

SUMMARY

Handout #4

Drug Possession Barrier Crime Removal

This amendment would allow a person to potentially adopt a child as long as ten years had elapsed since his possession of illicit drugs.

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 § 63.2-1719. Definitions.

2 As used in this subtitle:

3 "Barrier crime" means a conviction of murder or manslaughter as set out in Article 1 (§ 18.2-30
4 et seq.) of Chapter 4 of Title 18.2, malicious wounding by mob as set out in § 18.2-41, abduction as set
5 out in subsection A of § 18.2-47, abduction for immoral purposes as set out in § 18.2-48, assaults and
6 bodily woundings as set out in Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2, robbery as set out
7 in § 18.2-58, carjacking as set out in § 18.2-58.1, threats of death or bodily injury as set out in § 18.2-60,
8 felony stalking as set out in § 18.2-60.3, sexual assault as set out in Article 7 (§ 18.2-61 et seq.) of
9 Chapter 4 of Title 18.2, arson as set out in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, drive
10 by shooting as set out in § 18.2-286.1, use of a machine gun in a crime of violence as set out in § 18.2-
11 289, aggressive use of a machine gun as set out in § 18.2-290, use of a sawed-off shotgun in a crime of
12 violence as set out in subsection A of § 18.2-300, pandering as set out in § 18.2-355, crimes against
13 nature involving children as set out in § 18.2-361, incest as set out in § 18.2-366, taking indecent
14 liberties with children as set out in § 18.2-370 or § 18.2-370.1, abuse and neglect of children as set out in
15 § 18.2-371.1, failure to secure medical attention for an injured child as set out in § 18.2-314, obscenity
16 offenses as set out in § 18.2-374.1, possession of child pornography as set out in § 18.2-374.1:1,
17 electronic facilitation of pornography as set out in § 18.2-374.3, abuse and neglect of incapacitated
18 adults as set out in § 18.2-369, employing or permitting a minor to assist in an act constituting an
19 offense under Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2 as set out in § 18.2-379, delivery
20 of drugs to prisoners as set out in § 18.2-474.1, escape from jail as set out in § 18.2-477, felonies by
21 prisoners as set out in § 53.1-203; or an equivalent offense in another state. In the case of child welfare
22 agencies and foster and adoptive homes approved by child-placing agencies, "barrier crime" shall also
23 include convictions of burglary as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2 and
24 any felony violation relating to possession or distribution of drugs as set out in Article 1 (§ 18.2-247 et

25 seq.) of Chapter 7 of Title 18.2, unless more than 10 years have elapsed since the drug possession
26 conviction, or an equivalent offense in another state.

27 "Offense" means a barrier crime and, in the case of child welfare agencies and foster and
28 adoptive homes approved by child-placing agencies, (i) a conviction of any other felony not included in
29 the definition of barrier crime unless five years have elapsed since conviction and (ii) a founded
30 complaint of child abuse or neglect within or outside the Commonwealth. In the case of child welfare
31 agencies and foster and adoptive homes approved by child-placing agencies, convictions shall include
32 prior adult convictions and juvenile convictions or adjudications of delinquency based on a crime that
33 would be a felony if committed by an adult within or outside the Commonwealth.