IMMIGRATION CONSEQUENCES OF SELECTED VIRGINIA STATUTES

by Mary Holper October 2007

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips			
CRIMES AGAINST T	CRIMES AGAINST THE PERSON							
18.2-32	Yes	Yes, under (A)						
Murder								
18.2-35	Yes	Yes, under (F) if			Keep sentence			
Voluntary		sentence imposed			under one year;			
manslaughter		is at least one year			Plead to 18.2-36			
18.2-36	Yes	No						
Involuntary								
manslaughter								
18.2-36.1(A)	No	No	Yes, if record of		Keep reference to			
Vehicular			conviction shows		driving under the			
manslaughter			driving under the		influence of a			
			influence of a		controlled substance			
			controlled substance		out of record of			
					conviction			
18.2-36.1(B)	Yes	No	Yes, if record of		Keep reference to			
Vehicular			conviction shows		driving under the			
manslaughter			driving under the		influence of a			
			influence of a		controlled substance			
			controlled substance		out of record of			
					conviction; Plead to			
					18.2-36.1(A)			

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
		felony	controlled substance	consequences	and practice tips
18.2-41	Yes	Yes, under (F) if		Yes, firearms	Keep sentence
Wounding my mob		sentence imposed		offense if record of	under one year;
		is at least one year		conviction shows	keep reference to
		Yes, under (E) if		wounding by	firearm out of
		record of		firearm and firearm	record of conviction
		conviction shows		meets federal	
		shooting firearm		definition	
18.2-42	Probably not	Possibly, under			Keep sentence
Assault and battery by		(F) if sentence			under one year
mob		imposed is at least			
		one year			
18.2-46.3(A)	Probably not	No			
Recruitment of					
persons for criminal					
street gang					
18.2-46.3(B)	Probably	Yes, under (F) if			Keep sentence
Recruitment of		sentence imposed			under one year;
persons for criminal		is at least one year			Plead to 18.2-
street gang					46.3(A)
18.2-47	Probably	Probably not			
(misdemeanor)					
Abduction and					
kidnapping					
18.2-47 (felony)	Yes	Probably, under			Keep sentence
Abduction and		(F) if sentence			under one year;
kidnapping		imposed is at least			Plead to
		one year			misdemeanor

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
10.0.10		felony	controlled substance	consequences	and practice tips
18.2-49	Yes	Yes, under (H) if			
Threatening,		for ransom; Yes,			
attempting or assisting		under (F) if			
in abduction		sentence imposed			
		is at least one			
		year; Yes, under			
		(K) if abduction			
		for purposes of			
		prostitution and			
		committed for			
		commercial			
		advantage			
18.2-49.1	Probably not	Probably not		Yes, violation of	
Violation of court				restraining order if	
order regarding				defendant violates	
custody and visitation				portion that protects	
_				victim against	
				threats of	
				harassment,	
				violence, or injury	
18.2-51	Yes	Probably, under		Yes, firearms	Keep sentence
Unlawful or malicious		(F), if sentence		offense if record of	under one year;
wounding		imposed is at least		conviction shows	Keep reference to
Ŭ		one year; Yes,		defendant shot	firearm out of
		under (E) if record		firearm and firearm	record of conviction
		of conviction		meets federal	
		shows defendant		definition	
		shot firearm			

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
		felony	controlled substance	consequences	and practice tips
18.2-51.2	Yes	Yes, under (F) if		Yes, firearms	Keep sentence
Aggravated malicious		sentence imposed		offense if record of	under one year;
wounding		is at least one		conviction shows	Keep reference to
		year; Yes, under		defendant shot	firearm out of
		(E) if record of		firearm and firearm	record of conviction
		conviction shows		meets federal	
		defendant shot		definition	
		firearm			
18.2-51.3	Probably	Probably not			
Reckless					
endangerment					
18.2-55.1	No	No			
Hazing of youth gang					
members (reckless act)					
18.2-55.1	Yes	Probably, under			Keep sentence
Hazing of youth gang		(F) if sentence			under one year;
members (intentional		imposed is at least			Plead to reckless
act)		one year			conduct
18.2-57(A)	No	Possibly, under		Yes, domestic	This offense is
Assault and battery		(F) if sentence		violence offense if	always charged as
		imposed is at least		immigration court	aggravated felony
		one year		finds crime of	crime of violence,
				violence and facts	so keep sentence
				show domestic	under one year

