

**2023 LENGTH OF STAY GUIDELINES**

**TIER ASSIGNMENTS FOR RETIRED VIRGINIA CRIME CODES**

Section 6.22 of the 2023 Length of Stay Guidelines provides, “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.”

The guidelines include several appendices assigning one of five offense severity tiers to each active Virginia Crime Code (VCC). Because VCCs may be retired when legislative changes eliminate the need for the VCC or necessitate a new VCC, the underlying offense on the probation, court order, or suspended commitment violation may involve a retired VCC for which no tier has been assigned under the 2023 Guidelines. Pursuant to Section 6.22 of the Guidelines, which gives the department director the discretion to add new offenses, eliminate repealed offenses, or move offenses to alternative tiers in accordance with applicable legislative changes made by the Virginia General Assembly, the tiers assigned to the retired VCCs are as follows:

<b>OFFENSE</b>	<b>RETIRED VCC</b>	<b>RETIRED DATE</b>	<b>STATUTE</b>	<b>TIER</b>
Illegal importation, shipment, or transportation of alcohol	ALC-4166-M1	07/1/22	4.1-310	Tier I
Swine food violation	ANM-4683-M1	07/1/16	3.2-6018(i)	Tier I
Disposal of dead poultry violation	ANM-4684-M1	07/1/16	3.2-6018(i)	Tier I
Fail to comply w/contagious disease regulations	ANM-4685-M1	07/1/16	3.2-6018(i)	Tier I
Fail to allow state veterinarian to perform duty	ANM-4686-M1	07/1/16	3.2-6018(ii)	Tier I
Animal quarantine violation	ANM-4687-M1	07/1/16	3.2-6018(iii)	Tier I
DWI with reckless disregard – victim permanently impaired	ASL-1339-F6	07/1/19	18.2-51.4(a)	Tier III
Victim permanently impaired; operate boat while intoxicated	ASL-1346-F6	07/1/19	18.2-51.5	Tier III
Circumcision, etc. of minor’s labia majora, etc.	ASL-1348-M1	07/1/18	18.2-51.7(A)	Tier IV
Parent etc. consents to circumcision of minor’s labia majora	ASL-1349-M1	07/1/18	18.2-51.7(B)	Tier IV
Remove minor from state, circumcision of labia majora etc.	ASL-1350-M1	07/1/18	18.2-51.7(C)	Tier IV
Dangerous dog ordinance violation	DOG-3393-M1	07/1/21	3.2-6540(R)	Tier I
Fail to confine, leash, muzzle dangerous dog	DOG-3533-M1	07/1/21	3.2-6540(L)	Tier I
Fail to register with Dangerous Dog Registry	DOG-3534-M1	07/1/21	3.2-6540(M)	Tier I
Fail to notify when dangerous dog – loose, bites, relocated	DOG-3535-M1	07/1/21	3.2-6540(N)	Tier I
Fail to control, contain dog, results in serious injury	DOG-3538-F6	07/1/21	3.2-6540(O,3)	Tier II
Offer dog for sale, etc., in violation of Animal Welfare Act	DOG-4702-M1	07/1/22	3.2-6511.2(A)	Tier I

