers authorized in this section may be provided by the individuals established in the facility's written procedures, as approved by the director or their designee.

**8.3 *Application of Eligibility Requirements***

The release eligibility requirements in 8.2 shall apply to all juveniles being considered for release, including juveniles who receive a treatment override in accordance with Section 6.4.

**8.4 *Deadline for Initial Case Review***

Juveniles who are assigned a projected LOS pursuant to section 6.3 shall have an initial case review by the appropriate review committee 30 days prior to their early release date. Juveniles with an early release date of 15 months or later shall have an initial case review 30 days prior to the date that falls 15 months after their earliest date of commitment.

Juveniles who receive a treatment override pursuant to section 6.4 shall have a facility-level review six months after their earliest date of commitment. The facility-level committee shall conduct a subsequent review 12 months after the juvenile's earliest date of commitment, and every six months thereafter. If the facility-level committee recommends release at any of these points, the case shall be advanced to the central review committee for final consideration. The central review committee shall set a schedule for any additional and ongoing reviews for juveniles referred to it under this section.

Note: If a juvenile is committed on a sex offense and the assessment does not indicate a need for inpatient sex offender treatment, that juvenile's projected LOS shall be determined pursuant to the provisions of Section 8.2

A case review conducted within five business days before or after the applicable deadlines established in this section shall be sufficient to meet the required time frames.

### **8.5 Case Reviews for Misdemeanor Offenses Projected to Exceed One Year**

In addition to any other case reviews required in these guidelines, a juvenile whose most serious committing offense is a Class 1 misdemeanor and whose projected late release date exceeds one year shall have a case review by a central review committee 60 days prior to the first anniversary of the juvenile's earliest date of commitment. If the central review committee recommends that the juvenile's commitment is altered from the original release date or extends beyond twelve months, the director shall review and approve the recommendation. A case review conducted within five business days before or after the deadline established in this section shall be sufficient to satisfy the required time frames.

### **8.6 Opportunities for Earlier Release**

To encourage and enhance program participation, juveniles who have completed their treatment and programming, maintained good behavior, and meet the requirements for release eligibility under Section 8.2 may petition the department for release prior to their projected early release date. The department shall outline this process in written procedures, which shall be explained to the juvenile during orientation.

## **9.0 STATUTORY RELEASE DATE**

Notwithstanding any requirements in these guidelines, the department has the authority to keep indeterminately committed juveniles in direct care until their statutory release date but may not allow a juvenile to remain on direct care status beyond this date.

## **10.0 DIRECTOR'S AUTHORITY TO RELEASE**

The department director or the director's designee shall have the discretion to overturn the central review committee's approval or denial of an indeterminately committed juvenile's release from



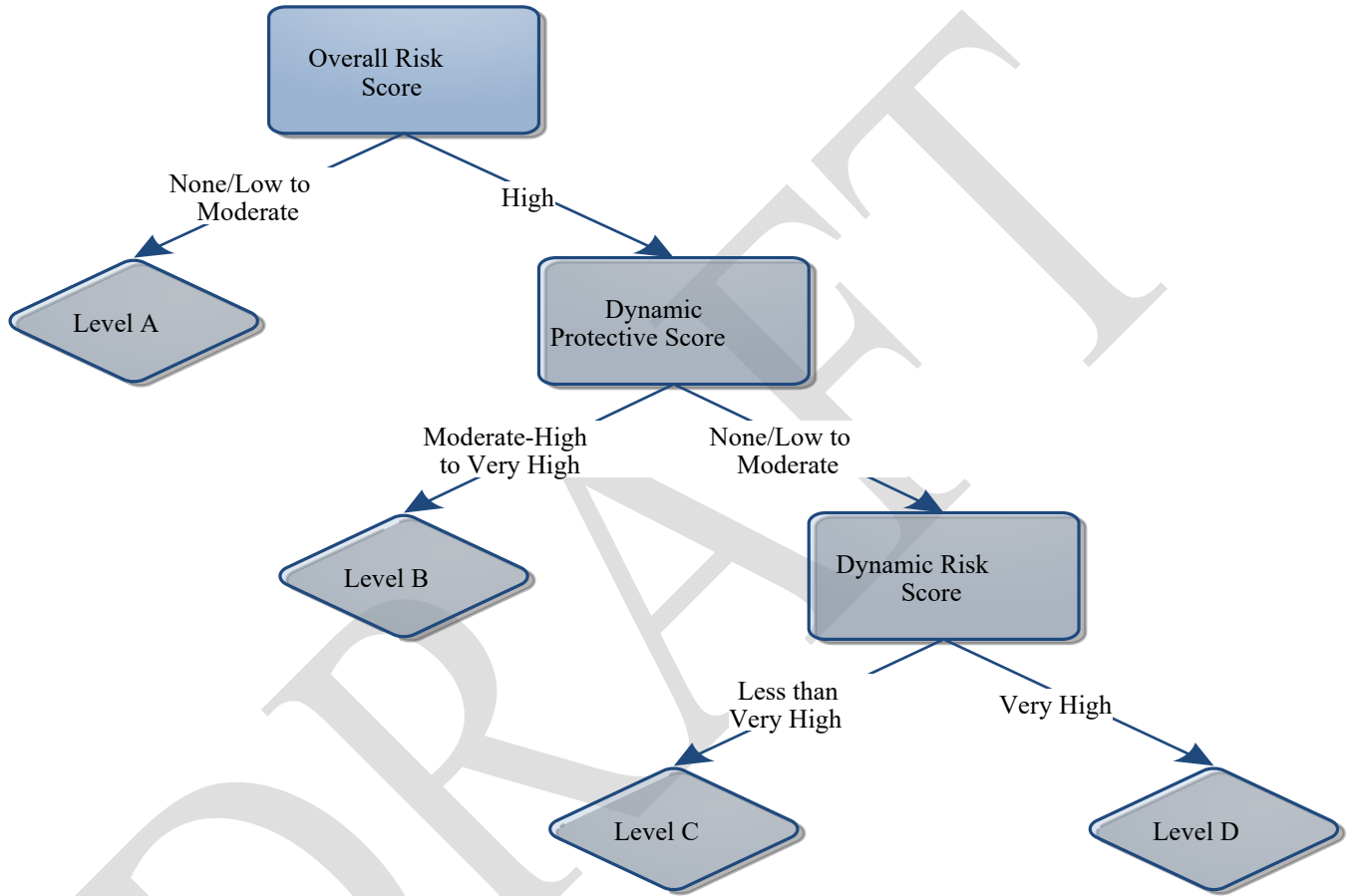
*LOS Guidelines*

*Effective: July 1, 2023*

commitment and to extend or reduce the LOS of any such juvenile up to their statutory release date if such a change would serve the welfare of the juvenile, other juveniles, staff within a juvenile residential facility, or the public.

DRAFT

### APPENDIX A RISK LEVEL



**APPENDIX B**  
**TIER I OFFENSES<sup>2</sup>**

<b>OFFENSE</b>	<b>VCC</b>	<b>STATUTE</b>
Accessory after the fact – Felony	ACC-3202-M1	18.2-19(ii)
Interfere with Commissioner of Pesticide Control Board	AGR-3500-M1	3.2-3939(H)
Alter, deface, etc., pesticide label	AGR-3550-M1	3.2-3939(E)
Use of pesticide inconsistent with label, etc.	AGR-3551-M1	3.2-3939(B)
Unlawfully manufacture, distribute, sell pesticides	AGR-3552-M1	3.2-3939(A)
Violation of pesticide regulations	AGR-3553-M1	3.2-3947
Sale, etc. of food that is adulterated or misbranded	AGR-3554-M1	3.2-5126(A,1)
Adulteration of misbranding food	AGR-3555-M1	3.2-5126(A,2)
Receipt of adulterated etc. food and the delivery for pay	AGR-3556-M1	3.2-5126(A,3)
Dissemination of any false advertisement	AGR-3557-M1	3.2-5126(A,4)
Refusal to permit entry, inspection, etc.	AGR-3558-M1	3.2-5126(A,5)
False guaranty or undertaking concerning food	AGR-3559-M1	3.2-5126(A,6)
Removal etc. of food label while for sale	AGR-3560-M1	3.2-5126(A,7)
Forging etc. mark, stamp, tag, or food label	AGR-3561-M1	3.2-5126(A,8)
Use of sulfating agents as preservatives in food	AGR-3562-M1	3.2-5126(A,9)
Possession of endangered or threatened plant or insect	AGR-3565-M1	3.2-1003
Buy any threatened plant or insect without a license	AGR-3566-M1	3.2-1006(A)
Fail to maintain purchase records – threatened plant/insects	AGR-3567-M1	3.2-1006(B)
Harvest ginseng out of season	AGR-3568-M1	3.2-1007
Containers, unlawful disposal of pesticide	AGR-3584-M1	3.2-3939(C)
Protected organism, use pesticide against	AGR-3588-M1	3.2-3939(D)
Misdemeanor violation slaughterhouse, meat, and poultry chapter	AGR-4622-M1	3.2-5415
Sell/distribute cigarettes not in directory, <3000 pkgs.	AGR-4631-M1	3.2-4212(D,i)
Sell/distribute cigarettes not in directory, 3000+ pkgs.	AGR-4632-M1	3.2-4212(D,i)
Possess, import, etc. cigarettes not in director, <3000 pkgs.	AGR-4633-M1	3.2-4212(D,ii)
Possess, import, etc. cigarettes not in directory 3000+ pkgs.	AGR-4634-M1	3.2-4212(D,ii)
Bright flue-cured tobacco violation	AGR-4635-M1	3.2-2411
Sterilization violation, bottles, and containers	AGR-4660-M1	3.2-5118
Operate food establishment without an inspection/statement	AGR-4662-M1	3.2-5130
Fail to obey warning for unsanitary conditions	AGR-4663-M1	3.2-5133
Operate aircraft without valid license	AIR-7304-M1	5.1-15

<sup>2</sup> Tier I also includes numerous offenses that, while legally possible, are not likely to apply to juveniles. The department has created a list of categories under which these types of offenses would fall. For a list and summary of these categories, please see Appendix G.

Appendix B  
Tier I Offenses

OFFENSE	VCC	STATUTE
Interfere with operation of an aircraft	AIR-7308-M1	5.1-22
Misrepresentation to obtain airline carrier permit	AIR-7311-M1	5.1-9.9
Point light from laser, etc., at aircraft	AIR-7312-M1	5.1-22
Possess, purchase, sell, etc., powdered/crystalline alcohol	ALC-4100-M1	4.1-302.2
Purchase or use alcohol vaporizing device	ALC-4104-M1	4.1-302.1
Offer for sale or sell alcohol vaporizing device	ALC-4105-M1	4.1-302.1
Carry alcohol in vehicle transporting passengers	ALC-4109-M1	4.1-312
Maintain common nuisance – Alcohol	ALC-4123-M1	4.1-317
Possessing/transporting illegally acquired alcohol	ALC-4124-M1	4.1-313
Deliver alcohol to prisoner in jail	ALC-4126-M1	4.1-321
Purchase alcohol from unauthorized seller	ALC-4129-M1	4.1-303
Illegal sale of alcohol	ALC-4132-M1	4.1-302
Illegal sale of alcohol – subsequent offense	ALC-4163-M1	4.1-302
Purchase, possession, or consumption by person less than age 21	ALC-4165-M1	4.1-305(A)
Disobey, hinder, etc., mixed beverage law Board subpoena	ALC-4173-M1	4.1-319
Possession of alcohol by interdicted person	ALC-4174-M1	4.1-322
Interdicted person found drunk in public	ALC-4176-M1	4.1-322
False I.D. used to purchase/consume alcohol, under age 21	ALC-4178-M1	4.1-305(B)
Consumption of alcohol on premises	ALC-4181-M1	4.1-325(3)
Give alcohol as gift in violation of restrictions	ALC-4182-M1	4.1-325(22)
First offender violation; possession etc., alcohol	ALC-4185-M1	4.1-305(F)
Transporting children on school bus, possess/consume alcohol	ALC-4187-M1	4.1-309.1
Abandonment of animals	ANM-3300-M1	3.2-6504
Take, transport, sell, etc., endangered species	ANM-3321-M1	29.1-564
Boarding business/groomer failed to provide care to animal	ANM-3333-M1	3.2-6518(A)
Boarding business/groomer failed to provide veterinary care	ANM-3334-M1	3.2-6518(B)
Promote or engage in animal fighting	ANM-3516-M1	3.2-6571(A,1)
Attend animal fighting	ANM-3517-M1	3.2-6571(A,2)
Allow animal fighting on premises	ANM-3518-M1	3.2-6571(A,3)
Aid or abet animal fighting	ANM-3519-M1	3.2-6571(A,4)
Sell animal after cruelty or neglect conviction	ANM-3545-M1	3.2-6570.1
Owner, staff, etc., with animal cruelty conviction	ANM-4574-M1	3.2-6511.1(D)
Owner, staff, etc., with animal cruelty conviction	ANM-4575-M1	3.2-6511.2(B)
Deprive animal of food, shelter, or treatment	ANM-4581-M1	3.2-6570(A,iii)
Override, overload, etc., ill-treat animal	ANM-4582-M1	3.2-6570(A,i)
Sell, display, etc., dog or cat on roadside, etc.	ANM-4585-M1	3.2-6508.1
Rabies exposure, allow dog/cat to stray	ANM-4603-M1	3.2-6587(B,3)
Sell animal obtained from shelter	ANM-4692-M1	3.2-6545
Violation of Board's regulations	ANM-4700-M1	3.2-6029
Possession of anthrax, virus, etc. without permission	ANM-4701-M1	3.2-6017
Arson of unoccupied building value <1000 – (not dwelling)	ARS-2013-M1	18.2-80
Arson of personal property, standing grain, etc. <\$1000	ARS-2019-M1	18.2-81

Appendix B  
Tier I Offenses

OFFENSE	VCC	STATUTE
Set fire to woods, grass, fence damaging another's property	ARS-2021-M1	18.2-87
Bomb threat, etc. by offender under 15	ARS-2024-M1	18.2-83
Simple assault/assault and battery	ASL-1313-M1	18.2-57(A)
Simple assault against family member	ASL-1315-M1	18.2-57.2(A)
Unlawful hazing of student	ASL-1324-M1	18.2-56
Hazing of gang member or recruit	ASL-1345-M1	18.2-55.1
First Offender Violation: battery against family member	ASL-1358-M1	18.2-57.3
First Offender Violation: Simple Assault family member	ASL-1359-M1	18.2-57.3
Violation George Washington Authority rule/regulation	AUT-9109-M1	Chapter 801 of the 2009 Acts of Assembly
Violation of Richmond Metro. Authority rule/regulation	AUT-9110-M1	33.2-2917
Operate boat, skis, surfboard in reckless manner	BOT-6211-M1	29.1-738(A)
Operate boat while intoxicated	BOT-6212-M1	29.1-738(B)
Attempt to elude game warden/law enforcement (boating)	BOT-6217-M1	29.1-739.1(B)
Fail to stop and assist, property damage (boating)	BOT-6219-M1	29.1-740
Reckless operation of personal watercraft – first offense	BOT-6232-M1	29.1-738.03
Reckless operation of personal watercraft – subsequent offenses	BOT-6233-M1	29.1-738.03
Operate watercraft etc. after court order, subsequent	BOT-6266-M1	29.1-738.4
Commercial driver training instructor – No valid license	CDT-5426-M1	46.2-1707(A,1)
Commercial driver training use designation without certification/licensed	CDT-5427-M1	46.2-1707(A,2)
Commercial driver training performing functions without certification/licensed	CDT-5428-M1	46.2-1707(A,3)
Commercial driver training misrepresented in certification/license application	CDT-5429-M1	46.2-1707(A,4)
Commercial driver training refuse to furnish records to state	CDT-5430-M1	46.2-1707(A,5)
Commercial driver training violating driving school statute	CDT-5431-M1	46.2-1707(A,6)
Check Casher – Fail to obtain registration	CHK-2561-M1	6.2-2101
False information by judgment creditor	CIV-7250-M1	8.01-511
Property under writ of fieri facias, prohibited purchasers	CIV-7251-M1	8.01-498
Attempt to injure others in reputation, trade, business	CNS-3180-M1	18.2-499(B)
Conspiracy to injure others in reputation, trade, business	CNS-3209-M1	18.2-499(A)
Improper disposal of 101 to 499 tires	CNV-7009-M1	10.1-1418.2
Underwater recovery of historic property without permit	CNV-7025-M1	10.1-2214
Use of motorized vehicle along Appalachian Trail	CNV-7026-M1	10.1-203
Archaeological excavation of human remains without permit	CNV-7027-M1	10.1-2305
Damage, etc. any object of antiquity, no permit	CNV-7028-M1	10.1-2306

Appendix B  
Tier I Offenses

OFFENSE	VCC	STATUTE
Exploration/recovery of antiquity, no permit	CNV-7029-M1	10.1-2302
Dump, etc. in cave or sinkhole without permission of owner	CNV-7030-M1	10.1-1005
Excavate, etc. cave without permission of owner	CNV-7031-M1	10.1-1004
Fail to obtain cave excavation/removal permit	CNV-7033-M1	10.1-1003(A)
Sale or export of speleothems	CNV-7035-M1	10.1-1007
Fail to allow inspection, etc. of land-disturbing activity	CNV-7038-M1	10.1-566
Allow load to escape from vehicle	CNV-7050-M1	10.1-1424
Violate Department of Conservation and Recreation regulations	CNV-7066-M1	10.1-104
False information for archaeological permit	CNV-7081-M1	10.1-2302
Misrepresent results from archaeological investigation	CNV-7082-M1	10.1-2302
Install malware, take control/disable computer	COM-2252-M1	18.2-152.4(A,9)
Electronic message causes another to spend money, no benefits	COM-2258-M1	18.2-152.7:2
Install spyware etc., to collect keystrokes, without malicious intent	COM-2259-M1	18.2-152.4(A,8)
Falsify, forge email transmission or routing information	COM-2260-M1	18.2-152.3:1(A,1)
Distribute software to falsify transmission/routing information	COM-2261-M1	18.2-152.3:1(A,2)
Use encryption to further criminal activity	COM-2276-M1	18.2-152.15
Use of computer without authority to obtain serv, etc., <\$1000	COM-2961-M1	18.2-152.3(1)
Examine employment, credit, etc. information by computer	COM-2963-M1	18.2-152.5(A)
Use computer to obtain computer services without authority	COM-2964-M1	18.2-152.6
Use of computer to embezzle/larceny <\$1000	COM-2968-M1	18.2-152.3(2)
Use of computer to convert another's property <\$1000	COM 2973-M1	18.2-152.3(3)
Computer Trespass – Remove without auth computer data, etc.	COM-2974-M1	18.2-152.4(A,1)
Computer trespass – Cause computer malfunction	COM-2975-M1	18.2-152.4(A,2)
Computer trespass – Alter or erase computer data, etc.	COM-2976-M1	18.2-152.4(A,3)
Computer trespass – Create, alter e-transfer of funds	COM-2977-M1	18.2-152.4(A,4)
Computer trespass – Cause physical injury to property	COM-2978-M1	18.2-152.4(A,5)
Computer trespass – Make unauthorized copy of data, etc.	COM-2979-M1	18.2-152.4(A,6)
Disorderly conduct	DIS-5311-M1	18.2-415
DMV documents – Forging evidence of financial responsibility	DMV-6843-M1	46.2-463
Sell etc., license to operate vehicle	DMV-6846-M1	46.2-105.1(D)
DNA – Use for purposes other than authorized by law	DNA-7198-M1	19.2-310.6
Throw or deposit substances on highway	DNG-3215-M1	18.2-324
Fail to secure medical attention for injured or battered child	DNG-3216-M1	18.2-314