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
		felony	controlled substance	consequences	and practice tips
18.2-57(C)	Yes	Possibly, under			This offense is
Assault and battery on		(F) if sentence			always charged as
police officer		imposed is at least			aggravated felony
		one year			crime of violence,
					so keep sentence
					under one year
18.2-57.2	Probably not	Possibly, under		Yes, domestic	This offense is
Assault and battery on		(F) if sentence		violence offense if	always charged as
a family member		imposed is at least		immigration court	aggravated felony
		one year		determines that it is	crime of violence,
				a crime of violence	so keep sentence
					under one year; This
					offense will
					probably be charged
					as CIMT if record
					of conviction shows
					injury to victim
18.2-58	Yes	Yes, under (G)		Yes, firearms	Keep sentence
Robbery		and probably (F)		offense if record of	under one year;
		if sentence		conviction shows	Keep reference to
		imposed is at least		defendant used	firearm out of
		one year		firearm and firearm	record of conviction
				meets federal	
				definition	

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
		felony	controlled substance	consequences	and practice tips
18.2-58.1	Probably	Yes, under (F) and		Yes, firearms	Keep sentence
Carjacking		(G) if sentence		offense if record of	under one year;
		imposed is at least		conviction shows	Keep reference to
		one year		defendant used	firearm out of
				firearm and firearm	record of conviction
				meets federal	
				definition	
18.2-59	Yes	Yes, under (H);			
Extorting money by		Possibly under (F)			
threats		if sentence			
		imposed is at least			
		one year			
18.2-60	Probably	Probably, under			Keep sentence
Felony threats		(F) if sentence			under one year;
		imposed is at least			Plead to
		one year			misdemeanor
18.2-60	Probably not	Probably, under			Keep sentence
Misdemeanor threats		(F) if sentence			under one year
		imposed is at least			
		one year			
18.2-60.3	Probably	Probably, under		Yes, stalking	Keep sentence
Stalking		(F) if sentence		offense	under one year
		imposed is at least			
		one year			

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
		felony	controlled substance	consequences	and practice tips
18.2-60.4	No	No		Yes, violation of	
Violation of protective				restraining order if	
order				defendant violates	
				portion that protects	
				victim against	
				threats of	
				harassment,	
				violence, or injury	
16.1-253.2	No	No		Yes, violation of	
Misdemeanor				restraining order if	
violation of provisions				defendant violates	
of protective orders				portion that protects	
				victim against	
				threats of	
				harassment,	
				violence, or injury	
16.1-253.2	Yes, if causation	Probably, under		Yes, violation of	Keep sentence
Felony violation of	of injury; Yes, if	(F) if sentence		restraining order if	under one year;
provisions of	record of	imposed is at least		defendant violates	Plead to
protective orders	conviction shows	one year		portion that protects	misdemeanor
	breaking and			victim against	
	entering home			threats of	
	with intent to			harassment,	
	commit CIMT			violence, or injury;	
				Yes, domestic	
				violence offense if	
				immigration court	
				finds crime of	
				violence	

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
		felony	controlled substance	consequences	and practice tips
18.2-61	Yes	Yes, under (A);			
Rape		Yes, under (F) if			
		sentence imposed			
		is at least one year			
18.2-63	Yes	Yes, under (A);			
Carnal knowledge		Yes, under (F) if			
		sentence imposed			
		is at least one year			
18.2-67.1	Yes	Yes, under (A);		Yes, child abuse	
Forcible sodomy		Yes, under (F) if		offense	
against child		sentence imposed			
		is at least one year			
18.2-67.1	Yes	Yes, under (F) if			Keep sentence
Forcible sodomy		sentence imposed			under one year
against adult		is at least one year			-
18.2-67.2	Yes	Yes, under (A);		Yes, child abuse	
Object sexual		Yes, under (F) if		offense	
penetration against		sentence imposed			
child		is at least one year			
18.267.2	Yes	Yes, under (F) if			Keep sentence
Object sexual		sentence imposed			under one year
penetration against		is at least one year			
adult					
18.2-67.3	Yes	Yes, under (A);		Yes, child abuse	
Aggravated sexual		Yes, under (F) if		offense	
battery against child		sentence imposed			
		is at least one year			