<b>OFFENSE</b>	<b>RETIRED VCC</b>	<b>RETIRED DATE</b>	<b>STATUTE</b>	<b>TIER</b>
DWI-Commercial vehicles (3 <sup>rd</sup> offense < 5 years)	DWI-5420-S9	07/1/17	46.2-341.24	Tier IV
DWI – Commercial vehicles (3 <sup>rd</sup> offense w/in 5-10 years)	DWI-5421-S9	07/1/17	46.2-341.24	Tier IV
Refuse blood/breath test – 3 <sup>rd</sup> DWI/refusal within 10 years	DWI-5442-M1	03/15/17	18.2-268.3	Tier I
DWI – Commercial vehicle (3 <sup>rd</sup> offense < 5 years): drug	DWI-5486-S9	07/1/17	46.2-341.24	Tier I
DWI – Commercial vehicle (3 <sup>rd</sup> offense w/in 5-10 years): drug	DWI-5487-S9	07/1/17	46.2-341.24	Tier I
DWI – Commercial vehicle (2 <sup>nd</sup> w/in < 5 yrs): drug & alcohol	DWI-5489-S9	07/1/17	46.2-341.24	Tier I
DWI – Commercial vehicle (2 <sup>nd</sup> w/in 5-10 yrs): drug & alcohol	DWI-5490-S9	07/1/17	46.2-341.24	Tier I
DWI – Commercial vehicle (3 <sup>rd</sup> w/in < 5 yrs): drug & alcohol	DWI-5491-S9	07/1/17	46.2-341.24	Tier I
DWI – Commercial vehicle (3 <sup>rd</sup> w/in 5-10 yrs): drug & alcohol	DWI-5492-S9	07/1/17	46.2-341.24	Tier I
DWI – Commercial vehicle (3 <sup>rd</sup> offense < 5 years): marijuana	DWI-5635-S9	07/1/17	46.2-341.24	Tier I
DWI -Commercial vehicle (3 <sup>rd</sup> offense w/in 5-10 years): marij	DWI-5636-S9	07/1/17	46.2-341.24	Tier I
DWI – Commercial vehicle (2 <sup>nd</sup> w/in 5 yrs): marij & alcohol	DWI-5637-S9	07/1/17	46.2-341.24	Tier I
DWI – Commerical vehicle (2 <sup>nd</sup> w/in 5-10 yrs): marij & alcohol	DWI-5638-S9	07/1/17	46.2-341.24	Tier I
DWI-Commercial vehicle (3 <sup>rd</sup> w/in < 5 yrs): marij & alcohol	DWI-5639-S9	07/1/17	46.2-341.24	Tier I
DWI-Commercial vehicle (3 <sup>rd</sup> w/in 5-10 yrs): marij & alcohol	DWI-5640-S9	07/1/17	46.2-341.24	Tier I
Fail to deliver crop, etc. in return for advances, ≥ \$500	FRD-2709-F9	07/1/20	18.2-200	Tier II
Merchant defraud credit card issuer ≥ \$500 in 6 mo. Period	FRD-2792-F6	07/1/20	18.2-195(2)	Tier II
Sell wild bird, animal, fish – aggregate \$500 or more	GFW-3382-F6	07/1/20	29.1-553	Tier II
Theft of oysters, clams, shells, etc. ≥ \$500	GFW-3429-F9	07/1/20	28.2-527	Tier II
Theft of oysters, clams, shells, etc. < \$500	GFW-3430-M1	07/1/20	28.2-527	Tier I
Larceny from oyster-planting ground, ≥ \$500	GFW-3442-F9	07/1/20	28.2-560	Tier II
Larceny from oyster-planting ground, < \$500	GFW-3443-M1	07/1/20	28.2-560	Tier I
Sell or purchase carcass – aggregate \$500 or more	GFW-3605-F6	07/1/20	29.1-521(11)	Tier II
Unlawful fishing practices – aggregate \$500 or more	GFW-3608-F6	07/1/20	29.1-531	Tier II
Taking threatened/endangered species – aggregate \$500 +	GFW-3609-F6	07/1/20	29.1-567	Tier II
Sale endangered species – aggregate \$500 or more	GFW-3904-F6	07/1/20	29.1-566	Tier II