Appendix B  
Tier I Offenses

OFFENSE	VCC	STATUTE
Dead body, illegal disposal of on private property	DNG-3273-M1	18.2-323.01(I)
Dead body, illegal disposal of on public property	DNG-3274-M1	18.2-323.01(II)
Declared dangerous dog injures/bites human	DOG-3537-M1	3.2-6540.04
Fail to comply with dangerous dog requirement(s)	DOG-4572-M1	3.2-6540.03
Vicious dog ordinance violation	DOG-4587-M1	3.2-6540.1(E)
Driving after forfeiture of license, etc.	DWI-5407-M1	18.2-272(A)
Driving while intoxicated – first conviction	DWI-5413-M1	18.2-266
Operate vehicle without ignition interlock system	DWI-5414-M1	18.2-272(C)
Driving while intoxicated – Under 21 years of age	DWI-5416-M1	18.2-266.1
Driving while intoxicated, commercial vehicle (1 <sup>st</sup> offense)	DWI-5417-M1	46.2-341.24
Driving while intoxicated, commercial vehicle (2 <sup>nd</sup> in <5 years)	DWI-5418-S9	46.2-341.24
Driving while intoxicated, commercial vehicle (2 <sup>nd</sup> in 5-10 years)	DWI-5419-S9	46.2-341.24
Driving restricted with blood alcohol content (BAC) of .02% or more	DWI-5440-M1	18.2-272(B)
Refuse breath test – 2 <sup>nd</sup> DWI/refusal within 10 years	DWI-5441-M1	18.2-268.3
DWI – 1 <sup>st</sup> conviction, BAC .15 to .20	DWI-5443-M1	18.2-266
DWI – 1 <sup>st</sup> conviction, BAC > .20	DWI-5444-M1	18.2-266
DWI – 2 <sup>nd</sup> conviction within 10 years BAC .15 to .20	DWI-5445-S9	18.2-266
DWI – 2 <sup>nd</sup> conviction within 10 years BAC >.20	DWI-5446-S9	18.2-266
Driving while intoxicated – 2 <sup>nd</sup> conviction within 5-10 years	DWI-5447-S9	18.2-266
Driving while intoxicated – 2 <sup>nd</sup> conviction within less than 5 years	DWI-5448-S9	18.2-266
Driving while intoxicated – 1 <sup>st</sup> conviction with child	DWI-5451-M1	18.2-266
DWI – 1 <sup>st</sup> conviction, BAC .15 to .20 with child	DWI-5452-M1	18.2-266
DWI – 1 <sup>st</sup> conviction, BAC >.20 with child	DWI-5453-M1	18.2-266
DWI – 2 <sup>nd</sup> conviction within 10 years BAC .15 to .20 with child	DWI-5454-S9	18.2-266
DWI – 2 <sup>nd</sup> conviction within 10 years BAC >.20 with child	DWI-5455-S9	18.2-266
Driving while intoxicated – 2 <sup>nd</sup> within 5-10 years with child	DWI-5456-S9	18.2-266
Driving while intoxicated – 2 <sup>nd</sup> within less than 5 years with child	DWI-5457-S9	18.2-266
Driving while intoxicated – 1 <sup>st</sup> conviction, drugs	DWI-5462-M1	18.2-266
Driving while intoxicated – 1 <sup>st</sup> conviction, drugs, with child	DWI-5463-M1	18.2-266
Driving while intoxicated – 2 <sup>nd</sup> conviction within less than 5 years, drugs	DWI-5464-S9	18.2-266
Driving while intoxicated – 2 <sup>nd</sup> conviction within 5-10 years, drugs	DWI-5465-S9	18.2-266
Driving while intoxicated – 2 <sup>nd</sup> conviction within <5 years, drugs, with child	DWI-5466-S9	18.2-266
Driving while intoxicated – 2 <sup>nd</sup> conviction within 5-10 years, drugs, with child	DWI-5467-S9	18.2-266

Appendix B  
Tier I Offenses

OFFENSE	VCC	STATUTE
Driving while intoxicated – 2 <sup>nd</sup> conviction within less than 5 years, BAC .15 to .20	DWI-5474-S9	18.2-266
Driving while intoxicated – Driving while intoxicated – 2 <sup>nd</sup> conviction within less than 5 years, BAC >.20	DWI-5475-S9	18.2-266
Driving while intoxicated – Driving while intoxicated – 2 <sup>nd</sup> conviction within 5-10 years, BAC .15 to .20	DWI-5476-S9	18.2-266
Driving while intoxicated – 2 <sup>nd</sup> conviction within 5-10 years, BAC >.20	DWI-5477-S9	18.2-266
Driving while intoxicated – 2 <sup>nd</sup> conviction within less than 5 years, BAC .15 to .20 with child	DWI-5479-S9	18.2-266
Driving while intoxicated – 2 <sup>nd</sup> conviction within less than 5 years, BAC >.20 with child	DWI-5480-S9	18.2-266
Driving while intoxicated – 2 <sup>nd</sup> within 5-10 years, BAC .15 to .20 with child	DWI-5481-S9	18.2-266
Driving while intoxicated – 2 <sup>nd</sup> within 5-10 years, BAC >.20 with child	DWI-5482-S9	18.2-266
DWI – Commercial vehicle (1 <sup>st</sup> offense): drug	DWI-5483-M1	46.2-341.24
DWI – Commercial vehicle 2 <sup>nd</sup> offense in <5 years: drug	DWI-5484-S9	46.2-341.24
DWI – Commercial vehicle 2 <sup>nd</sup> offense in 5-10 years: drug	DWI-5485-S9	46.2-341.24
Tamper with remote alcohol monitoring device	DWI-5488-M1	18.2-270.1(H)
Refuse breath test – 2 <sup>nd</sup> DWI/refusal within 10 years	DWI-5499-M1	46.2-341.26:3
1 <sup>st</sup> DWI commercial vehicle: BAC .15 to .20	DWI-5573-M1	46.2-341.24
1 <sup>st</sup> DWI commercial vehicle: BAC >.20	DWI-5574-M1	46.2-341.24
1 <sup>st</sup> DWI commercial vehicle: with child	DWI-5575-M1	46.2-341.24
1 <sup>st</sup> DWI commercial vehicle: BAC .15 to .20 with child	DWI-5576-M1	46.2-341.24
1 <sup>st</sup> DWI commercial vehicle: BAC >.20 with child	DWI-5577-M1	46.2-341.24
1 <sup>st</sup> DWI commercial vehicle: drug with child	DWI-5578-M1	46.2-341.24
DWI Commercial vehicle 2 <sup>nd</sup> conviction in < 5 years BAC .15 to .20	DWI-5580-S9	46.2-341.24
DWI Commercial vehicle 2 <sup>nd</sup> conviction in < 5 years BAC >.20	DWI-5581-S9	46.2-341.24
DWI Commercial vehicle 2 <sup>nd</sup> conviction in 5-10 years: BAC .15 to .20	DWI-5582-S9	46.2-341.24
DWI Commercial vehicle 2 <sup>nd</sup> conviction in 5-10 years: BAC >.20	DWI-5583-S9	46.2-341.24
DWI Commercial vehicle 2 <sup>nd</sup> conviction in 10 years: BAC .15 to .20	DWI-5584-S9	46.2-341.24
DWI Commercial vehicle 2 <sup>nd</sup> conviction in 10 years: BAC >.20	DWI-5585-S9	46.2-341.24
DWI Commercial vehicle 2 <sup>nd</sup> conviction in < 5 years with child	DWI-5586-S9	46.2-341.24
DWI Commercial vehicle 2 <sup>nd</sup> conviction in < 5 years BAC .15 to .20 with child	DWI-5587-S9	46.2-341.24
DWI Commercial vehicle 2 <sup>nd</sup> conviction in < 5 years BAC >.20 with child	DWI-5588-S9	46.2-341.24
DWI Commercial vehicle 2 <sup>nd</sup> conviction in < 5 years: drug with child	DWI-5589-S9	46.2-341.24



Appendix B  
Tier I Offenses

OFFENSE	VCC	STATUTE
DWI Commercial vehicle 2 <sup>nd</sup> conviction in 5-10 years with child	DWI-5591-S9	46.2-341.24
DWI Commercial vehicle 2 <sup>nd</sup> conviction in 5-10 years: BAC .15 to .20 with child	DWI-5592-S9	46.2-341.24
DWI Commercial vehicle 2 <sup>nd</sup> conviction in 5-10 years: BAC > .20 with child	DWI-5593-S9	46.2-341.24
DWI Commercial vehicle 2 <sup>nd</sup> conviction in 5-10 years: drug with child	DWI-5594-S9	46.2-341.24
DWI Commercial vehicle 2 <sup>nd</sup> conviction in 10 years: BAC .15 to .20 with child	DWI-5596-S9	46.2-341.24
DWI Commercial vehicle 2 <sup>nd</sup> conviction in 10 years: BAC >.20 with child	DWI-5597-S9	46.2-341.24
1 <sup>st</sup> conviction, influence of marijuana	DWI-5620-M1	18.2-266
1 <sup>st</sup> conviction, influence of marijuana with child	DWI-5621-M1	18.2-266
2 <sup>nd</sup> conviction within less than 5 years, marijuana	DWI-5622-S9	18.2-266
2 <sup>nd</sup> conviction within 4-10 years, marijuana	DWI-5623-S9	18.2-266
2 <sup>nd</sup> conviction within less than 4 years; marijuana, with child	DWI-5624-S9	18.2-266
2 <sup>nd</sup> conviction within 5 to 10 years, marijuana with child	DWI-5625-S9	18.2-266
1 <sup>st</sup> DWI commercial vehicle; marijuana	DWI-5632-M1	46.2-341.24
1 <sup>st</sup> DWI commercial vehicle; marijuana with child	DWI-5641-M1	46.2-341.24
2 <sup>nd</sup> DWI commercial vehicle within <5 years	DWI-5642-S9	46.2-341.24
2 <sup>nd</sup> DWI commercial vehicle within 5 years; marijuana with child	DWI-5643-S9	46.2-341.24
2 <sup>nd</sup> DWI commercial vehicle within 5 to 10 years; marijuana	DWI-5644-S9	46.2-341.24
2 <sup>nd</sup> DWI commercial vehicle within 5 to 10 years; marijuana with child	DWI-5645-S9	46.2-341.24
Violation of Governor's emergency executive order	EMG-5356-M1	44.146.17
Persons aiding escape of prisoner or child	ESC-4906-M1	18.2-473
Escape without force or violence or setting fire to jail	ESC-4907-M1	18.2-479(A)
Jail prisoner in work/education program, leaves work area	ESC-4918-M1	53.1-131
Oral threat of school employee on school property	EXT-2113-M1	18.2-60(B,i)
Orally threaten health care provider engaged in duties	EXT-2117-M1	18.2-60(B,ii)
Threat by letter, etc., intent to intimidate a population	EXT-2131-M1	18.2-60(A,3)
Make false report about abuse or neglect, (14 or older)	FAM-3796-M1	63.2-1513
Tattoo/body piercing minor without parent/guardian	FAM-3854-M1	18.2-371.3
Professional/official fails to report rape, etc., of child	FAM-3868-M1	63.2-1509
Violate conditions of emergency adult protective services order	FAM-4020-M1	63.2-1609
Fail to report theft/disappearance of explosive/blast device	FIR-9101-M1	27-97.1
Violation of the Fire Protection Code	FIR-9103-M1	27-100

Appendix B  
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OFFENSE	VCC	STATUTE
Obtain identifying information with intent to sell or distribute	FRD-2504-M1	18.2-186.3(B)
Obtain identifying information to avoid arrest/impede investigation	FRD-2505-M1	18.2-186.3(B1)
Fraud – publish name or photo with intent to harass, etc.	FRD-2506-M1	18.2-186.4
Identity Fraud – obtain identifying information with intent to defraud	FRD-2507-M1	18.2-186.3(A)
Credit Card – Present record of sale not made, no fraud intent	FRD-2524-M1	18.2-195.1(A)
Credit Card – Cause a receipt to be issued, no fraud intent	FRD-2525-M1	18.2-195.1(B)
Credit Card – Obtained by false statements, <\$1000	FRD-2527-M1	18.2-195.2(B)
Credit Card – False Statements to obtain credit card	FRD-2528-M1	18.2-195.2(A)
Use of scanning device/re-encoder on payment card of another	FRD-2532-M1	18.2-196.1(A)
Transfer business etc., to obtain lower unemployment tax rate	FRD-2536-M1	18.2-204.3(A)
Advise transfer business to obtain lower unemployment tax	FRD-2537-M1	18.2-204.3(B)
Affix another’s signature to writing, maliciously	FRD-2541-M1	18.2-172.2
Document to establish false status, ID, possess, sell, etc.	FRD-2548-M1	18.2-204.1(B)
Impersonation of firefighter/emergency services personnel	FRD-2560-M1	18.2-174.1
Impersonate military to obtain services	FRD-2563-M1	18.2-177.1(A)
Impersonate military medal, etc., to obtain services	FRD-2564-M1	18.2-177.1(B)
Intent to defraud, funds not used for labor/supplies <\$1000	FRD-2601-M1	43-13
Bad checks, two or more within 90 days >\$1000 – tax payment	FRD-2606-M1	18.2-182.1
Bad checks, less than \$1000	FRD-2625-M1	18.2-181
Birth certificate, fraudulently obtain or possess	FRD-2628-M1	18.2-204.1
Credit Card Fraud <\$1000 over 6 month period	FRD-2636-M1	18.2-195(1)
False alarm, ambulance/fire	FRD-2642-M1	18.2-212
Manufacture, sell fictitious ID, driver’s license, etc.	FRD-2645-M1	18.2-204.2(B)
False statement to obtain hotel/motel service, etc., <\$1000	FRD-2651-M1	18.2-188
Welfare Fraud – false statements to obtain housing aid	FRD-2652-M1	18.2-186.2
Impersonation of law enforcement officer	FRD-2659-M1	18.2-174
Unlawful wearing of police, other officer, uniform/insignia	FRD-2676-M1	18.2-175
Pyramid promotional schemes	FRD-2679-M1	18.2-239
Procure animal, auto, vehicle without intent to pay	FRD-2681-M1	18.2-206
Altering trademark, I.D.	FRD-2686-M1	18.2-214
False statement to obtain utilities, TV, less than \$1000	FRD-2690-M1	18.2-187.1
Altering trademark, I.D. number	FRD-2692-M1	18.2-214
Unauthorized use of food stamps, <\$1000	FRD-2694-M1	63.2-523
Fraudulently obtaining welfare assistance, <\$1000	FRD-2696-M1	63.2-522
Welfare fraud, change in circumstances, <\$1000	FRD-2698-M1	63.2-513

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OFFENSE	VCC	STATUTE
Record motion picture unlawfully	FRD-2701-M1	18.2-187.2
Bad Check, payroll less than \$1000	FRD-2704-M1	18.2-182
Fail to deliver crop, etc., in return for advances, <\$1000	FRD-2710-M1	18.2-200
Distribute, etc., <10 cartons counterfeit cigarettes	FRD-2717-M1	18.2-246.14
Financial exploitation of mentally incapacitated, <\$1000	FRD-2730-M1	18.2-178.1
False pretenses, obtaining money by, <\$1000	FRD-2741-M1	18.2-178
Sheriff, person wears uniform to impersonate	FRD-2791-M1	15.2-1612
Merchant defraud credit card issuer, <\$1000 in 6 month period	FRD-2793-M1	18.2-195(2)
Fail to perform construction in return for advances, <\$1000	FRD-2804-M1	18.2-200.1
Receive goods from credit card fraud – value less than \$1000	FRD-2806-M1	18.2-197
False statement to obtain property/credit, <\$1000	FRD-2812-M1	18.2-186(B)
Obtain medical benefits from state/local hospitalization	FRD-3385-M1	32.1-350
False statements to obtain medical benefits, <\$1000	FRD-3387-M1	32.1-321.4
Violate facial recognition policy, subsequent	FRT-0103-M1	52-4.5
Violate facial recognition policy	FRT-0105-M1	52-4.5
Fail to appear in court for misdemeanor offense	FTA-5020-M1	19.2-128
Possession of gambling devices	GAM-3908-M1	18.2-331
Violation of charitable gaming commission rules	GAM-3909-M1	18.2-340.37(A)
Convert less than \$1000 from charitable gaming	GAM-3910-M1	18.2-340.37(C)
Unauthorized game, charitable gaming	GAM-3920-M1	18.2-340.22
Raffle, illegal sale or draw	GAM-3921-M1	18.2-340.26
Accessory to gambling activities	GAM-3923-M1	18.2-330
Owner, tenant or other occupant allow gambling	GAM-3928-M1	18.2-329
Texas Hold'em, conduct or permit violation	GAM-3932-M1	18.2-340.28:2
Wager on horse racing illegally	GAM-3935-M1	18.2-326
Under age 21 gambling	GAM-3937-M1	58.1-4128(A)
Youth sports wagering	GAM-3938-M1	58.1-4128(B)
Under age 21 betting	GAM-3947-M1	58.1-4040
Prohibited person, sports betting by	GAM-3948-M1	58.1-4041
Pull tab devices sold by unqualified org., off premise, etc.	GAM-3959-M1	18.2-340.26:1
Electronic gaming unauthorized	GAM-3960-M1	18.2-340.26:3
Failure to remove abandoned fishing poles/stakes	GFW-3474-M1	28.2-237
Prohibited gifts	GOV-8805-M1	30.103.1
Nursing home employee, etc. fail to disclose criminal history	HEA-5500-M1	32.1-126.01
Hospital employee, etc. fail to disclose criminal history	HEA-5501-M1	32.1-126.02
Trafficking in dead human bodies	HEA-5514-M1	32.1-303
Mistreatment of patient(s) in mental hospital	HEA-5516-M1	37.2-427
Escapes, aiding and abetting from mental hospital	HEA-5517-M1	37.2-428
Disorderly conduct on mental hospital grounds	HEA-5518-M1	37.2-429
Provide alcoholic beverages for mental patients	HEA-5519-M1	37.2-430
Conspire to admit person to any mental hospital	HEA-5520-M1	37.2-431
Fail to comply with quarantine or isolation order	HEA-5525-M1	32.1-48.014
Willfully violate health board regulation/order	HEA-5532-M1	32.1-27

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OFFENSE	VCC	STATUTE
Employee, etc., fail to disclose criminal history	HEA-5545-M1	32.1-162.9:1
Conceal etc., do not resuscitate order	HEA-5560-M1	54.1-2989
Falsify revocation of do not resuscitate order	HEA-5561-M1	54.1-2989
Falsify etc., do not resuscitate order	HEA-5566-M1	54.1-2989
Hit and run – Driver fails to report <\$1000 damage to property	HIT-6603-M1	46.2-894
Hit and run – Passenger fails to report damage to property	HIT-6605-M1	S46.2-895
Hit and run – Driver fails to report/etc. damage >\$250	HIT-6610-M1	46.2-896
Hit and run – Passenger fails to report damage >\$250	HIT-6611	46.2-897
Dispose of companion animal on public property	HWY-3348-M9	33.2-802
Violation of the Commission’s regulations	HWY-5382-M1	33.2-2205
Gate left open without permission	HWY-5383-M1	33.2-110(B)
Employee, etc., contracts with WWB Authority	HWY-5384-M1	33.2-1300
Hinder/obstruct DOT employee in performance of function/duty	HWY-5387-M1	33.2-1203
Unauthorized use of toll pass	HWY-5390-M1	33.2-613(C)
Willfully tamper with highway construction site	HWY-5395-M1	33.2-238
Cut or injure trees near highways, injure bridges	HWY-5401-M1	33.2-801
Dump trash, etc. on highway or private property	HWY-5402-M9	33.2-802
Dump creating fire hazard to public bridge	HWY-5403-M1	33.2-803
Junkyard violation	HWY-5404-M1	33.2-804
Perjury, etc. in response to Attorney General investigation	INS-7378-M1	38.2-1916.1
Disseminate criminal/terrorism intelligence	INT-8050-M1	52-48
Fail to produce salvage record	JNK-6690-M1	46.2-1607
Sale of vehicle or parts by scrap metal processor	JNK-6761-M1	46.2-1602(1)
Salvage vehicle sold by salvage pool to unauthorized person	JNK-6762-M1	46.2-1602(2)
Sale of non-repairable vehicle to unauthorized person	JNK-6763-M1	46.2-1602(3)
Fail to maintain/provide record of receipt for vehicle/part	JNK-6767-M1	46.2-1608
Cause another to give a false report to police	JUS-4805-M1	18.2-461(ii)
False report on commission of crime to police	JUS-4806-M1	18.2-461(i)
Call, summon, activate alarm with intent to interfere	JUS-4808-M1	18.2-461(iii)
Falsely identify self to law enforcement	JUS-4810-M1	19.2-82.1
False statement during investigation of another’s crime	JUS-4811-M1	18.2-460(D)
False report to police or falsely summoning police	JUS-4812-M1	18.2-461
False entries or destruction of records by officer	JUS-4818-M1	18.2-472
Tampering, fraud in drawing jurors	JUS-4826-M1	18.2-467
Wiretap, disclosure of authorization	JUS-4827-M1	18.2-460.1
Resisting arrest, obstructing justice by threats or force	JUS-4828-M1	18.2-460(B)
Resisting arrest, obstructing justice without threats or force	JUS-4829-M1	18.2-460(A)
Police type radio, use of during commission of crime	JUS-4830-M1	18.2-462.1