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-67.3	Yes	Yes, under (F) if			Keep sentence
Aggravated sexual		sentence imposed			under one year
battery against adult		is at least one year			J
18.2-67.4	Yes	Yes, under (A);		Yes, child abuse	
Sexual battery against		Yes, under (F) if		offense	
child		sentence imposed			
		is at least one year			
18.2-67.4	Yes	Probably not if			Plead to sexual
Sexual battery against		sexual abuse			abuse by ruse; Keep
adult		committed by			sentence under one
		ruse; other			year because this
		offenses yes under			offense will be
		(F) if sentence			charged as
		imposed is at least			aggravated felony
		one year			crime of violence
18.2-67.5	Yes	Yes			
Attempted rape, etc.					
CRIMES INVOLVING	J FIREARMS				
18.2-53	Yes	Yes, under (F) if		Yes, firearms	Keep sentence
Shooting, etc., in		sentence imposed		offense if record of	under one year;
attempt or commission		is at least one		conviction shows	Keep reference to
of a felony		year; Yes, under		defendant shot	firearm out of
		(E) if record of		firearm and firearm	record of conviction
		conviction shows		meets federal	
		defendant shot		definition	
		firearm			

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-53.1	Yes	Yes, under (F) if	controlled substance	Yes, firearms	Keep sentence
Use of firearm in	105	sentence imposed		offense	under one year;
commission of felony		is at least one		Ulterise	Keep reference to
commission of reforty		year; Yes, under			defendant shooting
		(E) if record of			firearm out of
		conviction shows			record of conviction
		defendant shot			
		firearm			
18.2-53.1	Probably	Yes, under (F) if		Yes, firearms	Keep sentence
Display of firearm in		sentence imposed		offense	under one year
commission of felony		is at least one year			
18.2-56.1	No	No		Yes, firearms	
Reckless handling of				offense if firearm if	
firearm				firearm meets	
				federal definition	
18.2-56.2(A)	No	No		Probably firearms	
Recklessly leaving				offense if firearm	
unsecured firearms				meets federal	
around juveniles				definition	
18.2-56.2(B)	Probably	No		Probably firearms	Plead to 18.2-
Knowingly				offense if firearm	56.2(A)
authorizing child to				meets federal	
use firearm				definition	
18.2-154	Yes	Probably, under		Yes, firearms	
Malicious shooting at		(E); Yes, under		offense if firearm	
or throwing missiles,		(F) if sentence is		meets federal	
etc., at train, car,		at least one year		definition	
vessel					

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-154	Probably not	Probably, under	controned substance	Yes, firearms	and practice ups
Unlawful shooting at	1 loodoly not	(E)		offense if firearm	
or throwing missiles,				meets federal	
etc., at train, car,				definition	
vessel				definition	
18.2-279	Probably	Probably, under		Yes, firearms	
Maliciously or		(E); Yes, under		offense if firearm	
willfully discharging		(F) if sentence		meets federal	
firearms or missiles		imposed is at least		definition	
within or at building or		one year			
dwelling house					
18.2-279	Probably not	Probably, under		Yes, firearms	
Unlawfully		(E); Yes, under		offense if firearm	
discharging firearms		(F) if sentence		meets federal	
or missiles within or at		imposed is at least		definition	
building or dwelling		one year			
house					
18.2-280	Probably	Probably, under		Yes, firearms	
Willfully discharging		(E); Probably,		offense if firearm	
firearms in public		under (F) if		meets federal	
places		sentence imposed		definition	
		is at least one year			
18.2-282	Probably not	Probably, under		Yes, firearms	Keep sentence
Pointing, holding or		(F) if sentence		offense if firearm	under one year
brandishing firearm		imposed is at least		meets federal	
		one year		definition	

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-286	Probably not	Probably not	controned substance	Yes, firearms	Plead to non-
Shooting in or across	Trobably not	1 lobdoly liot		offense if firearm	firearm weapon
road or street				meets federal	meann weapon
				definition	
18.2-286.1	Yes	Probably, under		Yes, firearms	
Shooting from vehicle		(E); Yes, under		offense	
so as to endanger		(F) if sentence			
persons		imposed is at least			
		one year			
18.2-287.4	Probably not	No		Yes, firearms	
Carrying loaded				offense	
firearm in public areas					
18.2-300	No	No		Yes, firearms	
Possession of sawed-				offense	
off shotgun for any					
purpose					
18.2-300	Probably	Yes, under (F) for		Yes, firearms	Plead to possession
Possession of sawed-		underlying crime		offense	for any purpose
off shotgun in crime of		of violence if			
violence		sentence imposed			
		is at least one year			
18.2-300	Yes	Probably, under		Yes, firearms	Plead to possession
Use of sawed-off		(E); Probably,		offense	for any purpose
shotgun		under (F) if			
		sentence imposed			
		is at least one year			