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Regulation/permit violation – aggregate \$500 or more	GFW-3906-F6	07/1/20	29.1-568	Tier II
Donate or sell HIV infected blood, organs, etc.	HEA-5513-F6	07/1/21	32.1-289.2	Tier II
Shoplift, alter price tags < \$1000 (second time)	LAR-2338-M9	07/1/21	18.2-103	Tier II
Shoplift, alter price tags < \$1000 (third time)	LAR-2339-F6	07/1/21	18.2-103	Tier II
Larceny of timber valued at \$500 or more	LAR-2345-F9	07/1/20	55.1-2838	Tier II
Fail to pay owner of the land and timber	LAR-2347-M1	10/1/19	55-334.2	Tier II
Larceny etc. – second conviction	LAR-2368-M9	07/1/21	18.2-104	Tier II
Larceny etc., third or subsequent conviction	LAR-2369-F6	07/1/21	18.2-104	Tier III
Conversion by fraud of property titled to other, ≥ \$500	LAR-2379-F9	07/1/20	18.2-115	Tier II
Goods on approval, fail to pay or return goods, ≥ \$500	LAR-2380-F9	07/1/20	18.2-116	Tier II
Fail to return leased personal property, ≥ \$500	LAR-2381-F9	07/1/20	18.2-118	Tier II
Fraudulently sell, etc. levied goods worth \$500 or more	LAR-2395-F9	07/1/20	18.2-101	Tier II
Embezzlement of fines < \$500	LAR-2726-M1	07/1/20	19.2-361	Tier I
Drive while license revoked (Second offense)	LIC-6862-M1	08/23/20	46.2-301	Tier II
Drive while license revoked (third or subsequent w/in 10 yr)	LIC-6863-M1	07/1/20	46.2-301	Tier II
Approach stationary emergency vehicle w/out caution, 2 <sup>nd/sub</sup>	MOV-6482-M1	07/1/19	46.2-921.1	Tier II
Possess marijuana – Subsequent offense	NAR-3021-M1	07/1/20	18.2-250.1	Tier II
Preliminary protective order violation	PRT-5068-M1	07/1/21	16.1-253	Tier III
Carnal knowledge by bail bond employee	RAP-1117-M1	07/1/20	18.2-64.2	Tier III
Infected sexual battery	RAP-1176-F6	07/1/21	18.2-67.4:1(A)	Tier III
Sexual intercourse etc. without disclosing infection	RAP-1178-M1	07/1/21	18.2-67.4:1(B)	Tier III
Robbery – Business with use of gun or simulated gun	ROB-1201-F9	07/1/21	18.2-58	Tier IV
Robbery – Street with use of gun or simulated gun	ROB-1204-F9	07/1/21	18.2-58	Tier IV
Robbery – residence with use of gun or simulated gun	ROB-1207-F9	07/1/21	18.2-58	Tier IV
Robbery – bank with use of gun or simulated gun	ROB-1210-F9	07/1/21	18.2-58	Tier IV
Robbery – Bank or banking type institution	ROB-1211-F9	07/1/21	18.2-58	Tier IV
Robbery – business	ROB-1213-F9	07/1/21	18.2-58	Tier IV
Robbery – street	ROB-1214-F9	07/1/21	18.2-58	Tier IV
Robbery – residence	ROB-1215-F9	07/1/21	18.2-58	Tier IV

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Stalking 3 <sup>rd</sup> conviction/subsequent conv w/in 5 yrs	STK-2112-F6	07/1/16	18.2-60.3(C)	Tier IV
Stalking 2 <sup>nd</sup> conviction w/in 5 yrs. prior assault etc.	STK-2115-F6	07/1/16	18.2-60.3(B)	Tier IV
Damage farm research product – value less than \$500	VAN-2995-M1	07/1/20	18.2-145.1	Tier I
Damage farm research product – value \$500 or more	VAN-2996-F6	07/1/20	18.2-145.1	Tier II
False statements on absentee voting form – business/medical	VOT-5145-F5	07/1/20	24.2-705.1	Tier II
Improper assistance, voting absentee	VOT-5154-F5	07/1/20	24.2-704	Tier II
Purchase/transport firearm when protective order issued	WPN-5214-F5	07/1/16	18.2-308.1:4	Tier I
Manufacturing by the blind, falsely indicate	WSS-3767-M1	07/1/16	51.5-105	Tier I
Unlicensed day care employee provides false abuse/prior info	WSS-3790-M1	07/1/17	63.2-1724	Tier I
Day care employee provides false child abuse/prior record	WSS-3793-M1	07/1/17	63.2-1725	Tier I