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OFFENSE	VCC	STATUTE
Prevent law enforcement officer from making arrest	JUS-4831-M1	18.2-460(E)
Misprison of a felony, failure to report felony	JUS-7205-M1	1-200
Falsify report to Department of Juvenile Justice	JUV-3771-M1	16.1-322.3
Interference, etc. of officer in the removal of a child	JUV-3773-M1	16.1-257
Kidnapping by parent	KID-1014-M1	18.2-47(D)
3 <sup>rd</sup> conviction of §18.2-49.1(B) within 24 months (kidnapping)	KID-1020-M1	18.2-49.1(B)
Employee engages in strike/etc. to interfere with hospital	LAB-7479-M1	40.1-54.2
Removal of electronic/radio transmitting device	LAR-2316-M1	18.2-97.1
Bailee, fail to return animal, auto, etc., <\$1000	LAR-2320-M1	18.2-117
Larceny of bank notes, checks, etc., worth <\$1000	LAR-2335-M1	18.2-98
Shoplift, alter price tags <\$1000	LAR-2337-M1	18.2-103
Larceny of timber valued at less than \$1000	LAR-2346-M1	55.1-2838
Receive goods used in investigation – less than \$1000	LAR-2352-M1	18.2-108(B)
Conversion by fraud of property title to other, <\$1000	LAR-2356-M1	18.2-115
Goods on approval, fail to pay or return goods, <\$1000	LAR-2358-M1	18.2-116
Fail to return leased personal property, <\$1000	LAR-2362-M1	18.2-118
Petit larceny – less than \$1000 not from person	LAR-2366-M1	18.2-96(2)
Petit larceny – less than \$5 from person	LAR-2367-M1	18.2-96(1)
Altering, defacing, removing, possessing serial no. <\$1000	LAR-2371-M1	18.2-96.1
Make, sell, possess device made to shield shoplifted goods	LAR-2377-M1	18.2-105.2
Fraudulently sell, etc., levied goods worth <\$1000	LAR-2396-M1	18.2-101
Unauthorized use of animal, auto, boat worth <\$1000	LAR-2413-M1	18.2-102
Embezzlement, less than \$1000	LAR-2708-M1	18.2-111
Receive stolen property <\$1000	LAR-2809-M1	18.2-108(A)
Concealment, removal of books etc., value less than \$1000	LIB-2322-M1	42.1-73
Deface/destroy/etc. books/other property of libraries etc.	LIB-2325-M1	42.1-72
Drive while license revoked	LIC-6809-M1	46.2-301
Drive while license revoked – no insurance (subsequent offense)	LIC-6814-M1	46.2-302
School bus/motorcycle – operate without endorsement on license	LIC-6815-M1	46.2-328
Authorize person to operate vehicle while license revoked/suspended	LIC-6830-M1	46.2-301.1
Drive after license revoked for DWI/etc. – No endangerment	LIC-6858-M1	46.2-391(D,1)
Drive without a license, 2 <sup>nd</sup> /subsequent	LIC-6867-M1	46.2-300
Lobbying disclosure and regulation act violation	LOB-5160-M1	2.2-433
False statement on application for lottery license	LOT-3971-M1	58.1-4009(C)
Sell lottery ticket to person under age 18	LOT-3976-M1	58.1-4015
Sell lottery ticket at unapproved price	LOT-3977-M1	58.1-4014(A)
Sale of lottery tickets by unlicensed agent	LOT-3978-M1	58.1-4014(A)
Larceny of lottery ticket(s) less than \$1000	LOT-3983-M1	58.1-4018.1(A)

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OFFENSE	VCC	STATUTE
Operate a lottery ticket courier	LOT-3987-M1	58.1-4014
Perform a marriage ceremony without a license	MAR-3228-S9	20-28
Sale, etc. of military property	MIL-5359-M9	44-110
Violation of mine closure, abatement order	MIN-7208-M1	45.2-572
Recruit another for street gang	MOB-1293-M1	18.2-46.3(A)
Convert cash, proceeds from known felony act (1 <sup>st</sup> offense)	MON-3102-M1	18.2-246.3(B)
Stop vehicle of another to impede its progress on the highway	MOV-6572-M1	46.2-818(1)
Block access of any service vehicle	MOV-6573-M1	46.2-818(2)
Damage any vehicle engaged in business or threaten operator	MOV-6574-M1	46.2-818(3)
Possess between 11 to 49 marijuana plants	MRJ-1905-M1	4.1-1101
Possess or consume marijuana on school bus, transporting children	MRJ-1917-M1	4.1-1110
Carry marijuana in vehicle used for transporting passengers	MRJ-1918-M1	4.1-1112
Narcotics – Own or maintain common nuisance	NAR-3011-M1	18.2-258
Sale or possess with intent to sell drug paraphernalia	NAR-3013-M1	18.2-265.3(A)
Inhale drugs, glue, etc.	NAR-3014-M1	18.2-264(A)
Unauthorized prescribing, dispensing drugs	NAR-3017-M1	18.2-260
Possess Schedule III drugs	NAR-3023-M1	18.2-250(A,B)
Dextromethorphan, distribute, etc.	NAR-3029-M1	18.2-265.21
Accommodation sale, distribution, PWI, etc. of marijuana	NAR-3030-M1	18.2-248.1(A,3)
Sell, distribute, PWI, etc. marijuana – 1 oz or less	NAR-3031-M1	18.2-248.1(a,1)
Sell minor pill with caffeine and ephedrine sulfate	NAR-3039-M1	18.2-248.5
Assist in procuring prescription from pharmacy	NAR-3057-M1	18.2-258.2
Sell, distribute, etc. – Schedule VI	NAR-3059-M1	18.2-248(A)
Patient's prescription record, falsify with intent to defraud	NAR-3075-M1	18.2-260.1
Accommodation distribution, etc. – Schedule VI drug	NAR-3077-M1	18.2-248(F)
First Offender (§18.2-258.1) probation conditions fulfilled	NAR-3078-M1	18.2-258.1(H)
Methamphetamine precursors, fail to report sales	NAR-3109-M1	18.2-265.18
Accommodation distribution, etc. – Schedule III drug	NAR-3137-M1	18.2-248(E3)
Accommodation distribution, etc. – Schedule IV drug	NAR-3138-M1	18.2-248(E3)
Sell, distribute, etc. – Schedule V drug	NAR-3139-M1	18.2-248(F)
Accommodation distribution, etc. – Schedule V drug	NAR-3140-M1	18.2-248(F)
Sell, distribute, etc., imitation Schedule V drug	NAR-3142-M1	18.2-248(F)
Sell, distribute, etc., imitation Schedule VI drug	NAR-3148-M1	18.2-248(F)
Possession of cannabimimetic agent	NAR-3163-M1	18.2-250(A,a)
Misrepresent criminal record on application for notary	NOT-2799-M1	47.1-28(C)
Wrongful possession, use of electronic notary	NOT-2849-M1	47.1-29.1
Actual or simulated masturbation in public	OBS-3707-M1	18.2-387.1
Advertisement of obscene items (1 <sup>st</sup> offense)	OBS-3708-M1	18.2-376

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OFFENSE	VCC	STATUTE
Coercing acceptance of obscene publications (1 <sup>st</sup> offense)	OBS-3710-M1	18.2-378
Indecent exposure	OBS-3713-M1	18.2-387
Admit minors to obscene show or exhibition	OBS-3714-M1	18.2-391(B)
False representation of guardian to secure obscene matter for juvenile	OBS-3715-M1	18.2-391(D)
Minor falsely represent age to obtain obscene matter	OBS-3716-M1	18.2-391(C)
Knowingly sell, rent, etc obscene items to minor	OBS-3718-M1	18.2-391(A)
Permit minors in obscene performances (1 <sup>st</sup> offense)	OBS-3719-M1	18.2-379
Obscene advertising, placards, bills, etc. (1 <sup>st</sup> offense)	OBS-3722-M1	18.2-377
Obscene exhibitions and performances (1 <sup>st</sup> offense)	OBS-3724-M1	18.2-375
Obscene movie previews	OBS-3726-M1	18.2-386
Production/possess for sale obscene pictures (1 <sup>st</sup> offense)	OBS-3728-M1	18.2-374
Unlawful creation of videographic/still image of another	OBS-3733-M1	18.2-386.1
Sell obscene pictures or performances by computer	OBS-3738-M1	18.2-376.1
Recognizance to keep the peace when required	PEA-3290-M1	19.2-21
False statement of indigence by charged misdemeanant	PER-5023-M1	19.2-161
Possession of needles, capsules, pipe, etc.	PHA-3170-M1	54.1-3466(B)
Distribution of needles, capsules, pipe, etc.	PHA-3171-M1	54.1-3466(C)
Obtain/attempt to obtain any device in §54.1-3467 by fraud	PHA-3505-M1	54.1-3470
Furnish false info to obtain devices in §54.1-3467	PHA-3506-M1	54.1-3470
Falsely claim to be a manf. to obtain devices in §54.1-3467	PHA-3507-M1	54.1-3470
Possession or distribution of controlled paraphernalia	PHA-3508-M1	54.1-3466
Bail/pretrial services violation – Misd. Fail to appear	PRE-5031-M1	19.2-152.4:1
Unauthorized delivery of article to prisoner/person confined	PRI-3243-M1	18.2-474
Security camera covered, made inoperable, etc.	PRI-4901-M1	18.2-473.2(B)
Second or subsequent firearms dealer violation	PRO-7157-M1	54.1-4202
Debt-pooling plan, provide services to	PRO-7159-M1	54.1-3905
Precious metals dealer, seller under 18 (subsequent offense)	PRO-7406-M1	54.1-4103(A)
Violation of asbestos/lead/inspection regulations	PRO-7417-M1	54.1-517
Permit betting or wagering on boxing, martial arts, etc.	PRO-7423-M1	54.1-834(A)
Sham or fake boxing, martial arts, etc., contest	PRO-7424-M1	54.1-834(B)
Legal aid society's services violate regulations	PRO-7450-M1	54.1-3916
Violation of a protective order, family abuse	PRT-3864-M1	16.1-279.1
Use of drone to contact, etc., petitioner	PRT-5076-M1	18.2-324.2(B)
Disposal of animal without notification	PSC-5948-M1	56-439.1
Electric energy emergency declaration or guideline violation	PSC-8955-M1	56.586.1
Sign false limited partnership document	PTN-8851-M1	50-73.15
Sexual battery	RAP-1122-M1	18.2-67.4(I)

Appendix B  
Tier I Offenses

OFFENSE	VCC	STATUTE
Battery, sexual within 2 years, >1 occasion or witness	RAP-1180-M1	18.2-67.4(A,ii)
Reckless driving – Endanger life or limb	REC-6625-M1	46.2-852
Enter highway, fail to yield right of way	REC-6627-M1	46.2-863
Reckless driving – Out of control or bad brakes	REC-6629-M1	46.2-853
Drive in parking lots endangering life or limb	REC-6630-M1	46.2-864
Pass at railway crossing or intersection	REC-6632-M1	46.2-858
Reckless driving – Racing	REC-6634-M1	46.2-865
Reckless driving – Racing, aiding, or abetting	REC-6636-M1	46.2-866
Fail to stop for school bus with flashing lights	REC-6639-M1	46.2-859
Reckless driving – Riding abreast in one lane	REC-6641-M1	46.2-857
Reckless driving – Signal turn or stop, fail to 20 MPH or more over speed limit	REC-6643-M1	46.2-860
Speed over 85 MPH	REC-6646-M1	46.2-862(i)
Reckless driving committed while texting	REC-6648-M1	46.2-862(ii)
Reckless driving – Speed unreasonable for conditions	REC-6649-M1	46.2-868(C)
Reckless driving – Speed unreasonable for conditions	REC-6651-M1	46.2-861
Move over for stationary vehicle with warning lights, fail to	REC-6653-M1	46.2-861.1(A)
Fail to yield right of way, sign posted	REC-6654-M1	46.2-863
Reckless driving – Pass without visibility	REC-6660-M1	46.2-854
Reckless driving – Load or passengers interfere with control	REC-6662-M1	46.2-855
Reckless driving – Pass two vehicles abreast	REC-6664-M1	46.2-856
Overtake or pass emergency vehicle	REC-6671-M1	46.2-829
Electric vehicle – Operate without permit	REG-6705-M1	46.2-1009
Fail to appear after notice or signing promise on summons	REG-6710-M1	46.2-936
Altered or forged license plates	REG-6714-M1	46.2-722
Mileage, record incorrect on title	REG-6717-M1	46.2-629(C)
False information to obtain registration	REG-6719-M1	46.2-612(B,3)
Odometer tampering (1 <sup>st</sup> offense)	REG-6720-M1	46.2-112
Temporary license plates, expired, fail to destroy	REG-6731-M1	46.2-1564
Temporary license plates, fail to mark expiration date	REG-6732-M1	46.2-1562
Temporary license plates, improper use of	REG-6733-M1	46.2-1561
Title issued to another, possess	REG-6735-M1	46.2-618
Fraudulently assign or transfer title	REG-6739-M1	46.2-644
Procure registration exempt from alternative fuel standard	REG-6740-M1	46.2-649.2
Fail to comply with terms of a summons or notice	REG-6752-M1	46.2-938
False certification, off-road to on-road use motorcycle	REG-6895-M1	46.2-602.4
Retail Franchising Act – Misd. Violation of (13.1-557 – 13.1-574)	RET-7052-M9	13.1-569
Obstruct free passage (unlawful assembly)	RUA-5319-M1	18.2-404
Participate in riot, generally	RUA-5322-M1	18.2-405
Participate in unlawful assembly, generally	RUA-5323-M1	18.2-406
Resist/obstruct legal process (unlawful assembly)	RUA-5327-M1	18.2-409
Discharge sewage, etc. into any tidal waters	SAN-5540-M1	21-223
Discharge sewage, etc. into non-tidal waters	SAN-5541-M1	21-290



Appendix B  
Tier I Offenses

OFFENSE	VCC	STATUTE
Violate sewage disposal provisions or order of board	SAN-5543-M1	32.1-164
False information regarding solicitation of contributions (2 <sup>nd</sup> and subsequent offenses)	SCA-5751-M9	57-59
Charitable organization fail to file/refile registration (2 <sup>nd</sup> and subsequent offenses)	SCA-5753-M9	57-49
False statement on school application about certain crimes	SCH-4254-M1	22.1-296.1
Knowingly make false statement in book of account, etc.	SEC-7040-M1	13.1-520(B)
Unlawful offers and sales; knowingly make false statements	SEC-7042-M1	13.1-502
Security not registered; knowingly make false statements	SEC-7056-M1	13.1-507
No valid registration, security officer, private detective, etc.	SES-5885-M1	9.1-149(A)(1)
Employ security officer etc. without valid registration	SES-5886-M1	9.1-149(A)(2)
Security services, practicing without a license or registration	SES-5890-M1	9.1-147(A)(1)
No valid private security instructor certification	SES-5896-M1	9.1-149(A)(3)
Travel, promoting for prostitution	SEX-1199-M1	18.2-348.1
Adultery and fornication by persons forbidden to marry	SEX-3614-M1	18.2-366(A)
Prostitution, intercourse, etc. for money etc.	SEX-3622-M1	18.2-346(A)
Aiding/assisting in prostitution procurement	SEX-3623-M1	18.2-348
Maintain or frequent bawdy place	SEX-3627-M1	18.2-347
Using vehicle to promote prostitution	SEX-3632-M1	18.2-349
Solicitation of prostitution (offering money for sexual act)	SEX-3637-M1	18.2-346.01
Damaging highway or street signs	SIG-6545-M1	46.2-832
Haul prohibited cargo in tunnel – Violation of posted signs	SIG-6571-M1	46.2-815
Fail to report collision with overhead structure	SIZ-6473-M1	46.2-1110
Smoking/open flame near gas pump, results in fire/explosion	SMK-6527-M1	46.2-819.4
Solicitation to commit misdemeanor (common law)	SOL-7203-M1	1-200
Use of unmanned aircraft to contact, capture images, etc.	SOR-3649-M1	18.2-324.2(A)
Unauthorized use/dissemination of sex offender registry	SOR-3655-M1	9.1-918
Fail to register as a sex offender or provide false information	SOR-3658-M1	18.2-472.1
Enter without permission premises padlocked by Tax Commission	TAX-6153-M1	58.1-1805
Procure telephone record by fraud	TEL-3193-M1	18.2-152.17(A,I)
Sell telephone record without authorization	TEL-3194-M1	18.2-152.17(A,II)
Receive telephone record obtained by fraud	TEL-3195-M1	18.2-152.17(A,III)
Annoying ringing telephone to emergency personnel, false report	TEL-3199-M1	18.2-429(B)
Abusive, profane, threatening calls, text, C.B. radio	TEL-3245-M1	18.2-427

Appendix B  
Tier I Offenses

OFFENSE	VCC	STATUTE
False reports, concerning deaths, injury, etc. by telephone	TEL-3247-M1	18.2-428
Engage in towing and recovery without license	TOW-8200-M1	46.2-2812
Under age 21, use electronic device to wager on historical horse race	TRC-2784-M1	59.1-403
Unlawfully record live concerts, etc. and distribute	TRC-2819-M1	59.1-41.2
Sell/rent unlawful recordings	TRC-2823-M1	59.1-41.3
Touting, demand money for race information	TRC-2839-M1	59.1-398
Possession of drugs without veterinarian's prescription	TRC-2843-M1	59.1-401
Sell, give, etc. explosives to person under age 18	TRC-2853-M1	59.1-138(b)
Fail to report stolen explosives	TRC-2854-M1	59.1-139
Secondhand building fixture violation – subsequent offense	TRC-2856-M1	59.1-124
Purchase scrap metal from minor	TRC-2858-M1	59.1-136.4
Use trademark, etc. without consent	TRC-2860-M1	59.1-92.12(i)
Reproduce/counterfeit registered mark	TRC-2862-M1	59.1-29.12(ii)
Fail to cooperate or hinder AG's antitrust investigation	TRC-2864-M9	59.1-9.10
Unlawful use of names, etc. on certain articles, 1 <sup>st</sup> offense	TRC-2888-M9	59.1-96
Unlawful use of names, etc. on certain articles, subsequent offense	TRC-2889-M9	59.1-96
Attempt to establish usurped government	TRE-0108-M1	18.2-483
Mutilation, defacing of national or state flag	TRE-0112-M1	18.2-488
Defacing, placing marks, design, figure, etc. on flag	TRE-0113-M1	18.2-487
Unauthorized use of electronic tracking device	TRK-2129-M1	18.2-60.5
Trespass on railroad track, 3 <sup>rd</sup> violation within 2 years of 2 <sup>nd</sup> violation	TRS-2991-M1	18.2-159
Retrieve or follow dog(s) on prohibited land, unlawfully	TRS-5705-M1	18.2-136
Trespass – Stay on school/church property/bus after told to leave	TRS-5708-M1	18.2-128(B)
Trespass after being forbidden to do so	TRS-5709-M1	18.2-119
Trespass – incite, instigate	TRS-5715-M1	18.2-120
Trespass – injury to cemetery, church property	TRS-5716-M1	18.2-127(A)
Trespass – intent to damage property/interfere with property right	TRS-5717-M1	18.2-121
Trespass – Posted property	TRS-5720-M1	18.2-134
Dead animal placed on church property	TRS-5743-M1	18.2-127(B)
Drone take off/land in violation of FAA/UAS restrictions	TRS-5744-M1	18.2-121.2(A,ii)
Enter property of another to harass, etc. with a drone	TRS-5745-M1	18.2-121.3(A,i)
Hunting dogs released on posted land – subsequent	TRS-5749-M1	18.2-132.1
Common law trespass	TRS-7204-M1	1-200
Market urine to defeat drug or alcohol screening tests	TST-4190-M1	18.2-251.4(1)
Substitution of sample to defeat drug/alcohol screening test	TST-4191-M1	18.2-251.4(2)
Adulterate sample with intent to defraud drug/alcohol test	TST-4192-M1	18.2-251.4(3)