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-308	Probably not	No		Yes, firearms	Plead to non-
Carrying concealed				offense if firearm	firearm weapon
weapon				meets federal	
				definition	
18.2-308.2:01	Probably not	Yes, under (E)		Yes, firearms	Plead to 18.2-308
Possession or				offense	
transportation of					
certain firearms by					
certain persons 18.2-308.2:1	No	No		Yes, firearms	
Sale, etc., of firearms	INO	INO		offense if firearm	
to certain persons				meets federal	
to certain persons				definition	
CRIMES AGAINST P	ROPERTY				
18.2-77	Yes	Yes, under (F) if			Keep sentence
Arson		sentence imposed			under one year
		is at least one year			
18.2-89	Yes, if record of	Yes, under (F) if		Yes, firearms	Keep sentence
Burglary	conviction shows	sentence imposed		offense if defendant	under one year;
	burglary with	is at least one year		armed with firearm	Keep intent to
	intent to commit			described in federal	commit CIMT (i.e.
	CIMT			definition	larceny) and firearm
					out of record of
					conviction

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
		felony	controlled substance	consequences	and practice tips
18.2-90	Yes	Yes, under (F) if		Yes, firearms	Keep sentence
Breaking and entering		sentence imposed		offense if defendant	under one year;
with intent to commit		is at least one year		armed with firearm	Keep intent to
murder, rape, robbery,				described in federal	commit CIMT (i.e.
or arson				definition	larceny) and firearm
					out of record of
					conviction
18.2-91	Yes, if record of	Yes, under (F) if		Yes, firearms	Keep sentence
Statutory burglary	conviction shows	sentence imposed		offense if defendant	under one year;
	burglary with	is at least one year		armed with firearm	Keep intent to
	intent to commit			described in federal	commit CIMT (i.e.
	CIMT			definition	larceny) and firearm
					out of record of
					conviction
18.2-92	Yes, if record of	Yes, under (F) if		Yes, firearms	Keep sentence
Breaking and entering	conviction shows	sentence imposed		offense if defendant	under one year;
dwelling house with	burglary with	is at least one year		armed with firearm	Keep intent to
intent to commit other	intent to commit			described in federal	commit CIMT (i.e.
misdemeanor	CIMT			definition	larceny) and firearm
					out of record of
					conviction
18.2-94	Possibly, if	Possibly, under			Keep sentence
Possession of burglary	record of	(G) and (U) if			under one
tools	conviction shows	sentence is at least			year
	possession with	one year			
	intent to use in				
	CIMT burglary				

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
		felony	controlled substance	consequences	and practice tips
18.2-95	Yes	Yes, under (G) if			Keep sentence
Grand larceny		sentence imposed			under one year
		is at least one year			
18.2-96	Yes	Yes, under (G) if			Keep sentence
Petty larceny		sentence imposed			under one year
		is at least one year			
18.2-96.1	Possibly	Possibly, under			Keep sentence
Identification of		(G) and (U) if			under one year
certain personalty		sentence imposed			
		is at least one year			
18.2-98	Yes	Yes, under (G) if			Keep sentence
Larceny of bank notes,		sentence imposed			under one year
checks, etc.		is at least one year			
18.2-102	No	Yes, under (G) or			Keep sentence
Unauthorized use of		(F) if sentence			under one year
animal, aircraft,		imposed is at least			
vehicle, or boat		one year			
18.2-103	Yes	Yes, under (G) if			Keep sentence
Concealing or taking		sentence imposed			under one year
possession of stolen		is at least one year			
merchandise					
18.2-103	Yes	Probably not			This offense will
Altering price tags or					likely be charged as
switching containers					a an aggravated
					felony theft offense,
					so keep sentence
					under one year