Appendix B  
Tier I Offenses

OFFENSE	VCC	STATUTE
Firefighting equipment, tamper, destroy, remove, etc.	VAN-0190-M1	18.2-151.1(i)
EMS vehicle, tamper, destroy, remove, etc.	VAN-0191-M1	18.2-151.1(ii)
Damage less than \$1000 to book, etc. located in library etc.	VAN-2903-M1	18.2-138
Injure railroad signal without malice	VAN-2918-M1	18.2-155
Intentionally damage any property/monument <\$1000	VAN-2922-M1	18.2-137(B,I)
Damage to public building, <\$1000	VAN-2923-M1	18.2-138
Manufacture or possess tire puncture (jack rocks)	VAN-2928-M1	18.2-147.2
Tamper with parking meter, pay phone etc. (1 <sup>st</sup> offense)	VAN-2933-M1	18.2-152
Poison or maim fowl	VAN-2935-M1	18.2-144
Tamper, enter/set vehicle into motion, break and enter auto	VAN-2938-M1	18.2-147
Vehicle, aircraft or boat	VAN-2949-M1	18.2-146
Willfully destroy boat, ship, etc., value at under \$1000	VAN-2952-M1	18.2-150
Interfere with emergency two-way radio communications	VAN-2953-M1	18.2-165.2
Damage telephone line, etc. – prevent summoning law	VAN-3192-M1	18.2-164(B)
Soliciting or accepting a bribe for a vote	VOT-5104-M1	24.2-1007
Advise/assist in casting ballot in prohibited areas	VOT-5105-M1	24.2-1006
Bribery, intimidation, etc. of person receiving ballot	VOT-5106-M1	24.2-1005
Interfere with voter registration	VOT-5108-M1	24.2-1002
Unauthorized possession voting equipment key, electronic device	VOT-5126-M1	24.2-1010
Ballot carried away from voting booth	VOT-5127-M1	24.2-1011
Fail to provide I.D. during campaign telephone call	VOT-5135-M1	24.2-955.3(C)
Prohibited activities at voting polls	VOT-5137-M1	24.2-604
Violate campaign TV/Radio advertisement requirements	VOT-5147-M1	24.2-955.3
Improper assistance for voter with disabilities, language issues	VOT-5149-M1	24.2-649
Destroy or fail to mail or deliver voter registration	VOT-5151-M1	24.2-1002.01
Communicate false information to impede voter	VOT-5156-M1	24.2-1005.1
Wrongfully vote	VOT-5158-M1	24.2-1004(A)
Violate campaign telephone advertisement requirements - candidate	VOT-5170-M1	24.2-959
Violate campaign telephone advertisement requirements - committee	VOT-5171-M1	24.2-959.1
Impersonating Weights and Measures Commissioner, sealer, etc.	WGT-7396-M1	3.2-5644
Unauthorized possession of illegal wire device	WIR-3254-M1	19.2-63.1
Disclosure of wire communication by law enforcement official	WIR-3269-M1	19.2-67
Use pen register trap and trace device	WIR-3275-M1	19.2-70.1
Transmission of wire communications for financial gain	WIR-3591-M1	19.2-62
Possess, etc. firearm after conviction for A&B of family	WPN-5187-M1	18.2-308.1:8

Appendix B  
Tier I Offenses

OFFENSE	VCC	STATUTE
Sell firearm without verification	WPN-5190-M1	18.2-308.2:5(C)
Purchase firearm without verification	WPN-5191-M1	18.2-308.2:5(D)
Fail to certify all firearms have been surrendered	WPN-5192-M1	18.2-308.1:4(C)
Sell, give, etc. firearm to person on Do Not Sell List, A&B	WPN-5193-M1	18.2-308.2:1(A)
Inquiry into Voluntary Do Not Sell List, unlawful	WPN-5195-M1	52-52(A)
False information, Voluntary Do Not Sell List	WPN-5196-M1	52-52(B)
Discrimination of person on Voluntary Do Not Sell List	WPN-5197-M1	52-52(C)
False statement to LEO/CA, substantial risk orders	WPN-5198-M1	19.2-152.16
Possess, etc. firearm under substantial risk order	WPN-5199-M1	18.2-308.1:6
Gun dealer allows unauthorized firearm seller	WPN-5205-M1	18.2-308.2:3(J)
Gun dealer offers firearm for unlawful transfer	WPN-5206-M1	18.2-308.2:3(J)
Concealed weapon permit fail to surrender – protective order	WPN-5211-M1	18.2-308.1:4(A)
Hunt with weapons after license revoked	WPN-5223-M1	18.2-56.1(D)
Intoxicated person uses firearm etc. while hunting	WPN-5224-M1	18.2-285
Authorize child <12 to use a firearm without adult supervision	WPN-5250-M1	18.2-56.2(B)
Stun gun, knife, other than firearm, possession on school property	WPN-5253-M1	18.2-308.1(A)
Furnish weapon to minor – Dirk/switchblade/bowie knife	WPN-5266-M1	18.2-309(A)
False statement on consent form	WPN-5309-M1	18.2-308.2:4
Improper disclosure of public assistance information	WSS-3766-M1	63.2-104
Subpoena/fee violations related to public assistance hearing	WSS-3768-M1	63.2-106
Unauthorized access of Dept. of Social Services records	WSS-3769-M1	63.2-102
False statement on application or registration	WSS-3780-M1	63.2-1721
Interfere with Social Services Commissioner’s duties	WSS-3783-M1	63.2-1712(1)
Make a false statement about operation of facility	WSS-3784-M1	63.2-1712(2)
Facility serving more than approved	WSS-3785-M1	63.2-1712(4)
False statement to obtain employment	WSS-3786-M1	63.2-1720(D)
False statement on application – assisted living volunteer	WSS-3791-M1	63.2-1720(F)
Day Care, etc. sex offender resides etc. in family day home	WSS-3792-M1	22.1-289.041
Operate facility or agency without a license	WSS-3794-M1	63.2-1712(3)
Make a false statement about child/family day system	WSS-4000-M1	22.1-289.035
False statement to obtain license – child family day system	WSS-4001-M1	22.1-289.036
Improper disclosure of confidential information	WSS-4003-M1	22.1-289.06

**APPENDIX C**

**TIER II OFFENSES<sup>3</sup>**

<b>OFFENSE</b>	<b>VCC</b>	<b>STATUTE</b>
<b>CLASS 1 MISDEMEANORS</b>		
Soring horses (affecting its gait)	ANM-3305-M1	3.2-6570(A,iv)
Kill dog or cat for hide, fur, or pelt	ANM-3396-M1	3.2-6570(E)
Cause or permit cruelty to animals	ANM-4577-M1	3.2-6570(A,viii)
Carry animal in cruel, inhumane manner	ANM-4578-M1	3.2-6570(A,vii)
Further act of cruelty to animal	ANM-4579-M1	3.2-6570(A,vi)
Torture animal	ANM-4583-M1	3.2-6570(A)(ii)
Simple assault on a teacher, principal, etc	ASL-1312-M1	18.2-57(D)
Hate crime/simple assault	ASL-1314-M1	18.2-57(A)
Simple assault by mob	ASL-1329-M1	18.2-42
Battery against health care provider, emergency facility	ASL-1352-M1	18.2-57(E)
Disarm law enforcement officer, etc. of impact/chemical	ASL-1357-M1	18.2-57.02
Coerce, intimidate or harass by computer	COM-2997-M1	18.2-152.7:1
Injure guide/leader dog	DOG-3331-M1	3.2-6588(B)
Juvenile fails to stay within furlough limits/time	ESC-4903-M1	66-25.1:4
Home or electronic incarceration, violation of	ESC-4925-M1	53.1-131.2
Escape from secure juvenile facility without force	ESC-4926-M1	18.2-477.1(B)
Accommodation distribution etc. of drugs on school property	NAR-3028-M1	18.2-255.2
Dissemination of image with intent to harass, etc.	OBS-3688-M1	18.2-386.2
Aggressive driving with intent to injure	REC-6655-M1	46.2-868.1
Cause serious injury to vulnerable road user	REC-6669-M1	46.2-816.1
Stalking with intent to cause fear of death, etc	STK-2109-M1	18.2-60.3
Use peephole/other aperture to view nonconsent person	TRS-5700-M1	18.2-130(B)
Trespass-Peep or spy into dwelling place	TRS-5718-M1	18.2-130(A)
Peep or spy into dwelling by electronic device	TRS-5747-M1	18.2-130.1
Carry firearm or explosive within Capitol Square	WPN-5188-M1	18.2-283.2
Carry concealed weapon	WPN-5202-M1	18.2-308
Brandish machete or bladed weapon	WPN-5210-M1	18.2-282.1
Carry weapon into courthouse	WPN-5217-M1	18.2-283.1
Reckless handling of firearm	WPN-5232-M1	18.2-56.1
Removal or alteration of serial numbers from weapon	WPN-5236-M1	18.2-311.1
Reckless/leave loaded firearm, endangering child age < 14	WPN-5249-M1	18.2-56.2(A)
Brandish or point firearm	WPN-5251-M1	18.2-282(A)
Carry loaded firearm in certain other specified localities	WPN-5264-M1	18.2-287.4
Possess handgun or assault rifle under age 18	WPN-5268-M1	18.2-308.7

<sup>3</sup> Tier II also includes numerous offenses that, while legally possible, are not likely to apply to juveniles. The department has created a list of categories under which these types of offenses would fall. For a list and summary of these categories, please see Appendix G.

Appendix C  
Tier II Offenses

OFFENSE	VCC	STATUTE
Carry weapon in air carrier/airport terminal	WPN-5304-M1	18.2-287.01
<b>FELONIES</b>		
Perform partial birth infanticide	ABO-1404-F4	18.2-71.1
Producing abortion	ABO-1405-F4	18.2-71
Operating aircraft under the influence	AIR-7301-F6	5.1-13
Interfere with operation of an aircraft – endangerment	AIR-7309-F6	5.1-22
Manufacture or conspire to manufacture alcohol	ALC-4110-F6	4.1-301
Illegal manufacture of alcohol	ALC-4119-F6	4.1-300
Transport manufactured alcohol by armed person	ALC-4120-F6	4.1-318
Kill dog or cat for hide, fur, or pelt – 2 <sup>nd</sup> or subsequent	ANM-3395-F6	3.2-6570(E)
Sale endangered species – aggregate \$1000 or more	ANM-3397-F6	29.1-564
Dogfighting activity	ANM-3573-F6	3.2-6571(B,1)
Device or substance used to enhance animal fighting	ANM-3574-F6	3.2-6571(B,2)
Wage money etc. on animal fighting	ANM-3575-F6	3.2-6571(B,3)
Pay or receive admission for animal fighting	ANM-3576-F6	3.2-6571(B,4)
Possess etc. animal for fighting	ANM-3577-F6	3.2-6571(B,5)
Extradition Warrant: fugitive from justice – felony	ARR-9980-S9	19.2-99
Enticement to bomb	ARS-2015-F5	18.2-84
Manufacture or possession of firebomb	ARS-2016-F5	18.2-85
Bribery - Give to/received by Commissions, jurors, etc	BRI-5116-F4	18.2-441
Bribery - Give to public official, police, candidate	BRI-5118-F4	18.2-438
Bribery - Received by public official/police/etc	BRI-5119-F4	18.2-439
Bribery - Public servant, party official	BRI-5120-F4	18.2-447
Bribery – Witness	BRI-5121-F6	18.2-441.1
Bribery - Give to participants in games, sports contests	BRI-5122-F5	18.2-442
Bribery - Received by participants in games, sports contests	BRI-5123-F5	18.2-443
Possession of burglarious tools	BUR-2206-F5	18.2-94
Other vital records, false statement, alter, mutilate, etc.	CER-3186-F4	32.1-276
Birth Certificates - False statements, alter, mutilate, etc.	CER-3206-F4	32.1-276
Death Certificates - False statements, alter, mutilate, etc.	CER-3207-F4	32.1-276
Hazardous Waste-transport, treat, dispose, endanger to other	CNV-7006-F9	10.1-1455(I)
Transport, treat, dispose hazardous waste w/out permit	CNV-7007-F6	10.1-1455(B)
Computer Tresp - Remove w/o auth computer data, etc. govt	COM-2238-F6	18.2-152.4(A,1)
Computer Tresp - Remove w/o auth computer data, etc. utility	COM-2239-F6	18.2-152.4(A,1)
Computer Trespass - Cause computer malfunction, govt	COM-2241-F6	18.2-152.4(A,2)
Computer Trespass - Cause computer malfunction, utility	COM-2242-F6	18.2-152.4(A,2)

Appendix C  
Tier II Offenses

OFFENSE	VCC	STATUTE
Computer Trespass - Alter or erase computer data, govt	COM-2243-F6	18.2-152.4(A,3)
Computer Trespass - Alter or erase computer data, utility	COM-2244-F6	18.2-152.4(A,3)
Computer Trespass - Create, alter e-transfer funds, govt	COM-2245-F6	18.2-152.4(A,4)
Computer Trespass - Create, alter e-transfer funds, utility	COM-2246-F6	18.2-152.4(A,4)
Computer Trespass - Cause physical property injury, govt	COM-2247-F6	18.2-152.4(A,5)
Computer Trespass - Cause physical property injury, utility	COM-2248-F6	18.2-152.4(A,5)
Computer Trespass - Make unauth. copy of data, govt	COM-2249-F6	18.2-152.4(A,6)
Install spyware etc. to collect keystrokes, malicious intent	COM-2250-F6	18.2-152.4(A,8)
Install spyware etc. to collect keystrokes, 6+ computers	COM-2251-F6	18.2-152.4(A,8)
Install malware, take control/disable computer, >= \$1000	COM-2253-F6	18.2-152.4(A,9)
Install malware, take control/disable computer, 6+ computers	COM-2254-F6	18.2-152.4(A,9)
Computer Trespass - Make unauth. copy of data, utility	COM-2255-F6	18.2-152.4(A,6)
Install malware, take control/disable computer, govt	COM-2256-F6	18.2-152.4(A,9)
Install malware, take control/disable computer, utility	COM-2257-F6	18.2-152.4(A,9)
Unsolicited SPAM exceeds established limits	COM-2262-F6	18.2-152.3:1(B,i)
Revenue from unsolicited SPAM exceeds limits	COM-2263-F6	18.2-152.3:1(B,ii)
Obtain computer services w/o authority, \$2500 or more	COM-2268-F6	18.2-152.6
Violation of §18.2-168 by computer, uttering public record	COM-2277-F4	18.2-152.14
Violation of §18.2-168 by computer, forging public record	COM-2278-F4	18.2-152.14
Violation of §18.2-169 by computer, official seal	COM-2279-F4	18.2-152.14
Violation of §18.2-170 by computer, coins/bank notes	COM-2280-F4	18.2-152.14
Violation of §18.2-171 by computer, forging instruments	COM-2281-F4	18.2-152.14
Violation of §18.2-172 by computer, forgery	COM-2282-F5	18.2-152.14
Violation of §18.2-172 by computer, uttering	COM-2283-F5	18.2-152.14
Violation of §18.2-173 by computer, forged bank notes 10+	COM-2285-F6	18.2-152.14
Examine credit etc. info. by computer - subsequent offense	COM-2287-F6	18.2-152.5(C)
Sell or distribute employment, credit etc. info	COM-2288-F6	18.2-152.5(D)
Use employ., credit etc. info in commission of another crime	COM-2289-F6	18.2-152.5(E)
Use computer to gather identifying information	COM-2290-F6	18.2-152.5:1(A)
Sell/distribute identifying information gathered by computer	COM-2291-F5	18.2-152.5:1(B)

Appendix C  
Tier II Offenses

OFFENSE	VCC	STATUTE
Use identifying info. gathered by computer in another crime	COM-2292-F5	18.2-152.5:1(C)
Use of computer w/o auth. to obtain serv, etc., ≥ \$1000	COM-2960-F5	18.2-152.3(1)
Use of computer to embezzle/larceny ≥ \$1000	COM-2967-F5	18.2-152.3(2)
Use of computer to convert another's property ≥ \$1000	COM-2969-F5	18.2-152.3(3)
Computer Trespass - Remove computer data, etc ≥=\$1000	COM-2980-F6	18.2-152.4(A,1)
Computer Trespass - Cause malfunction ≥=\$1000	COM-2981-F6	18.2-152.4(A,2)
Computer Trespass - Alter or erase data, etc. ≥=\$1000	COM-2982-F6	18.2-152.4(A,3)
Computer Trespass - Effect creation of fund transfer ≥=\$1000	COM-2983-F6	18.2-152.4(A,4)
Computer Trespass - Cause injury to property ≥=\$1000	COM-2984-F6	18.2-152.4(A,5)
Computer Trespass - Make copy of data, program, etc. ≥=\$1000	COM-2985-F6	18.2-152.4(A,6)
Obtain/possess documents from DMV when not entitled	DMV-6841-F6	46.2-105.2(A)
Aid in obtaining any document issued by DMV	DMV-6891-F6	46.2-105.2(B)
Possess or use illegally obtained DMV document	DMV-6892-F6	46.2-105.2(C)
DNA -Obtain any sample submitted to Div of Forensic Science	DNA-7197-F5	19.2-310.6
Driving while intoxicated - 4th or subseq w/in 10 years	DWI-5406-F6	18.2-266
DWI - Commercial vehicle 3rd w/in 5 yrs	DWI-5420-F6	46.2-341.24
DWI - Commercial vehicle 3rd w/in 10 yrs	DWI-5421-F6	46.2-341.24
Driving while intoxicated - Third conviction within 10 years	DWI-5449-F6	18.2-266
Driving while intoxicated - 3rd conviction w/in 5 years	DWI-5450-F6	18.2-266
Driving while intoxicated - 3rd within 10 yrs w/child	DWI-5458-F6	18.2-266
Driving while intoxicated - 3rd w/in 5 years w/child	DWI-5459-F6	18.2-266
Driving while intoxicated - 4th/subsq. w/in 10 years w/child	DWI-5460-F6	18.2-266
Driving while intoxicated - 3rd w/in 10 yr., drugs	DWI-5468-F6	18.2-266
Driving while intoxicated -3rd conviction w/in 5 yr., drugs	DWI-5469-F6	18.2-266
Driving while intoxicated - 3rd w/in 10 yr., drugs, w/child	DWI-5470-F6	18.2-266
Driving while intoxicated -3rd w/in 5 yr., drugs, w/child	DWI-5471-F6	18.2-266
Driving while intoxicated - 4th or subseq w/in 10 yr., drugs	DWI-5472-F6	18.2-266
Driving while intoxicated - 4th/sub w/in 10yr drugs, w/child	DWI-5473-F6	18.2-266
Driving after forfeiture of license, etc., 3rd in 10 yrs.	DWI-5478-F6	18.2-272(A)
Prior DWI related manslaughter, assault or felony DWI	DWI-5493-F6	18.2-266