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-105.2	Probably	Possibly, under		consequences	Keep sentence
Manufacture or sale of	Tiobably	(G) and (U) if			under one year
devices to shield		sentence imposed			under one year
against electronic		is at least one year			
detection of		is at least one year			
shoplifting					
18.2-107	Yes	Vac. under (C) if			Voor contonco
	res	Yes, under (G), if			Keep sentence
Theft of public records		sentence imposed			under one year
by others than officers	V	is at least one year			V
18.2-107	Yes	Yes, under (M), if			Keep loss to victim
Fraudulently secrete or		loss to victim			under \$10,000
destroy public record	*7	exceeds \$10,000			
18.2-108	Yes	Yes, under (G) if			Keep sentence
Receiving stolen		sentence imposed			under one year
goods		is at least one year			
18.2-108.1	Yes	Yes, under (E);		Yes, firearms	
Receipt of stolen		Yes, under (G) if		offense if firearm	
firearm		sentence imposed		meets federal	
		is at least one year		definition	
18.2-108.01	Yes	Yes, under (G) if			Keep sentence
Larceny with intent to		sentence imposed			under one year
sell or distribute		is at least one year			
18.2-108.01	Possibly not	Yes, under (G) if			Keep sentence
Larceny with intent to	-	sentence imposed			under one year
sell or distribute		is at least one year			
property that					
defendant should have					
known was stolen					

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-109	Yes	Yes, under (G) if	controned substance	consequences	Keep sentence
Receipt or transfer of		sentence imposed			under one year
possession of stolen		is at least one year			5
vehicle, aircraft, boat					
18.2-109	Possibly not	Yes, under (G) if			Keep sentence
Receipt or transfer of		sentence imposed			under one year
possession of stolen		is at least one year			
vehicle, aircraft, boat					
which defendant					
should have known					
was stolen					
18.2-111	Yes	Yes, under (G) if			Keep sentence
Embezzlement		sentence imposed			under one year;
		is at least one			Keep loss to victim
		year; Yes, under			under \$10,000
		(M) if loss to			
		victim exceeds			
		\$10,000			
18.2-119	Possibly, if	No			Keep intent to
Trespass after having	record of				commit CIMT (i.e.
been forbidden to do	conviction shows				larceny) out of
SO	that defendant				record of conviction
	trespassed with				
	intent to commit				
	CIMT				

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
		felony	controlled substance	consequences	and practice tips
18.2-121	Probably, if	Probably, under			Keep record of
Entering property of	record of	(G) if record of			conviction clear of
another for purposes	conviction shows	conviction shows			unlawful entry;
of damaging it	that defendant	defendant			Keep sentence
	entered property	unlawfully			under one year
	of another with	entered structure			
	intent to commit	and sentence			
	CIMT (i.e.	imposed is at least			
	intentional	one year			
	destruction of				
	property)				
18.2-134	Probably not	No			Keep intent to
Trespass on posted					commit CIMT (i.e.
property					larceny) out of
					record of conviction
18.2-137(A)	No	No			
Unlawful destruction					
of property					
18.2-137(B)	Probably	Probably not			Plead to
Misdemeanor					misdemeanor
intentional destruction					unlawful destruction
of property					of property
18.2-137(B)	Probably	Probably, under			Plead to
Intentional destruction		(F) if sentence			misdemeanor
of property		imposed is at least			unlawful destruction
		one year			of property; Keep
					sentence under one
					year

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-138 Misdemeanor	Yes	Probably not			
damaging public					
buildings or book, etc.;					
Felony damaging					
books, etc.	N7	D 1 1 1 1			DI 1.4
18.2-138 Felony damaging	Yes	Probably, under (F) if sentence			Plead to misdemeanor; Keep
public buildings		imposed is at least			sentence under one
paone canangs		one year			year
18.2-146	Probably	Probably not			
Tampering with					
vehicle					
18.2-147	Yes, if record of	No			Keep any reference
Entering or setting a	conviction shows				to intent to commit
vehicle in motion	that defendant				CIMT out of record
	entered vehicle with intent to				of conviction
	commit CIMT				
	(i.e. intentional				
	destruction of				
	property)				