Appendix C  
Tier II Offenses

OFFENSE	VCC	STATUTE
Prior DWI related manslaughter, assault, felony DWI, w/child	DWI-5494-F6	18.2-266
3rd w/5 yrs prior DWI manslaughter, assault or felony DWI	DWI-5495-F6	18.2-266
3rd/5y DWI manslaughter, assault, felony DWI, w/child	DWI-5496-F6	18.2-266
3rd w/10 yrs prior DWI manslaughter, assault or felony DWI	DWI-5497-F6	18.2-266
3rd/10y DWI manslaughter, assault, felony DWI, w/child	DWI-5498-F6	18.2-266
DWI - Commercial vehicle 3rd w/in 5 yrs w/child	DWI-5598-F6	46.2-341.24
DWI - Commercial vehicle 3rd offense w/in 10 yrs w/child	DWI-5599-F6	46.2-341.24
DWI - Commercial vehicle 4th offense w/in 10 yrs	DWI-5602-F6	46.2-341.24
DWI - Commercial vehicle 4th offense w/in 10 yrs w/child	DWI-5603-F6	46.2-341.24
Prior DWI manslaughter, assault, felony DWI	DWI-5604-F6	46.2-341.24
Prior DWI manslaughter, assault, felony DWI w/child	DWI-5606-F6	46.2-341.24
Prior DWI manslaughter, assault, fel. DWI, BAC .15-.20 child	DWI-5607-F6	46.2-341.24
Prior DWI manslaughter, assault, fel. DWI, BAC > .20 child	DWI-5608-F6	46.2-341.24
Third conviction w/in 10 years, influence of marijuana	DWI-5626-F6	18.2-266
Third conviction w/in 5 years, influence of marijuana	DWI-5627-F6	18.2-266
Third conviction w/in 10 years, marijuana w/child	DWI-5628-F6	18.2-266
Third conviction w/in 5 years, marijuana w/child	DWI-5629-F6	18.2-266
Fourth or subsequent w/in 10 years, marijuana	DWI-5630-F6	18.2-266
Fourth or subsequent conviction w/in 10 years, marijuana w/child	DWI-5631-F6	18.2-266
Prior DWI manslaughter, assault, felony DWI, BAC .15 to .20	DWI-5667-F6	46.2-341.24
Prior DWI manslaughter, assault, felony DWI, BAC > .20	DWI-5668-F6	46.2-341.24
DWI - Commercial vehicle 4th w/in 10 yrs, BAC .15 -.20 child	DWI-5669-F6	46.2-341.24
DWI - Commercial vehicle 4th w/in 10 yrs, BAC > .20 child	DWI-5670-F6	46.2-341.24
DWI - Commercial vehicle 4th w/in 10 yrs, BAC .15 -.20	DWI-5671-F6	46.2-341.24
DWI - Commercial vehicle 4th w/in 10 yrs, BAC > .20	DWI-5672-F6	46.2-341.24
DWI - Commercial vehicle 3rd w/in 5 yrs, BAC .15-.20 child	DWI-5673-F6	46.2-341.24
DWI - Commercial vehicle 3rd w/in 5 yrs, BAC > .20 child	DWI-5674-F6	46.2-341.24
DWI - Commercial vehicle 3rd w/in 10 yrs, BAC .15-.20 child	DWI-5675-F6	46.2-341.24
DWI - Commercial vehicle 3rd w/in 10 yrs, BAC >.20 child	DWI-5676-F6	46.2-341.24

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Tier II Offenses

OFFENSE	VCC	STATUTE
DWI - Commercial vehicle 3rd w/in 10 yrs, BAC .15-.20	DWI-5677-F6	46.2-341.24
DWI - Commercial vehicle 3rd w/in 10 yrs, BAC >.20	DWI-5678-F6	46.2-341.24
Driving while intoxicated - 3rd w/in 5 yr BAC .15-.20	DWI-5680-F6	18.2-266
Driving while intoxicated - 3rd w/in 5 yr BAC >.20	DWI-5681-F6	18.2-266
Driving while intoxicated - 3rd w/in 10 yr BAC .15-.20	DWI-5682-F6	18.2-266
Driving while intoxicated - 3rd w/in 10 yr BAC >.20	DWI-5683-F6	18.2-266
Driving while intoxicated - 3rd w/in 5 yr BAC .15-.20/child	DWI-5684-F6	18.2-266
Driving while intoxicated - 3rd w/in 5 yr BAC >.20/child	DWI-5685-F6	18.2-266
Driving while intoxicated - 3rd w/in 10 yr BAC.15-.20/child	DWI-5686-F6	18.2-266
Driving while intoxicated - 3rd w/in 10 yr BAC >.20/child	DWI-5687-F6	18.2-266
Driving while intoxicated - 4th+ 10 years, BAC .15 to .20	DWI-5688-F6	18.2-266
Driving while intoxicated - 4th+ 10 years, BAC >.20	DWI-5689-F6	18.2-266
Driving while intoxicated - 4th+ 10 years, BAC .15-.20/child	DWI-5690-F6	18.2-266
Driving while intoxicated - 4th+ 10 years, BAC >.20/child	DWI-5691-F6	18.2-266
Prior DWI manslaughter, assault, felony DWI BAC .15-.20	DWI-5692-F6	18.2-266
Prior DWI manslaughter, assault, felony DWI BAC >.20	DWI-5693-F6	18.2-266
Prior DWI manslaughter, assault, felony DWI BAC.15-.20 child	DWI-5694-F6	18.2-266
Prior DWI manslaughter, assault, felony DWI BAC >.20 child	DWI-5695-F6	18.2-266
DWI - Commercial vehicle 3rd w/in 5 yrs, BAC .15-.20	DWI-5696-F6	46.2-341.24
DWI - Commercial vehicle 3rd w/in 5 yrs, BAC >.20	DWI-5697-F6	46.2-341.24
Use/install/possess vehicle with smoke scorns/flame thrower	EQU-6531-F6	46.2-1086
Escape from juvenile facility or detention home	ESC-3891-F6	18.2-477.2
Juvenile Prisoner - Possess an instrument to aid escape	ESC-3892-F6	18.2-477.2
Aid charged/convicted felon or juvenile in successful escape	ESC-4905-F9	18.2-473
Jail prisoner in work/education program, leaves Commonwealth	ESC-4919-F6	53.1-131
Escape from a correctional facility	ESC-4921-F6	53.1-203(1)
Possess an instrument to aid escape	ESC-4922-F6	53.1-203(3)
Escape while in custody on detainer	ESC-4923-F9	53.1-213
Convicted or not- felony, escape w/o force, violence, fire	ESC-4924-F6	18.2-479(B)

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OFFENSE	VCC	STATUTE
Federal felony offense	FED-9990-F9	N/A
Theft of credit card / numbers	FRD-2360-F9	18.2-192(1)(A)
Obtain identifying info. of 5 or more people	FRD-2501-F5	18.2-186.3(D)
Obtain identifying info. of 50 or more people	FRD-2502-F4	18.2-186.3(D)
Identity Fraud - Results in the detention of victim	FRD-2508-F5	18.2-186.3(D)
Identity Fraud - Financial loss $\geq$ \$1000	FRD-2509-F6	18.2-186.3(D)
Identity Fraud - Obtain info to defraud etc - 2nd or subseq.	FRD-2510-F6	18.2-186.3(D)
Possession of 2 or more signed credit cards or numbers	FRD-2511-F9	18.2-194
Forgery/uttering of credit card	FRD-2512-F5	18.2-193
Possess credit card forging devices	FRD-2513-F6	18.2-196
Forging - Coins or bank notes	FRD-2514-F4	18.2-170
Make or possess forging instruments	FRD-2515-F4	18.2-171
Forging - Official seal	FRD-2516-F4	18.2-169
Possess forged bank notes or coins-10 or more	FRD-2517-F6	18.2-173
Forging public record	FRD-2519-F4	18.2-168
Forgery	FRD-2520-F5	18.2-172
Uttering	FRD-2521-F5	18.2-172
Credit Card - Present record of sale for sale not made	FRD-2522-F5	18.2-195.1(A)
Credit Card - Cause a receipt to be issued for sale not made	FRD-2523-F5	18.2-195.1(B)
Credit Card - Obtained by false statements, $\geq$ \$1000	FRD-2526-F9	18.2-195.2(B)
Exchange money, property etc. for adoption, placement	FRD-2531-F6	63.2-1218
Sell/distribute info. from payment card scanning device etc.	FRD-2533-F6	18.2-196.1(B)
Use payment card scanning device, etc., info. in crime	FRD-2534-F6	18.2-196.1(C)
Uttering public record	FRD-2535-F4	18.2-168
Three or more actions to obtain lower unemployment tax	FRD-2538-F6	18.2-204.3(C)
Publish name of law-enforcement officer, to harass	FRD-2540-F6	18.2-186.4
Birth certificate, manufacture, sell, etc., fictitious	FRD-2549-F6	18.2-204.1(A)
Provide false adoption information	FRD-2562-F6	63.2-1217
TANF, misidentify as a parent for	FRD-2600-F5	63.2-602
Intent to defraud, funds not used for labor/supplies $\geq$ \$1000	FRD-2602-F9	43-13
Forgery of signature on lien waiver	FRD-2603-F5	43-13.1
Misrepresent payment required prior to sale	FRD-2604-F5	43-13.2
Airline/railroad ticket-obtain at discount price by fraud	FRD-2622-F6	18.2-198
Bad checks, \$1000 or more	FRD-2624-F6	18.2-181
Credit Card Fraud $\geq$ \$1000 over 6 month period	FRD-2635-F6	18.2-195(1)
Fraudulent use of birth certificate/doc. to obtain firearm	FRD-2647-F6	18.2-204.1
False statement to obtain hotel/motel service, etc, $\geq$ \$1000	FRD-2650-F5	18.2-188
Submitting a false certified statement	FRD-2684-F6	18.2-498.4

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OFFENSE	VCC	STATUTE
False statement to obtain utilities, TV, \$1000 or more	FRD-2689-F6	18.2-187.1
Unauthorized use of food stamps, ≥ \$1000	FRD-2693-F9	63.2-523
Fraudulently obtaining welfare assistance, ≥\$1000	FRD-2695-F9	63.2-522
Bad checks, two or more w/in 90 days, >=\$1000	FRD-2699-F6	18.2-181.1
Knowingly make any false application for welfare assistance	FRD-2700-F5	63.2-502
Bad Check, payroll \$1000 or more	FRD-2703-F6	18.2-182
Law enforcement officer, impersonating, 2nd/subsq.	FRD-2712-F6	18.2-174
Firefighter/Emergency services, impersonating, 2nd/subsq.	FRD-2713-F6	18.2-174.1
Sheriff, person wears uniform to impersonate - 2nd/subsq.	FRD-2714-F6	15.2-1612
Distribute, etc., < 10 cartons counterfeit cigarettes, subsq	FRD-2718-F6	18.2-246.14
Distribute, etc., => 10 cartons counterfeit cigarettes	FRD-2719-F6	18.2-246.14
Fail to register before delivery etc. of cigarettes, subsq.	FRD-2721-F6	18.2-246.13(E)
False statement filed; required before cigarette delivery	FRD-2722-F6	18.2-246.13(F)
Fail to report cigarette delivery, subsequent	FRD-2724-F6	18.2-246.13(G)
False statement, on report required after cigarette delivery	FRD-2725-F6	18.2-246.13(H)
File false lien or encumbrance	FRD-2729-F5	18.2-213.2
Financial exploitation of mentally incapacitated, => \$1000	FRD-2731-F9	18.2-178.1
Obtain signature, writing by false pretenses	FRD-2742-F4	18.2-178
Obtain money by false pretenses >=\$1000	FRD-2743-F9	18.2-178
Manufacture an unlawful telecommunications device, knowingly	FRD-2770-F6	18.2-190.4
Possess an unlawful telecommunications device	FRD-2772-F6	18.2-190.2
Sell unlawful telecommunications device	FRD-2774-F6	18.2-190.3(I)
Sell unlawful materials/parts to make a telecomm device	FRD-2775-F6	18.2-190.3(II)
Conspire etc. to commit credit card fraud	FRD-2789-F6	18.2-195(4)
Receive 2 or more stolen credit cards w/in 12 months	FRD-2794-F9	18.2-192(1)(D)
Receive stolen credit cards or numbers	FRD-2795-F9	18.2-192(1)(B)
Sell or buy stolen credit card or number	FRD-2796-F9	18.2-192(1)(C)
Welfare fraud, change in circumstances, ≥ \$1000	FRD-2797-F9	63.2-513
Fail to perform construction in return for advances, ≥ \$1000	FRD-2805-F9	18.2-200.1
Receive goods from credit fraud-\$1000 or more	FRD-2807-F6	18.2-197
False statement to obtain property/credit, ≥ \$1000	FRD-2811-F9	18.2-186(B)
False statement in application for payment (felony)	FRD-3337-F9	32.1-314
Remuneration for referring person for service paid by asst.	FRD-3338-F6	32.1-315(A,1)
Receive remuneration for purchasing goods paid for by asst.	FRD-3339-F6	32.1-315(A,2)
Pay kickback for purchasing goods paid for by medical asst.	FRD-3340-F6	32.1-315(B,1)

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Tier II Offenses

OFFENSE	VCC	STATUTE
Pay kickback for referring person for service paid by asst.	FRD-3341-F6	32.1-315(B,2)
False statements to obtain medical benefits, ≥ \$1000	FRD-3389-F9	32.1-321.4
Fail to appear in court for felony offense	FTA-5019-F6	19.2-128
Convert \$1000 or more from charitable gaming	GAM-3911-F9	18.2-340.37(C)
Operator of illegal gambling operation	GAM-3926-F6	18.2-328
Operator of continuous illegal gambling operation	GAM-3927-F9	18.2-328
Illegal operation of casino	GAM-3934-F6	58.1-4126
Credential, license, etc., fraudulent use of	GAM-3936-F4	58.1-4127
Mobile casino gaming, without approval	GAM-3939-F6	58.1-4137
Mobile casino gaming, tamper w/ equipment, etc.	GAM-3940-F5	58.1-4138
Mobile casino gaming, tamper with odds, rules, etc.	GAM-3941-F5	58.1-4139
Hunt guaranteeing killing, offer – aggregate \$1000 or more	GFW-8508-F6	29.1-521(12)
Sexually violent predator fail to return-conditional release	HEA-5524-F6	37.2-918
Sexually violent predator - Escape from facility	HEA-5530-F6	37.2-917
Sexually violent predator-Leave state-on conditional release	HEA-5531-F6	37.2-918
Falsify do not resuscitate order - death hastened	HEA-5562-F2	54.1-2989
Conceal revocation do not resuscitate order -death hastened	HEA-5563-F2	54.1-2989
Sale or purchase body parts	HEA-5564-F4	32.1-291.16
Falsify etc. document of anatomical gift	HEA-5565-F4	32.1-291.17
Conceal etc., do not resuscitate order - death hastened	HEA-5567-F2	54.1-2989
Action caused life-prolonging procedures to be used	HEA-5568-F6	54.1-2989
Falsify etc., revocation do not resuscitate - death hastened	HEA-5569-F2	54.1-2989
Hit and run - Driver fails to rpt. \$1000+ damage to property	HIT-6604-F5	46.2-894
Second or subsequent salvage law violation	JNK-6691-F5	46.2-1609
False report to police, race, religion, gender, etc.	JUS-4804-F6	18.2-461
Destruction of human biological evidence	JUS-4809-F6	18.2-471.1
Conceal, destroy, etc., physical evidence of felony offense	JUS-4833-F6	18.2-462(B)
Larceny \$1000 or more with intent to sell or distribute	LAR-2302-F9	18.2-108.01(A)
Sell, etc., stolen property aggregate value \$1000 or more	LAR-2303-F5	18.2-108.01(B)
Conspire to commit /assist in larceny, aggregate ≥ \$1000	LAR-2304-F9	18.2-23(B)
Larceny of animals (dog, horse, pony, mule, cow, steer, etc.)	LAR-2317-F5	18.2-97
Larceny of animals and poultry worth < \$1000	LAR-2318-F6	18.2-97
Bailee, fail to return animal, auto, etc., ≥ \$1000	LAR-2321-F9	18.2-117
Larceny of bank notes, checks, etc., worth \$1000 or more	LAR-2334-F9	18.2-98
Receive goods used in investigation - \$1000 or more	LAR-2353-F9	18.2-108(B)
Shoplift, alter price tags >= \$1000	LAR-2354-F9	18.2-103

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Tier II Offenses

OFFENSE	VCC	STATUTE
Grand larceny - \$1000 or more not from person	LAR-2359-F9	18.2-95(ii)
Altering, defacing, removing, possessing serial no. ≥ \$1000	LAR-2372-F5	18.2-96.1
Theft or destruction of public record	LAR-2373-F6	18.2-107
Unauthorized use of animal, auto, boat worth \$1000 or more	LAR-2412-F6	18.2-102
Embezzlement, \$1000 or more	LAR-2707-F9	18.2-111
Embezzlement of fines ≥ \$1000	LAR-2727-F9	19.2-361
Receive stolen goods - \$1000 or more	LAR-2808-F9	18.2-108(A)
Receipt or transfer of stolen, vehicle, aircraft, or boat	LAR-2810-F6	18.2-109
Concealment, removal of books etc., value \$1000 or more	LIB-2323-F9	42.1-73
Obtain ID w/out photo to commit felony offense	LIC-6672-F4	46.2-345.2
False statement, etc., privilege card, to commit felony	LIC-6675-F4	46.2-345.3
Use fictitious license w/intent to purchase firearm	LIC-6825-F4	46.2-348
False certification of Virginia residency, intent to buy gun	LIC-6844-F4	46.2-323.1
I.D. Card-false info on application to buy gun/other felony	LIC-6845-F4	46.2-345(I)
Drive after license revoked for DWI/etc – Endangerment	LIC-6859-F9	46.2-391(D,2A,I)
Drive after license revoked for DWI/etc & DWI/etc violation	LIC-6860-F9	46.2-391(D,2A,II)
Drive after license revoked for DWI/etc - Subsequent off.	LIC-6861-F9	46.2-391(D,3)
Forge, alter lottery ticket w/ intent to present for payment	LOT-3972-F6	58.1-4017
Fraudulently tamper with lottery machine	LOT-3974-F3	58.1-4018
Larceny of lottery ticket(s) \$1000 or more	LOT-3984-F9	58.1-4018.1(A)
Make etc. lottery document with intent to defraud	LOT-3985-F5	58.1-4018.1
Possess etc. smoking materials in mine	MIN-7206-F6	45.2-856
Operator, etc., allow smoker's articles in mine	MIN-7213-F6	45.2-857
Destroy or conceal any will or codicil	MIS-3231-F6	18.2-504
Gang mbr. participates in crime for gang - school, etc.	MOB-1280-F5	18.2-46.2
Gang mbr. participates in crime, w/juvenile - school, etc.	MOB-1281-F4	18.2-46.2
Recruit another for street gang - school, etc.	MOB-1283-F6	18.2-46.3(A)
Third or subsequent street gang conviction	MOB-1297-F3	18.2-46.3:1
Financial transaction, proceeds from known felony activity	MON-3100-F9	18.2-246.3(A)
Convert cash for compensation, into electronic funds, 2 <sup>nd</sup> /subq. off)	MON-3101-F6	18.2-246.3(B)
Possess more than 1 pound of marijuana	MRJ-1901-F9	4.1-1100(C)
Possess between 50 to 100 marijuana plants	MRJ-1906-F6	4.1-1101
Possess more than 100 marijuana plants	MRJ-1907-F9	4.1-1101
Violation of § 4.1-1120; original offense – felony	MRJ-1920-F9	4.1-1120
Manufacture marijuana - Not for personal use	NAR-3004-F9	18.2-248.1(C)
Obtain drugs by forgery, fraud	NAR-3016-F6	18.2-258.1(A)
Possession Schedule I or II drug	NAR-3022-F5	18.2-250(A)

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Tier II Offenses

OFFENSE	VCC	STATUTE
Sell, distribute, PWI, etc. marijuana, > 1 oz to < 5 lbs	NAR-3032-F5	18.2-248.1(a,2)
Marijuana sell, distribute, PWI, etc - Over 5 pounds	NAR-3033-F9	18.2-248.1(A,3)
Accommodation sale, etc., dist of marijuana to inmate	NAR-3034-F4	18.2-248.1(B)
Accommodation sale of Schedule I or II drugs	NAR-3035-F5	18.2-248(D)
Sell, distribute, etc anabolic steroids	NAR-3041-F9	18.2-248.5(A)
Possession of Flunitrazepan	NAR-3050-F5	18.2-251.2
Accommodation sale of Flunitrazepan	NAR-3051-F5	18.2-251.2
Distribute, sell, etc imitation Flunitrazepan	NAR-3052-F6	18.2-251.2
Distribute, sell, etc Flunitrazepan	NAR-3053-F9	18.2-251.2
Narcotics - Own or maintain common nuisance (subseq offense)	NAR-3055-F6	18.2-258
Maintain or operate a fortified drug house	NAR-3056-F5	18.2-258.02
Procuring prescription from pharmacy-assist in subseq.	NAR-3058-F6	18.2-258.2
Sell, dist., manuf, etc. imitation Schedule I or II drugs	NAR-3061-F6	18.2-248(G)
Sell less than 1 oz. of marijuana to minor	NAR-3063-F9	18.2-255(A, I)
Transport into Commonwealth: >= 1 oz cocaine	NAR-3065-F9	18.2-248.01
Transport into Commonwealth: 1 oz. or more other Sch. I/II	NAR-3066-F9	18.2-248.01
Transport into Commonwealth: 5 lbs. or more marijuana	NAR-3067-F9	18.2-248.01
First Offender Violation (§18.2-251); original off – felony	NAR-3073-F9	18.2-251
Utter false or forged prescription	NAR-3082-F6	18.2-258.1(E)
False/forged label on container of controlled drugs	NAR-3083-F6	18.2-258.1(F)
Distribute etc., gama-butyrolactonel or 1,4-butanediol	NAR-3084-F3	18.2-251.3
Transport into Commonwealth: >= 5 lbs marij (subseq offense)	NAR-3086-F9	18.2-248.01
Transport into Commonwealth: >= 1 oz cocaine (subseq off)	NAR-3088-F9	18.2-248.01
Transport into Commonwealth: >=1 oz other Sch I/II (sub off)	NAR-3089-F9	18.2-248.01
Possession of gama-butyrolactonel or 1,4-butanediol	NAR-3095-F5	18.2-250(A,A)
First offender - prescription fraud violation	NAR-3096-F6	18.2-258.1(H)
Possess precursors w/intent to manufacture methamphetamine	NAR-3110-F6	18.2-248(J)
Manufacture methamphetamine	NAR-3131-F9	18.2-248(C1)
Sell, distribute, etc. Schedule III drug (not steroid)	NAR-3135-F5	18.2-248(E1)
Sell, distribute, etc. Schedule IV drug	NAR-3136-F6	18.2-248(E2)
Sell, distribute, etc. imitation Schedule III	NAR-3141-F6	18.2-248(G)
Sell, distribute, etc. imitation Schedule IV	NAR-3143-F6	18.2-248(G)
Methamphetamine, distribute etc. 28 grams or more	NAR-3149-F9	18.2-248.03
Impersonate a notary	NOT-2830-F6	47.1-29
Receive money, procuring person manufacture obscene material	OBS-3696-F4	18.2-356(ii)
Obscene exhibitions and performances (subsequent offense)	OBS-3725-F6	18.2-375

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Tier II Offenses

OFFENSE	VCC	STATUTE
Production/possess for sale obscene pictures (subseq. off.)	OBS-3729-F6	18.2-374
Sell obscene pictures or performances by computer, 2nd subseq	OBS-3739-F6	18.2-376.1
Perjury - False affidavit to DMV matters	PER-5015-F5	46.2-105
Perjury - Conflicting statements	PER-5016-F5	18.2-435
Perjury - Falsely swear an oath	PER-5017-F5	18.2-434
Perjury - Induce another to give false testimony	PER-5018-F5	18.2-436
False statement of indigence by charged felon	PER-5022-F5	19.2-161
Falsely subscribe written declaration, etc.	PER-5024-F5	18.2-434
False statement on mutual consent adoption registry form	PER-5026-F5	63.2-1253
Perjury regarding boating laws and regulations – falsely swear an oath or make false affidavit	PER-6262-F5	29.1-702.1
Registration application for athlete agent, perjury	PER-7495-F5	54.1-522
Unauthorized use or dissemination of pornography registry	POR-3700-F6	19.2-390.3
Bail/pretrial services violation - Felony fail to appear	PRE-5030-F6	19.2-152.4:1
Delivery of narcotics, marijuana, etc., to prisoner, etc.	PRI-3241-F5	18.2-474.1
Delivery of weapons / ammunition to prisoner/person confined	PRI-3242-F3	18.2-474.1
Make, possess unauthor. weapon capable of death, injury	PRI-3259-F6	53.1-203(4)
Possess, sell, secrete unlawful chemical compound	PRI-3260-F6	53.1-203(5)
Prisoner - Possess/sell/ Sch. III, marijuana (1)	PRI-3261-F5	53.1-203(6)
Juvenile Prisoner -Conspire to commit act found in §53.1-203	PRI-3886-F6	18.2-477.2
Juvenile Prisoner- Damage etc any part of facility to escape	PRI-3887-F6	18.2-477.2
Juvenile Prisoner burn/destroy w/explosive personal property	PRI-3888-F6	18.2-477.2
Juvenile Prisoner - Possess, etc unlawful chemical compound	PRI-3889-F6	18.2-477.2
Juvenile Prisoner - Possess etc Schedule III drug/marijuana	PRI-3890-F5	18.2-477.2
Juvenile Prisoner - Possess weapon capable of death/injury	PRI-3893-F6	18.2-477.2
Introduce/possess firearm or ammunition in juvenile facility	PRI-3894-F6	18.2-477.2
Fire protection/suppression system, tamper, damage, etc.	PRI-3898-F6	18.2-477.2
Security camera covered; made inoperable etc., prevent view of felony	PRI-4902-F6	18.2-473.2(C)
Fire protection/suppression system, tamper, damage, etc.	PRI-4942-F6	53.1-203(9)
Pecuniary benefit, providing prisoner weapon, drug, etc.,	PRI-4943-F4	18.2-474.2
3rd or subsequent violation of any provision w/in 36 months	PRO-7484-F6	54.1-834(D)



Appendix C  
Tier II Offenses

OFFENSE	VCC	STATUTE
Post-Release violation, fail to register – Felony	PRP-4858-F9	19.2-295.2:1
Possession of vehicle with altered vehicle I.D. number	REG-6702-F6	46.2-1075
Odometer tampering (subsequent offense)	REG-6721-F9	46.2-112
Vehicle I.D. number, altering	REG-6736-F6	46.2-1074
Alter/forged vehicle registration, title, etc.	REG-6737-F6	46.2-605
Conspire with, incite others to riot	RUA-5315-F5	18.2-408
Governor's order, fail to disperse from unlawful assembly	RUA-5316-F5	18.2-413
Injury to another, damage to property (unlawful assembly)	RUA-5318-F6	18.2-414
Participate in unlawful assembly w/firearm or weapon	RUA-5324-F5	18.2-406
False statement on fingerprint card	SES-5897-F5	9.1-145
Solicitation to commit a felony	SOL-7200-F6	18.2-29
Tier III offender fail to register or false info	SOR-3657-F6	18.2-472.1
Other sex offender, fail to register etc., 2nd/subsequent	SOR-3659-F6	18.2-472.1
Tier III offender, fail to register etc., 2nd/subsequent	SOR-3660-F5	18.2-472.1
Fraudulent purchase ≤ 5,000 cigarettes, subsequent	TAX-6060-F6	58.1-1017.3
Fraudulent purchase > 5,000 cigarettes	TAX-6061-F6	58.1-1017.3
Fraudulent purchase of > 5,000 cigarettes, subsequent	TAX-6062-F5	58.1-1017.3
Intent/distribute > 5,000 & < 40,000 tax-paid cigarettes, subsequent	TAX-6064-F6	58.1-1017.1
Intent/distribute => 40,000 tax-paid cigarettes	TAX-6065-F6	58.1-1017.1
Intent/distribute => 40,000 tax-paid cigarettes, subsequent	TAX-6066-F5	58.1-1017.1
Evade or circumvent fuel sales tax, willfully	TAX-6076-F6	58.1-2299.10
Sale etc. => 500 cigarettes pkgs. w/out stamp, subsequent.	TAX-6085-F5	58.1-1017(C)
Sale etc. 500 or more cigarettes pkgs. without stamp	TAX-6086-F6	58.1-1017(C)
Cigarettes w/out stamp, sale, purchase, etc. < 500 packages subsequent	TAX-6087-F6	58.1-1017(B)
False statement in record required for cigarette tax	TAX-6090-F6	58.1-1008.2
Violation of restrictions of cigarettes for export	TAX-6146-F5	58.1-1033
Violation of reporting requirements - Cigarettes for export	TAX-6147-F5	58.1-1034
Unlawful sale of cigarette revenue stamps	TAX-6148-F6	58.1-1009
False statement to defraud Commonwealth	TAX-6188-F6	58.1-348
Preparation etc. of fraudulent /false tax return by preparer	TAX-6194-F6	58.1-348.1
Provide cellular phone, etc., to prisoner/person confined	TEL-3196-F6	18.2-431.1(A)
Possess cellular phone, etc., by prisoner/person confined	TEL-3197-F6	18.2-431.1(B)
Conduct greyhound race for public exhibition for money	TRC-2833-F4	59.1-405.1(A)
Simulcast greyhound race for commercial purposes	TRC-2834-F4	59.1-405.1(B)
Unlawfully conduct pari-mutuel wagering/horse racing	TRC-2836-F4	59.1-395

Appendix C  
Tier II Offenses

OFFENSE	VCC	STATUTE
Fraudulent use of race credentials	TRC-2837-F4	59.1-396
Unlawful transmission of race results, progress, odds	TRC-2838-F4	59.1-397
Bribing jockey, driver, groom etc.	TRC-2840-F4	59.1-399
Bribe accepted by jockey, driver, groom, etc.	TRC-2841-F4	59.1-399
Administer drugs, electrical shock etc. to horse	TRC-2842-F4	59.1-400
Race under false name	TRC-2844-F4	59.1-402
Price fixing; rigged or altered bids submitted to govt.	TRC-2851-F6	59.1-68.7
Advocating overthrow of government	TRE-0107-F6	18.2-484
Failure to report acts of treason	TRE-0109-F6	18.2-482
Inciting one race to insurrection against another	TRE-0110-F4	18.2-485
Disinter/displace body from vault, grave, etc.	TRS-5726-F4	18.2-126
Injury to cemetery, church property, or affixed object	TRS-5727-F6	18.2-127(C)
Physically defile dead human body	TRS-5729-F6	18.2-126(B)
Catalytic converter damage, etc. vehicle, aircraft, boat	VAN-0192-F6	18.2-146
Damage of \$1000 or more to book etc. located in library etc.	VAN-2902-F6	18.2-138
Breaking & entering railroad car, storage vehicle w/firearm	VAN-2907-F3	18.2-147.1
Breaking & entering railroad car, storage vehicle	VAN-2908-F4	18.2-147.1
Damage to public utilities or services $\geq$ \$1000	VAN-2911-F4	18.2-162
Damage threat release of radioactive materials - No injury	VAN-2912-F4	18.2-162
Radioactive damage resulting in damage or injury	VAN-2914-F3	18.2-162
Injure railroad signal maliciously	VAN-2917-F4	18.2-155
Open or carry away gasoline pumps	VAN-2931-F6	18.2-151
Tamper with parking meter, pay phone etc. - Subseq. Offense	VAN-2932-F6	18.2-152
Willfully destroy boat, ship, etc., value \$1000 or more	VAN-2951-F4	18.2-150
Damage to public building, \$1000 or more	VAN-2955-F6	18.2-138
Intentionally damage any property/monument $\geq$ \$1000	VAN-2956-F6	18.2-137(B,II)
Manuf., sell, possess, advertise, surreptitious wire device	WIR-3253-F6	19.2-63
Interception, disclosure of wire, oral etc. communications	WIR-3255-F6	19.2-62
Make false statements to obtain workers' compensation	WRK-2880-F6	65.2-312
Violation of water control laws - Danger of serious injury	WTR-7005-F9	62.1-44.32(C)
Willfully discharge oil into water	WTR-7601-F9	62.1-44.34:20(E,1)
False statements etc. to state water control board-knowingly	WTR-7606-F9	62.1-44.32(B)

**APPENDIX D**  
**TIER III OFFENSES<sup>4</sup>**

OFFENSE	VCC	STATUTE
<b>CLASS 1 MISDEMEANORS</b>		
Simple assault on teacher, principal, etc. w/ weapon	ASL-1311-M1	18.2-57(D)
Violation of a protective order (general)	PRT-2114-M1	18.2-60.4(A)
Violation of protective order (violence) 2nd w/in 5 yrs	PRT-5001-M1	16.1-253.2(A)
Violation of a protective order	PRT-5007-M1	16.1-253.2(A)
Emergency protective order violation	PRT-5060-M1	19.2-152.8
Preliminary protective order violation	PRT-5061-M1	19.2-152.9
Violation of a protective order	PRT-5062-M1	19.2-152.10
Violation of protective order (violence) 2nd w/in 5 yrs	PRT-5066-M1	18.2-60.4(A)
Preliminary protective order violation, family abuse	PRT-5069-M1	16.1-253.1
Emergency protective order violation	PRT-5070-M1	16.1-253.4
Family offense protective order violation	PRT-5071-M1	16.1-278.14
Family dwelling, protective order violation	PRT-5072-M1	20-103(B)
Discharge firearm in public place, does not result injury	WPN-5221-M1	18.2-280(A)
OFFENSE	VCC	STATUTE
<b>FELONIES</b>		
Accessory after the fact - Class 1 or 2 felony homicide	ACC-0900-F6	18.2-19(i)
Assault, etc., employee of Board of Agriculture	AGR-3490-F6	3.2-5410(B)
Arson of unoccupied dwelling place or church	ARS-2005-F4	18.2-77(B)
Arson of unoccupied public building	ARS-2009-F4	18.2-79
Arson of unoccupied building value ≥ \$1000 - (not dwelling)	ARS-2012-F4	18.2-80
Arson of building/other structure w/ intent to commit felony	ARS-2017-F4	18.2-82
Arson of personal property, standing grain, etc. ≥\$1000	ARS-2018-F4	18.2-81
Maliciously set fire to woods, grass etc. damaging property	ARS-2020-F6	18.2-86
Bomb threat etc. by offender 15 or over	ARS-2023-F5	18.2-83
Construct or use hoax firebomb	ARS-2025-F6	18.2-85
Simple assault against a family member, 3rd	ASL-1316-F6	18.2-57.2(B)
Assault during commission of a felony	ASL-1318-F6	18.2-53
Firearm use in commission of felony-(first offense)	ASL-1319-F9	18.2-53.1
Firearm use in commission of felony-(subsequent offense)	ASL-1323-F9	18.2-53.1

<sup>4</sup> Tier III also includes numerous offenses that, while legally possible, are not likely to apply to juveniles. The department has created a list of categories under which these types of offenses would fall. For a list and summary of these categories, please see Appendix G.

Appendix D  
Tier III Offenses

OFFENSE	VCC	STATUTE
Non-malicious injury to law enforcement/medical services etc	ASL-1330-F6	18.2-51.1
Non-malicious injury by caustic substance or fire	ASL-1331-F6	18.2-52
Assault by accused prisoner, probationer, or parolee	ASL-1333-F5	18.2-55
Unlawful Injury - Stab, cut, wound w/out malicious intent	ASL-1335-F6	18.2-51
Damage facility involved w/infectious biological substances	ASL-1337-F4	18.2-52.1(B)
Injure/intent to injure w/infectious biological substances	ASL-1338-F5	18.2-52.1(A)
DWI with reckless disregard - victim permanently impaired	ASL-1339-F4	18.2-51.4(B)
Hate Crime - Assault and battery (felony)	ASL-1341-F6	18.2-57(B)
Simple assault law enforcement, court, DOC fire/medical, etc.	ASL-1342-F6	18.2-57(C)
Bodily injury with infectious biological/radiological agents	ASL-1344-F9	18.2-52.1(C)
Victim permanently impaired, operate boat while intoxicated	ASL-1346-F4	18.2-51.5(B)
Strangulation resulting in wounding/bodily injury	ASL-1347-F6	18.2-51.6
Unlawful Injury - Throw object from roof top etc.	ASL-1355-F6	18.2-51.3
Serious injury, DWI vehicle with reckless disregard	ASL-1360-F6	18.2-51.4(A)
Serious injury, operate watercraft while intoxicated	ASL-1361-F6	18.2-51.5(A)
Fail to control, contain dog, results in serious injury	ASL-3538-F6	18.2-52.2
Fail to stop and assist, serious injury or death (boating)	BOT-6218-F6	29.1-740
Break & Enter occupied dwelling to commit misdemeanor	BUR-2219-F6	18.2-92
Unlawful computer use -Intent physical injury to individual	COM-2966-F6	18.2-152.7
Vicious dog violation, results in serious human injury	DOG-4588-F6	3.2-6540.1(D)
Entice etc., into dwelling w/intent to commit a felony	ENT-1099-F6	18.2-50.3
Escape by force or violence from jail	ESC-4908-F6	18.2-477
Not convicted, escape from custody by force or violence	ESC-4911-F6	18.2-478
Escape from secure juvenile facility by force or violence	ESC-4927-F6	18.2-477.1(B)
Threat, accuse person of an offense for money, etc	EXT-2101-F5	18.2-59(ii)
Conceal, etc. immigration document for benefit	EXT-2102-F5	18.2-59(iv)
Threat to report as illegally in U.S., for money etc.	EXT-2103-F5	18.2-59(iii)
Threat by letter etc. with terroristic intent	EXT-2104-F5	18.2-60(A,1)
Written/electronic threat on school property to kill or harm	EXT-2105-F6	18.2-60(A)(2)
Threat by letter, communication, or electronic message	EXT-2106-F6	18.2-60(A,1)
Threat, intimidation for money or benefit	EXT-2107-F5	18.2-59(i)
Threaten governor or family	EXT-2108-F6	18.2-60.1
Threat by letter, etc., intent to intimidate population	EXT-2130-F5	18.2-60(A,3)
Make false report by person 14 or older about abuse or neglect; subsequent offense	FAM-3795-F6	63.2-1513