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
		felony	controlled substance	consequences	and practice tips
18.2-147.1	Yes, if record of	Probably, under		Yes, firearms	Keep sentence
Breaking and entering	conviction shows	(G) if sentence		offense if record of	under one year;
railroad cars, etc.	that defendant	imposed is at least		conviction shows	Keep any reference
	entered vehicle	one year		defendant used	to intent to commit
	with intent to			firearm and firearm	CIMT and firearm
	commit CIMT			meets federal	out of record of
	(i.e. intentional			definition	conviction
	destruction of				
	property)				
18.2-152	Yes	Probably not			
Misdemeanor stealing					
from or tampering					
with parking meter,					
etc.					
18.2-152	Yes	Probably, under			Keep sentence
Felony stealing from		(F) if sentence			under one year;
or tampering with		imposed is at least			Plead to
parking meter, etc.		one year			misdemeanor
18.2-152.3	Yes	Yes, under (G) if			Keep sentence
Computer Fraud		sentence imposed			under one year;
		is at least one			Keep loss to victim
		year; Yes, under			under \$10,000
		(M) if loss to			
		victim exceeds			
		\$10,000			

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
		felony	controlled substance	consequences	and practice tips
18.2-152.6	Yes	Probably, under			Keep sentence
Theft of computer		(G) if sentence			under one year;
services		imposed is at least			Keep loss to victim
		one year;			under \$10,000
		Probably, under			
		(M) if loss to			
		victim exceeds			
		\$10,000			
CRIMES INVOLVING	FRAUD				
18.2-168	Yes	Yes, under (R) if			Keep sentence
Forging public records		sentence imposed			under one year;
		is at least one			Keep loss to victim
		year; Yes, under			under \$10,000
		(M) if loss to			
		victim exceeds			
		\$10,000			
18.2-171	Yes	Yes, under (R) if			Keep sentence
Making or having		sentence imposed			under one year;
anything designed for		is at least one			Keep loss to victim
forging any writing		year; Probably,			under \$10,000
		under (M) and (U)			
		if loss to to victim			
		exceeds \$10,000			

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
		felony	controlled substance	consequences	and practice tips
18.2-172	Yes	Yes, under (R) if			Keep sentence
Forging, uttering, etc.		sentence imposed			under one year;
other writings		is at least one			Keep loss to victim
		year; Yes, under			under \$10,000
		(M) if loss to			
		victim exceeds			
		\$10,000			
18.2-173	Yes	Yes, under (R) if			Keep sentence
Having in possession		sentence imposed			under one year;
forged coin or bank		is at least one			Keep loss to victim
notes		year; Probably,			under \$10,000
		under (M) and (U)			
		if loss to victim			
		exceeds \$10,000			
18.2-178	Yes	Yes, under (M) if			Keep loss to victim
Obtaining money by		loss to victim			under \$10,000;
false pretense		exceeds \$10,000			Keep sentence
					under one year
					because offense will
					probably be charged
					as aggravated
					felony theft offense
18.2-178	Yes	Yes, under (M) if			Keep loss to victim
Obtaining signature by		loss to victim			under \$10,000;
false pretense		exceeds \$10,000;			Keep sentence
		Yes, under (R) if			under one year
		sentence imposed			
		is at least one year			

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration	Alternate pleas
10 0 101, 10 0 101 1	Vac	Ÿ	controlleu substallee	consequences	and practice tips
18.2-181; 18.2-181.1	Yes	Yes, under (M)			Keep loss to victim
Issuing bad checks,		and (U) if loss to			under \$10,000;
larceny		victim exceeds			Keep sentence
		\$10,000			under one year
					because offense will
					probably be charged
					as aggravated
					felony theft offense
18.2-186.2	Yes	Yes, under (M)			Keep loss to victim
False statements or		and (U) if loss to			under \$10,000
failure to disclose		victim exceeds			
material facts in order		\$10,000			
to obtain housing					
benefits					
63.2-522	Yes	Yes, under (M) if			Keep loss to victim
False statements to		loss to victim			under \$10,000
obtain public		exceeds \$10,000			
assistance					
63.2-523	Yes	Yes, under (M) if			Keep loss to victim
Unauthorized use of		loss to victim			under \$10,000
food stamps, benefit		exceeds \$10,000			
transfer cards, etc.					
18.2-186.3(A)(1);	Yes	Yes, under (M) if			Keep loss to victim
(B)(1)		loss to victim			under \$10,000;
Identity theft		exceeds \$10,000;			Keep sentence
-		Probably, under			under one year
		(G) if sentence			-
		imposed is at least			
		one year			