Appendix D  
Tier III Offenses

OFFENSE	VCC	STATUTE
Incapacitated adult, abuse or neglect-serious injury/disease	FAM-3802-F4	18.2-369(B)
Child abuse and neglect, serious injury	FAM-3806-F4	18.2-371.1(A)
Gross, wanton, or reckless care for child	FAM-3808-F6	18.2-371.1(B)
Endangerment, cruelty or injuries to children	FAM-3810-F6	40.1-103
Hit and run - Driver failed to stop/report/etc. (victim injured)	HIT-6608-F5	46.2-894
Hit and run - Victim injured -passenger fail to report	HIT-6614-F6	46.2-895
Obstructing justice - drug, gang or violent offenses	JUS-4820-F5	18.2-460(C)
Resisting arrest, obstructing justice by threats or force	JUS-4832-F5	18.2-460(C)
Abduct by force, deception, etc. without justification	KID-1010-F5	18.2-47(A)
Assist or threaten to abduct	KID-1011-F5	18.2-49
Kidnapping by parent removing from state	KID-1015-F6	18.2-47(D)
Child held outside VA, violation of custody/visitation order	KID-1017-F6	18.2-49.1(A)
Kidnapping: forced labor or service	KID-1021-F5	18.2-47(B)
Receive money for procuring forced labor/services	LAB-7482-F4	18.2-356(ii)
Grand larceny - \$5 or more from person	LAR-2361-F9	18.2-95(I)
Larceny of firearms, regardless of value, not from person	LAR-2383-F9	18.2-95(III)
Receive stolen firearm	LAR-2817-F6	18.2-108.1
Use force/threat to encourage gang membership, school, etc.	MOB-1284-F5	18.2-46.3(B,A)
Use force/threat to encourage cont. gang membership, etc.	MOB-1285-F5	18.2-46.3(B,B)
Use force etc. to encourage felony act for gang - school, etc	MOB-1286-F5	18.2-46.3(B,C)
Use force/threat to encourage membership in street gang	MOB-1294-F6	18.2-46.3(B,A)
Use force/threat to encourage continued membership in gang	MOB-1295-F6	18.2-46.3(B,B)
Use force etc. to encourage person to commit felony for gang	MOB-1296-F6	18.2-46.3(B,C)
Non capital felony murder	MUR-0934-F9	18.2-33
Non capital second degree murder	MUR-0935-F9	18.2-32
Non capital murder, pregnant victim, without premeditation	MUR-0936-F9	18.2-32.1
Distribute, etc., controlled substance on school prop.	NAR-3027-F6	18.2-255.2
Distribute, sell, etc. Flunitrazepan (subsequent offense)	NAR-3054-F9	18.2-251.2
Sell, distribute, etc., marijuana 3rd or subsequent felony	NAR-3085-F9	18.2-248.1(D)
Continuing criminal enterprise:\$100,000 < \$250,000 w/in 12 mo	NAR-3090-F9	NAR-3090-F9
Continuing criminal enterprise: gross \$250,000+ w/in 12 mo	NAR-3092-F9	18.2-248(H2)(I)
Distribute, etc., controlled substance on school prop-2nd+	NAR-3099-F6	18.2-255.2

Appendix D  
Tier III Offenses

OFFENSE	VCC	STATUTE
Distribute etc. 100 kilograms or more marijuana mixture etc.	NAR-3114-F9	18.2-248(H,4)
Continuing criminal enterprise:250.0kg or more marijuana mix	NAR-3124-F9	18.2-248(H2,II,4)
Solicitation of child porn to gain entry to group	OBS-3677-F9	18.2-374.1:1(C,ii)
Solicitation of child porn to gain entry to group, subseq.	OBS-3678-F9	18.2-374.1:1(C,ii)
Reproduce, transmit, sell, etc. child porn	OBS-3680-F9	18.2-374.1:1(C,i)
Reproduce, transmit, sell, etc. child porn, subsequent	OBS-3681-F9	18.2-374.1:1(C,i)
Finance child porn, age < 15	OBS-3682-F9	18.2-374.1(B,4)
Finance child porn, age < 15, offender 7+ yrs	OBS-3683-F9	18.2-374.1(B,4)
Finance child porn, age < 15, offender 7+ yrs, 2nd	OBS-3684-F9	18.2-374.1(B,4)
Finance child porn, age 15+	OBS-3685-F9	18.2-374.1(B,4)
Procure minor for prostitution, sodomy, porn by comm. sys.	OBS-3689-F5	18.2-374.3(E)
Receive money etc. procuring person manufacture child porn	OBS-3695-F4	18.2-356(ii)
Propose sex act, communication sys. <15, offender 7+ age	OBS-3702-F9	18.2-374.3(C)
Unlawful creation of image of another - 3rd/Subsq.	OBS-3704-F6	18.2-386.1
Unlawful creation of videographic/still image of a minor	OBS-3705-F6	18.2-386.1
Procure minor for obscene material by comm. sys.	OBS-3730-F6	18.2-374.3(B)
Possess child porn (first offense)	OBS-3731-F6	18.2-374.1:1(A)
Subseq. child pornography conviction §§18.2-374-18.2-379	OBS-3734-F6	18.2-381
Operate website; access to paid sexually explicit material	OBS-3740-F4	18.2-374.1:1(D)
Entice minor to perform in porn, age <15	OBS-3741-F9	18.2-374.1(B,1)
Entice minor to perform porn, age <15, offender 7+ yrs	OBS-3742-F9	18.2-374.1(B,1)
Entice minor to perform porn, age 15+	OBS-3744-F9	18.2-374.1(B,1)
Entice minor to perform porn, age 15+, offender 7+ yrs	OBS-3745-F9	18.2-374.1(B,1)
Entice minor to perform porn, age 15+, offender 7+ yrs, 2nd	OBS-3746-F9	18.2-374.1(B,1)
Produce, make child porn, age 15+, offender 7+ yrs	OBS-3751-F9	18.2-374.1(B,2)
Produce, make child porn, age 15+, offender 7+ yrs, 2nd	OBS-3752-F9	18.2-374.1(B,2)
Take part, film child porn, age < 15	OBS-3753-F9	18.2-374.1(B,3)
Take part, film child porn, age < 15, offender 7+ yrs	OBS-3754-F9	18.2-374.1(B,3)
Take part, film child porn, age < 15, offender 7+ yrs, 2nd	OBS-3755-F9	18.2-374.1(B,3)
Take part, film child porn, age 15+	OBS-3756-F9	18.2-374.1(B,3)
Take part, film child porn, age 15+, offender 7+ yrs	OBS-3757-F9	18.2-374.1(B,3)
Take part, film child porn, age 15+, offender 7+ yrs, 2nd	OBS-3760-F9	18.2-374.1(B,3)
Parole violation - Juvenile and Domestic	PAR-5011-S9	16.1-291

Appendix D  
Tier III Offenses

OFFENSE	VCC	STATUTE
Violation of protective order (violence) 3rd w/in 20 yrs	PRT-5002-F6	16.1-253.2(A)
Enter home of person with protective order	PRT-5003-F6	16.1-253.2(C)
Assault w/ injury a person with protective order	PRT-5004-F6	16.1-253.2(C)
Assault w/ injury to person with protective order	PRT-5063-F6	18.2-60.4(C)
Enter home of person with protective order	PRT-5064-F6	18.2-60.4(C)
Stalk a person with protective order	PRT-5065-F6	16.1-253.2(C)
Violation of protective order (violence) 3rd w/in 20 yrs	PRT-5067-F6	18.2-60.4(A)
Stalk person with protective order	PRT-5075-F6	18.2-60.4(C)
Battery as treatment, not recognized in the profession	RAP-1116-F9	18.2-67.3(A,5)
Carnal knowledge by bail bond employee	RAP-1117-F6	18.2-64.2
Carnal knowledge victim age 13,14 consenting-accused 3+yrs older	RAP-1123-F6	18.2-63
Carnal knowledge/Statutory Rape Age of victim 13, 14	RAP-1124-F4	18.2-63
Person providing service under purview of court, corrections	RAP-1125-F6	18.2-64.1
Sexual battery - 3rd Conviction	RAP-1137-F6	18.2-67.5:1
Sexual battery, attempted - 3rd Conviction	RAP-1138-F6	18.2-67.5:1
Consensual intercourse, etc., with a child - 3rd conviction	RAP-1139-F6	18.2-67.5:1
Indecent exposure - 3rd conviction	RAP-1140-F6	18.2-67.5:1
Intercourse with spouse by force, threat, etc.	RAP-1141-F9	18.2-61(A)
Forcible sodomy of spouse by force, threat, etc	RAP-1142-F9	18.2-67.1(A)
Object sexual penetration of spouse by force, etc	RAP-1143-F9	18.2-67.2(A)
Aggravated sexual battery parent/grandparent etc - age 13-17	RAP-1148-F9	18.2-67.3(A,3)
3rd conviction, peeping	RAP-1149-F6	18.2-67.5:1
Infected sexual battery, transmits infection	RAP-1174-F6	18.2-67.4:1(A)
Disregard police command to stop, endangerment	REC-6624-F6	46.2-817(B)
Driving license suspended/reckless driving causes death of another	REC-6626-F6	46.2-868(B)
Cause death of another by racing	REC-6633-F9	REC-6633-F9
Serious bodily injury caused by racing	REC-6635-F6	46.2-865.1(A,1)
Law-enforcement officer killed as result of pursuit	REC-6640-F4	46.2-817(C)
Aiding/assisting in procurement prostitution, <18	SEX-3611-F6	18.2-348
Incest w/ own or step child or grandchild, father, mother, etc.	SEX-3616-F5	18.2-366(B)
Bigamy	SEX-3618-F4	18.2-362
Compel to marry by force or threats	SEX-3624-F4	18.2-355(2)
Prostitution - enticement, procurement	SEX-3626-F4	18.2-355(1)
Pander, pimp, or receive money from prostitute	SEX-3628-F4	18.2-357
Parent consents for child to be taken for prostitution, etc	SEX-3629-F4	18.2-355(3)
Place or leave wife for prostitution (pandering)	SEX-3630-F4	18.2-368
Receive money for procuring/placing prostitute	SEX-3631-F4	18.2-356
Take indecent liberties with child-custodian	SEX-3635-F6	18.2-370.1(A)

Appendix D  
Tier III Offenses

OFFENSE	VCC	STATUTE
Receive money, etc. causing person to engage in prostitution	SEX-3646-F4	18.2-356(ii)
Receive money, etc., causing person to engage in concubinage	SEX-3647-F4	18.2-356(ii)
Solicitation of prostitution from minor age 16 or older	SEX-3650-F6	18.2-346.01(i)
Solicitation of prostitution from minor less than age 16	SEX-3651-F5	18.2-346.01(ii)
Sex trafficking	SEX-3662-F5	18.2-357.1(A)
Sex trafficking by force, etc.	SEX-3663-F4	18.2-357.1(B)
Accused minor >13, indecent liberties w/child 5 yrs junior	SEX-3665-M1	18.2-370.01(A)
Take indecent liberties with child (2nd or subsequent)	SEX-3666-F4	18.2-370(C)
Take indecent liberties w/child - custodian (2nd or subseq.)	SEX-3668-F5	18.2-370.1(B)
Receive money for allowing minor in sexual material	SEX-3669-F5	18.2-370(B)
Receive money -minor subject of sexual material (2nd/Subsq.)	SEX-3670-F4	18.2-370(C)
Solicitation to commit murder	SOL-7202-F9	18.2-29
Stalking with intent to cause fear of death - 2nd w/in5	STK-2116-F6	18.2-60.3(B)
Possess etc. imitation weapon of terror to intimidate	TER-8004-F6	18.2-46.6(C)
Solicit, recruit etc. another for act of terrorism	TER-8006-F4	18.2-46.5(C)
Trespass -Intent to abduct from school property (not parent)	TRS-5707-F6	18.2-128(B)
Trespass - Hate crime; intent to damage property	TRS-5728-F6	18.2-121
Shoot or throw missile at law enforcement/emergency vehicle w/o malice	VAN-2906-F6	18.2-154
Obstruct or injure canal, railroad - Malicious	VAN-2929-F4	18.2-153
Obstruct or injure canal, railroad without malice	VAN-2930-F6	18.2-153
Shoot or throw missile at train, car, vessel w/o malice	VAN-2940-F6	18.2-154
Wearing of masks or hoods to conceal identity	VIO-5320-F6	18.2-422
Burn Cross to intimidate	VIO-5328-F6	18.2-423
Placement Swastika on building to intimidate	VIO-5329-F6	18.2-423.1
Paramilitary activity to cause disorder, teach, assemble for	VIO-5331-F5	18.2-433.2
Burn object on private property w/intent to intimidate	VIO-5332-F6	18.2-423.01(A)
Burn object on highway/public place w/ intent to intimidate	VIO-5333-F6	18.2-423.01(B)
Noose, display on private property to intimidate	VIO-5338-F6	18.2-423.2
Noose, display in public place to intimidate	VIO-5339-F6	18.2-423.2
Brandish machete or bladed weapon on school property	WPN-5287-F6	18.2-282.1



**APPENDIX E**

**TIER IV OFFENSES<sup>5</sup>**

<b>OFFENSE</b>	<b>VCC</b>	<b>STATUTE</b>
Cruelty to animals 2nd/subseq, one act resulted in death	ANM-3324-F6	3.2-6570(B)
Torture/mutilate dog or cat causing death/injury	ANM-3349-F6	3.2-6570(F)
Arson of occupied building (not a dwelling)	ARS-2001-F3	18.2-80
Arson of occupied dwelling place or church	ARS-2003-F9	18.2-77(A,I)
Aid or procure burning of occupied dwelling or church	ARS-2004-F9	18.2-77(A,II)
Arson of occupied public building	ARS-2008-F3	18.2-79
Poisoning adulteration of food etc. w/intent to injure/kill	ASL-1317-F3	18.2-54.2
Malicious injury to law enforcement, fire/EMS personnel	ASL-1326-F9	18.2-51.1
Malicious injury by caustic substance or fire	ASL-1327-F9	18.2-52
Assault (shoot, cut, stab) by mob	ASL-1328-F3	18.2-41
Poison food, drugs, water, drinks w/intent injure or kill	ASL-1332-F3	18.2-54.1
Malicious wounding - Stab, cut, wound with malicious intent	ASL-1334-F3	18.2-51
Circumcision, etc., of minor's labia majora, etc.	ASL-1348-F2	18.2-51.7(A)
Parent etc. consents to circumcision of minor's labia majora	ASL-1349-F2	18.2-51.7(B)
Remove minor from state, circumcision of labia majora etc	ASL-1350-F2	18.2-51.7(C)
Disarm law enforcement officer of firearm/stun-gun	ASL-1356-F6	18.2-57.02
Entering bank armed with intent to commit larceny	BUR-2207-F2	18.2-93
Stat. Burglary of dwelling to murder, rape, rob, arson	BUR-2211-F3	18.2-90
Stat. Burglary of dwelling with intent to commit larceny, A&B, etc.	BUR-2213-F9	18.2-91
Stat. Burglary dwelling commit other felony or A&B w/ deadly weapon	BUR-2214-F2	18.2-91
Stat. Burglary of structure to murder, etc w/ deadly weapon	BUR-2215-F2	18.2-90
Stat. Burglary of structure to commit larceny, etc.	BUR-2216-F9	18.2-91
Stat. Burglary of structure to commit larceny etc. w/ deadly weapon	BUR-2217-F2	18.2-91
Stat. Burglary of structure to murder, rape, rob, arson	BUR-2218-F3	18.2-90
Break & Enter occupied dwelling to commit misdemeanor w/ deadly weapon	BUR-2220-F2	18.2-92
Burglary dwelling at night to commit larceny, other felony	BUR-2221-F3	18.2-89

<sup>5</sup> Tier IV also includes numerous offenses that, while legally possible, are not likely to apply to juveniles. The department has created a list of categories under which these types of offenses would fall. For a list and summary of these categories, please see Appendix G.

Appendix E  
Tier IV Offenses

OFFENSE	VCC	STATUTE
Malicious computer use -Intent physical injury to individual	COM-2965-F3	18.2-152.7
Conceal etc. dead body	DNG-4800-F6	18.2-323.02
Incapacitated adult, abuse or neglect - results in death	FAM-3776-F3	18.2-369(B)
Abduct child under 16 yrs. of age for immoral purpose	KID-1003-F2	18.2-48(III)
Abduction of person with intent to defile	KID-1004-F2	18.2-48(II)
Abduct with intent to gain pecuniary benefit (extortion)	KID-1012-F2	18.2-48(I)
Abduction by prisoner/person confined	KID-1016-F3	18.2-48.1
Abduct minor for the purpose of manufacturing child porn	KID-1022-F2	18.2-48(v)
Abduct for the purpose of prostitution	KID-1023-F2	18.2-48(iv)
Receive money for procuring forced labor/services < age 18	LAB-7485-F3	18.2-356(ii)
Grand larceny - Auto theft	LAR-2404-F9	18.2-95(II)
Gang member participates in criminal act for benefit of gang	MOB-1291-F5	18.2-46.2
Involuntary manslaughter	MUR-0942-F5	18.2-36
Involuntary manslaughter, under the influence - watercraft	MUR-0946-F5	18.2-36.2(A)
Involuntary manslaughter, under the influence - vehicular	MUR-0947-F5	18.2-36.1(A)
Involuntary manslaughter - Vehicular, aggravated	MUR-0948-F9	18.2-36.1(B)
Involuntary manslaughter - watercraft, aggravated	MUR-0949-F9	18.2-36.2(B)
Second dist., sell, etc Schedule I or II drugs	NAR-3038-F9	18.2-248(C)
Dist. Schd I/II, provide, give (to be resold by others)	NAR-3042-F9	18.2-248(C)
Possession w/ intent to sell, etc. Schedule I or II drugs	NAR-3043-F9	18.2-248(C)
Manufacture Schedule I or II drugs	NAR-3044-F9	18.2-248(C)
Sale, etc for profit Schedule I or II drugs	NAR-3045-F9	18.2-248(C)
3rd or subsequent sell, distribute etc. Schd. I/II drug	NAR-3087-F9	18.2-248(C)
Distribute etc. 1.0 kilograms or more heroin mixture	NAR-3111-F9	18.2-248(H,1)
Distribute etc. 5.0 kilograms or more cocaine mixture etc.	NAR-3112-F9	18.2-248(H,2)
Distribute etc. 2.5 kilograms or more cocaine base	NAR-3113-F9	18.2-248(H,3)
Dist. etc.100g or more methamphetamine/200g or more mixture	NAR-3115-F9	18.2-248(H,5)
Continuing criminal enterprise:1.0kg to < 5.0kg heroin mix	NAR-3116-F9	18.2-248(H1,II,1)
Continuing criminal enterprise:5.0kg to < 10.0kg cocaine mix	NAR-3117-F9	18.2-248(H1,II,2)
Continuing criminal enterprise:2.5kg to < 5.0kg cocaine base	NAR-3118-F9	18.2-248(H1,II,3)
Continuing criminal enterprise:100kg to < 250kg marij. mix	NAR-3119-F9	18.2-248(H1,II,4)
Continuing criminal enterprise:100g<250g meth/200g<1kg mix	NAR-3120-F9	18.2-248(H1,II,5)

Appendix E  
Tier IV Offenses

OFFENSE	VCC	STATUTE
Continuing criminal enterprise:5.0 kg or more heroin mixture	NAR-3121-F9	18.2-248(H2,II,1)
Continuing criminal enterprise:10.0kg or more cocaine mix	NAR-3122-F9	18.2-248(H2,II,2)
Continuing criminal enterprise:5.0kg or more cocaine base	NAR-3123-F9	18.2-248(H2,II,3)
Continuing criminal enterprise:250g or more meth/1kg+ mix	NAR-3125-F9	18.2-248(H2,II,5)
Manufacture methamphetamine - 2nd conviction	NAR-3132-F9	18.2-248(C1)
Manufacture methamphetamine - 3rd and subsequent	NAR-3133-F9	18.2-248(C1)
Distribute etc. 100g or more heroin	NAR-3144-F9	18.2-248(C,1)
Distribute etc. 500 g or more cocaine mix	NAR-3145-F9	18.2-248(C,2)
Distribute etc. 250g or more cocaine base	NAR-3146-F9	18.2-248(C,3)
Distribute etc. 10g or more methamphetamine, 20g or more mix	NAR-3147-F9	18.2-248(C,4)
Methamphetamine, distribute etc. 227 grams or more	NAR-3151-F9	18.2-248.03
Receive money, procuring <18 manuf obscene material	OBS-3694-F3	18.2-356(ii)
Receive money etc. procuring <18 manuf. child porn	OBS-3697-F3	18.2-356(ii)
Possess child porn (subsequent offense)	OBS-3732-F5	18.2-374.1:1(B)
Entice minor to perform porn, age <15, offender 7+ yrs, 2nd	OBS-3743-F9	18.2-374.1(B,1)
Produce, make child porn, age <15	OBS-3747-F9	18.2-374.1(B,2)
Produce, make child porn, age <15, offender 7+ yrs	OBS-3748-F9	18.2-374.1(B,2)
Produce, make child porn, age <15, offender 7+ yrs, 2nd	OBS-3749-F9	18.2-374.1(B,2)
Produce, make child porn, age 15+	OBS-3750-F9	18.2-374.1(B,2)
Armed with deadly weapon, violation of protective order	PRT-5073-F6	16.1-253.2(B)
Armed with deadly weapon, violation of protective order	PRT-5074-F6	18.2-60.4(B)
Aggravated sexual battery - victim under age 13	RAP-1121-F9	18.2-67.3(A,1)
Aggravated sexual battery - mental incapacity/helplessness	RAP-1144-F9	18.2-67.3(A,2)
Aggravated sexual battery – force, threat, intimidation of victim age 13 or 14	RAP-1145-F9	18.2-67.3(A,4,A)
Aggravated sexual battery by force w/serious injury	RAP-1146-F9	18.2-67.3(A,4,B)
Aggravated sexual battery - by force with threat of weapon	RAP-1147-F9	18.2-67.3(A,4,C)
Robbery - Carjacking with use of gun or simulated gun	ROB-1224-F9	18.2-58.1(A)
Robbery by using or displaying a firearm	ROB-1232-F3	18.2-58(2)
Robbery by using physical force, no serious bodily injury	ROB-1233-F5	18.2-58(3)
Robbery by using or displaying a deadly weapon (not firearm)	ROB-1234-F5	18.2-58(3)
Robbery - Carjacking	ROB-1217-F9	18.2-58.1(A)
Robbery by threat etc., no deadly weapon	ROB-1239-F6	18.2-58(4)

Appendix E  
Tier IV Offenses

OFFENSE	VCC	STATUTE
Participate in riot with firearm or weapon	RUA-5321-F5	18.2-405
Bestiality, carnally know any brute animal	SEX-3606-F6	18.2-361(A)
Pandering a minor	SEX-3607-F3	18.2-355(4)
Sexual abuse of animal	SEX-3639-F6	18.2-361.01
Sodomy - family member to family member	SEX-3641-F5	18.2-361(B)
Pander, pimp, receive money from person < age 18	SEX-3648-F3	18.2-357
Sex trafficking w/intent to receive money, person < age 18	SEX-3664-F3	18.2-357.1(C)
Receive money for procuring/placing prostitute < age 18	SEX-3692-F3	18.2-356(i)
Receive money, etc. causing <18 to engage in concubinage	SEX-3698-F3	18.2-356(ii)
Receive money, etc. causing <18 to engage in prostitution	SEX-3699-F3	18.2-356(ii)
Act of terrorism - base offense 20 years or more	TER-8000-F2	18.2-46.5(A)
Act of terrorism - base offense less than 20 years	TER-8001-F3	18.2-46.5(B)
Possess etc. weapon of terrorism w/intent to terrorize	TER-8002-F2	18.2-46.6(A)
Possess etc. imitation weapon of terror to terrorize	TER-8003-F3	18.2-46.6(B)
Malicious biological destruction of crops/animals, >=\$2500	TER-8005-F3	18.2-46.7
Provide material support to terrorist group	TER-8008-F3	18.2-46.5(D)
Levying war against national or state government	TRE-0111-F2	18.2-481
Animals-2nd/subsq maiming one act resulted in death	VAN-2901-F6	18.2-144
Shoot or throw missile at law enforc./emerg. veh. w/malice	VAN-2905-F4	18.2-154
Radioactive damage resulting in death	VAN-2915-F2	18.2-162
Poison or maim animals	VAN-2934-F5	18.2-144
Shoot or throw missile at train, car, vessel w/malice	VAN-2939-F4	18.2-154
Maliciously kill or injure law enforcement animal	VAN-2957-F5	18.2-144.1
Possess, sell, etc., trigger activator	WPN-5189-F6	18.2-308.5:1
Discharge firearm upon school buildings or grounds	WPN-5200-F4	18.2-280(B)
Discharge firearm on public property w/in 1000 ft. of school	WPN-5201-F4	18.2-280(C)
Alien, possess or transport assault firearm	WPN-5215-F6	18.2-308.2:01
Sell, give firearm to designated felon, etc.	WPN-5218-F4	18.2-308.2:1(A)
Possession, Machine Guns for offensive or aggressive	WPN-5226-F4	18.2-290
Possession, Machine Guns in perpetration of violent crime	WPN-5227-F2	18.2-289
Maliciously discharge firearm, missile in/at occupied bldg.	WPN-5229-F4	18.2-279
Restricted firearm ammunition use in crimes	WPN-5233-F5	18.2-308.3
Remotely controlled spring gun or deadly weapon	WPN-5238-F6	18.2-281
Malicious release of dangerous gas resulting in injury	WPN-5239-F3	18.2-312
Unlawful release of dangerous gas resulting in injury	WPN-5240-F6	18.2-312
Unlawfully discharge firearm, missile in/at occupied bldg	WPN-5242-F6	18.2-279
Plastic firearms; sell, transfer, possess, etc.	WPN-5244-F5	18.2-308.5

Appendix E  
Tier IV Offenses

OFFENSE	VCC	STATUTE
Carry concealed weapon - Second conviction	WPN-5245-F6	18.2-308
Carry concealed weapon - Third conviction	WPN-5246-F5	18.2-308
Body armor, wear during commission of violent or drug crime	WPN-5247-F4	18.2-287.2
Discharge firearm from motor vehicle	WPN-5248-F5	18.2-286.1
Firearm, possess on school property, etc.	WPN-5252-F6	18.2-308.1(B)
Discharge firearm, within or at occupied school	WPN-5255-F4	18.2-279
Sell etc. Schedule I or II drug while possessing firearm	WPN-5257-F6	18.2-308.4(C)
Brandish/point firearm on school property or w/in 1000ft	WPN-5258-F6	18.2-282(A)
Possess, sawed-off shotguns	WPN-5260-F4	18.2-300
Possess, sawed-off shotguns in perpetration of violent crime	WPN-5261-F2	18.2-300
Carry loaded firearm in certain localities; 3rd conv	WPN-5262-F6	18.2-287.4
Furnish firearm to minor	WPN-5265-F6	18.2-309(B)
Striker 12's, or like firearms; sell, possess, etc.	WPN-5267-F6	18.2-308.8
Furnish weapon to minor - Dirk/switchblade/etc, 3rd convict	WPN-5269-F6	18.2-309(A)
Stun gun, knife, non-firearm poss. on school prop. 3rd conv	WPN-5270-F6	18.2-308.1(A)
Possess handgun/assault rifle under age 18; 3rd conviction	WPN-5271-F6	18.2-308.7
Purchase more than one handgun w/in 30 day, 3rd conviction	WPN-5272-F6	18.2-308.2:2
Discharge firearm in public place; 3rd conviction	WPN-5273-F6	18.2-280(A)
Brandish or point firearm; 3rd conviction	WPN-5274-F6	18.2-282(A)
Carry weapon into courthouse, 3rd conviction	WPN-5275-F6	18.2-283.1
Sell etc. more than 1 lb. marijuana while possessing firearm	WPN-5278-F6	18.2-308.4(C)
Dealer sell/transfer firearm in violation of §18.2-308.2:2	WPN-5280-F6	18.2-308.2:2(L)
False statements on criminal history check consent form	WPN-5281-F5	18.2-308.2:2(K)
Purchase firearm for resale/provide to ineligible person	WPN-5283-F4	18.2-308.2:2(M,i)
Transp firearm out of state to provide to ineligible person	WPN-5284-F4	18.2-308.2:2(M,ii)
Provide >1 firearms to ineligible person through purchase/trans	WPN-5285-F4	18.2-308.2:2(M)
Solicit etc by ineligible person to provide firearm	WPN-5286-F4	18.2-308.2:2(N)
Convicted non-violent felon >10yr. possess firearm etc.	WPN-5291-F6	18.2-308.2(A)
Possess./transp. firearm by acquitted insane pers.; 3rd conv	WPN-5292-F6	18.2-308.1:1
Removal/alteration of serial numbers from weapon, 3rd conv	WPN-5293-F6	18.2-311.1
Discharge firearm within or at unoccupied school	WPN-5294-F4	18.2-279
Third conviction of firearm offense	WPN-5295-F6	18.2-311.2
Convicted violent felon possess/transport firearm	WPN-5296-F6	18.2-308.2(A)
Convicted non-violent w/10yr felon possess/transport firearm	WPN-5297-F6	18.2-308.2(A)

*Appendix E*  
*Tier IV Offenses*

<b>OFFENSE</b>	<b>VCC</b>	<b>STATUTE</b>
Felon possess explosives, ammunition, weapon - not firearm	WPN-5298-F6	18.2-308.2(A)
Firearm, use or attempt to use on school property, etc.	WPN-5300-F9	18.2-308.1(C)
Discharge firearm in public place, results in injury	WPN-5301-F6	18.2-280(A)
Possess Sched. I /II drug with firearm on or about person	WPN-5302-F6	18.2-308.4(B)
Possess Sched. I /II drug while possessing firearm	WPN-5303-F6	18.2-308.4(A)
Firearm possessed or transported by alien	WPN-5305-F6	18.2-308.2:01
Solicit etc. dealer to transfer firearm to another	WPN-5306-F6	18.2-308.2:2(L1)
Reckless handling of firearm - serious injury	WPN-5308-F6	18.2-56.1(A1)
Possess firearm while protective order in effect	WPN-5310-F6	18.2-308.1:4(B)
Violation water control laws, places person in danger of serious injury or death subsq	WTR-7079-F9	62.1-44.32(C)

**APPENDIX F**

**TIER V OFFENSES<sup>6</sup>**

<b>OFFENSE</b>	<b>VCC</b>	<b>STATUTE</b>
Malicious wounding pregnant victim perm. impaired/end preg.	ASL-1340-F2	18.2-51.2(B)
Intercourse w/victim thru mental incapacity/helplessness	RAP-1128-F9	18.2-61(II)
Intercourse with victim by force, threat or intimidation	RAP-1129-F9	18.2-61(I)
Forcible intercourse with victim under age 13	RAP-1130-F9	18.2-61(A,III)
Intercourse with victim under age 13 (indicted as an adult)	RAP-1131-F9	18.2-61(A,iii)
Forcible sodomy, by force, threat, etc, victim age 13+	RAP-1132-F9	18.2-67.1(A,2)
Forcible sodomy, victim under age 13	RAP-1133-F9	18.2-67.1(A,1)
Object sexual penetration by force, threat, etc	RAP-1135-F9	18.2-67.2(A,2)
Object sexual penetration victim under age 13	RAP-1136-F9	18.2-67.2(A,1)
Rape victim under age 13 w/kidnap. burglary, wounding	RAP-1150-F9	18.2-61(A,III)
Forcible sodomy victim < 13 w/kidnapping, burglary, wounding	RAP-1151-F9	18.2-67.1(A,1)
Obj. penetration victim <13 w/kidnapping, burglary, wounding	RAP-1152-F9	18.2-67.2(A,1)
Sodomy victim under age 13 (indicted as an adult)	RAP-1153-F9	18.2-67.1(A,1)
Object sexual penetration victim < age 13, indicted adult	RAP-1154-F9	18.2-67.2(A,1)
Provide support to terrorist group, results in death	TER-8009-F2	18.2-46.5(D)
Malicious wounding - Victim permanently impaired	ASL-1336-F2	18.2-51.2(A)
Stat. Burglary of dwelling to murder, etc w/ deadly weapon	BUR-2212-F2	18.2-90
Burglary dwelling at night; commit larceny etc w/ deadly weapon	BUR-2222-F2	18.2-89
Accessory to aggravated murder, criminal drug enterprise	MUR-0908-F1	18.2-31(10)
Accessory to aggravated murder, killing for hire	MUR-0909-F1	18.2-31(2)
Accessory to aggravated murder, commission terroristic act	MUR-0910-F1	18.2-31(13)
Aggravated murder, in the commission of terroristic act	MUR-0911-F1	18.2-31(13)
Aggravated murder, in commission of abduction	MUR-0913-F1	18.2-31(1)
Aggravated murder, during rape, etc./attempt	MUR-0914-F1	18.2-31(5)
Aggravated murder, pregnant victim	MUR-0920-F1	18.2-31(11)
Aggravated murder, drug distribution involving Sch. I or II	MUR-0921-F1	18.2-31(9)

<sup>6</sup> Tier V also includes numerous offenses that, while legally possible, are not likely to apply to juveniles. The department has created a list of categories under which these types of offenses would fall. For a list and summary of these categories, please see Appendix G.

Appendix F  
Tier V Offenses

OFFENSE	VCC	STATUTE
Aggravated murder, killing for hire	MUR-0922-F1	18.2-31(2)
Aggravated murder, law enforcement officer	MUR-0923-F1	18.2-31(6)
Aggravated murder, more than one person	MUR-0924-F1	18.2-31(7)
Non capital first degree murder	MUR-0925-F2	18.2-32
Aggravated murder, by person continuing drug enterprise	MUR-0926-F1	18.2-31(10)
Aggravated murder, killing person < age 14 by person >=21	MUR-0927-F1	18.2-31(12)
Aggravated murder, prisoner	MUR-0932-F1	18.2-31(3)
Aggravated murder, during robbery or attempted robbery	MUR-0933-F1	18.2-31(4)
Kill with premeditation, fetus of another	MUR-0937-F2	18.2-32.2(A)
Unlawfully kill the fetus of another	MUR-0938-F9	18.2-32.2(B)
Voluntary manslaughter	MUR-0944-F5	18.2-35
Aggravated murder, more than one person in a 3 year period	MUR-0961-F1	18.2-31(8)
Accessory to aggravated murder in commission of abduction	MUR-0980-F2	18.2-31(1)
Accessory to aggravated murder, distribution Sch. I/II drug	MUR-0981-F2	18.2-31(9)
Accessory to aggravated murder, during rape, etc./attempt	MUR-0982-F2	18.2-31(5)
Accessory to aggravated murder, victim < 14 by person >=21	MUR-0983-F2	18.2-31(12)
Accessory to aggravated murder, law enforcement officer	MUR-0984-F2	18.2-31(6)
Accessory to aggravated murder, more than one person	MUR-0985-F2	18.2-31(7)
Accessory to aggravated murder, more than 1 person w/in 3 yr	MUR-0986-F2	18.2-31(8)
Accessory to aggravated murder, pregnant victim	MUR-0987-F2	18.2-31(11)
Accessory to aggravated murder, prisoner	MUR-0988-F2	18.2-31(3)
Accessory to aggravated murder, during robbery/attempt	MUR-0989-F2	18.2-31(4)
Aggravated murder, of a judge	MUR-0990-F1	18.2-31(14)
Accessory to aggravated murder, of a judge	MUR-0991-F2	18.2-31(14)
Aggravated murder, of a witness	MUR-0992-F1	18.2-31(15)
Accessory to aggravated murder, of a witness	MUR-0993-F2	18.2-31(15)
Robbery causes death	ROB-1230-F2	18.2-58(1)



**APPENDIX G  
ADDITIONAL OFFENSES NOT ENUMERATED**

The department has identified numerous offenses that, while legally possible, are not likely to apply to juveniles. In addition, several offenses, by virtue of the express statutory language, could never apply to juveniles. In order to reduce the size of the tables, these offenses were extracted from the preceding appendices and placed into separate categories. The categories are listed and described below, along with a parenthetical reference to the number of offenses extracted for each category.

**AG (53):** This category includes all agricultural-related crimes. These crimes include many VCC's that have the "AGR" prefix. Examples of offenses falling under this category include: "Grain Dealer violations", "Introduce snakehead into coastal waters", and "falsification of corn handlers records."

**AGFW (96):** This category contains offenses related to animals, fishing, game, and wildlife. This category combines VCC's that contain the Animals "ANM" prefix and the Game, Fish, and Wildlife "GFW" prefix. Examples of offenses falling into this category include "providing livestock to an unlicensed shooting enclosure" and "feeding garbage to swine."

**EDU (12):** This category includes education-related offenses. These offenses typically are committed by an institution or its agents, rather than a student. These offenses contain the EDU prefix. Examples include "using the term 'college or university' without approval," "representing a school as accredited," and "operating a post-secondary school without certification."

**ENV (18):** This category includes environmental offenses, many of which relate to water, renewable energy, or pollution. Generally, these offenses are committed by businesses and manufacturers. Examples include sale of a cleaning agent that contains over .5% phosphorus, negligent discharge of oil into water, and failure to comply with renewable energy provisions.

**FIN (115):** This category addresses offenses involving financing and includes many fraud provisions, offenses involving banking regulations and laws, and other monetary crimes that juveniles typically do not commit. Examples include violating or causing a violation of banking trust laws, transfer of preneed trust funds without approval, and unauthorized transaction as a Stock corporation.

**LIC (110):** This category includes offenses that were either committed by practitioners in certain professions or committed when the perpetrator lacked the proper license. Examples of crimes in this category include many alcohol-related offenses, such as employing individuals under age 18 to serve alcohol, allowing immoral conduct and selling drinks, and employing someone of "ill repute." Additionally, this category includes typical license violations, such as practicing as a physician without a license, selling at an auction without a license, and performing social work without a license.

**M, BUS (175):** This category references Miscellaneous Business offenses. This is a catch-all category for offenses generally relating to or committed by businesses but not falling within the finance, tax, manufacturing, or licensing categories. Examples of crimes in this category include

## *Appendix G*

fraudulently obtaining certification of minority business, certain gambling offenses, and asking prohibited questions on an employment polygraph test.

**MAN/SELL (133):** This category relates to manufacturers and sellers. Offenses falling in this category would require a minor to be the legally responsible party as either a manufacturer or seller. Crimes in this category include being the legally responsible party as a car manufacturer, failing to follow proper rules as a car dealership, or coercing another auto dealer. The seller-related offenses include those where it would be extremely unlikely for a minor to be the legally responsible party, such as selling a bike without the proper decals, deceptive advertising, and failing to obtain certification as a manufactured home dealer.

**MISC (28):** This catch-all category is intended to include remaining miscellaneous offenses that minors are unlikely to commit but that do not fall into other categories. Offenses in this category include abandoning a solid waste facility without proper closure, inaccurate devices submitted when measuring sewage, and disclosure of a sealed criminal record maliciously.

**N/A (147):** This category includes crimes that are impossible for a minor to commit, either due to express statutory language or because a minor could not practically commit the applicable offense. This differs from the other categories in this appendix that may be legally possible for minors to commit, but are not particularly likely. Examples of crimes in the N/A category include disclosure by a General Assembly member (as all such members must be at least age 21 to serve), or failure to cover a rental car with insurance (as minors are not permitted to rent cars).

**TAX (53):** This category includes the vast majority of tax offenses. Most offenses in this category have the TAX prefix; however a few also involve fraud or failure for certain specified industries or businesses to pay taxes. Most of the taxes within this category are not likely to be levied against a minor. Examples of offenses within this category include misrepresenting the value of an aircraft on required tax forms or employers failing to properly furnish taxes.

**VOT (34):** These crimes contain the VOT prefix and would require a minor to be the legally responsible party for a variety of election and voting offenses. Examples include violating the campaign finance disclosure act, violating print advertisement requirements, and unlawfully disbursing funds in excess of the inaugural expenditure.