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
		felony	controlled substance	consequences	and practice tips
18.2-186.3	Yes	Yes, under (M) if			Keep loss to victim
(A)(2);(A)(3);(A)(4);		loss to victim			under \$10,000;
(B)(2); (B)(3)		exceeds \$10,000;			Keep sentence
Identity theft		Probably not,			under one year
		under (G) if			because offense will
		sentence imposed			likely be charged as
		is at least one year			aggravated felony
					theft offense
18.2-192	Yes	Yes, under (G) if			Keep sentence
Credit card theft		sentence imposed			under one year
		is at least one year			
18.2-193	Yes	Yes, under (R) if			Keep sentence
Credit card forgery		sentence imposed			under one year;
		is at least one			Keep loss to victim
		year; Yes, under			under \$10,000
		(M) if loss to			
		victim exceeds			
		\$10,000			
18.2-195(1)(a)	Yes	Yes, under (M) if			Keep sentence
Credit card fraud		loss to victim			under one year;
		exceeds \$10,000;			Keep loss to victim
		Probably, under			under \$10,000
		(G) if sentence			
		imposed is at least			
		one year			
18.2-195(1)(b); (1)(c);	Yes	Yes, under (M) if			Keep loss to victim
2(c)		loss to victim			under \$10,000
Credit card fraud		exceeds \$10,000			

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
		felony	controlled substance	consequences	and practice tips
18.2-195(1)(d)	Yes	Yes, under (M) if			Keep loss to victim
Credit card fraud		loss to victim			under \$10,000;
		exceeds \$10,000;			Keep sentence
		Probably not,			under one year
		under (G) if			because offense
		sentence imposed			may be charged as
		is at least one year			aggravated felony
					theft offense
18.2-195(2)(a); (2)(b)	Yes	Yes, under (M) if			Keep loss to victim
Credit card fraud		loss to victim			under \$10,000;
		exceeds \$10,000;			Keep sentence
		Possibly, under			under one year
		(G) and (U) if			
		sentence imposed			
		is at least one year			
18.2-197	Yes	Yes, under (G) if			Keep sentence
Criminally receiving		sentence imposed			under one year;
goods and services		is at least one			Keep loss to victim
fraudulently obtained		year; Yes, under			under \$10,000
		(M) if loss to			
		victim exceeds			
		\$10,000			
18.2-204.1	Yes	Probably under		Yes, firearms	Keep loss to victim
Fraudulent use of birth		(M) if loss to		offense if	under \$10,000;
certificates, drivers'		victim exceeds		conviction under	Keep firearms out
licenses		\$10,000		(C) and firearm	of record of
				meets federal	conviction
				definition	

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
		felony	controlled substance	consequences	and practice tips
18.2-204.2(A)	Yes	Yes, under (P) if			Keep type of
Manufacture, sale, etc.		document is			document out of
of fictitious		immigration			record of
identification		document or			conviction; Keep
		passport, sentence			sentence under one
		imposed is at least			year
		one year, and not			
		first-time offense			
		for purpose of			
		aiding spouse,			
		child or parent			
18.2-204.2(C)	Yes, if record of	Yes, under (P) if			Keep type of
Possession of fictitious	conviction shows	document is			document out of
identification	possession with	immigration			record of
	intent to use	document or			conviction; Keep
		passport, sentence			sentence under one
		imposed is at least			year
		one year, and not			
		first-time offense			
		for purpose of			
		aiding spouse,			
		child or parent			

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-206	Yes	Yes, under (M) if			Keep loss to victim
Procuring animal,		loss to victim			under \$10,000;
aircraft, vehicle or		exceeds \$10,000			Keep sentence
boat with intent to					under one year
defraud					because offense will
					probably be charged
					as aggravated
					felony theft offense
CRIMES INVOLVING		SUBSTANCES	1		
18.2-248.1(a)(1); (b)	Probably	Probably not,	Yes		Keep reference to
Gift or distribution or		under (B) if			remuneration out of
possession with intent		record of			record of conviction
to give, distribute less		conviction does			
than ¹ / ₂ oz. marijuana		not show			
or of small amount as		remuneration			
accommodation only					
18.2-248.1(a)(2);	Probably	Yes, under (B)	Yes		Plead to 18.2-
(a)(3); (c)					248.1(a)(1) or
Sale, gift, distribution,					accommodation
or possession with					only section and
intent to sell, give or					keep reference to
distribute controlled					remuneration out of
substance					record of conviction

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration	Alternate pleas and practice tips
19.2.249.1(1)		v		consequences	· · · · ·
18.2-248.1(d)	Probably	Probably not,	Yes		If previous
Subsequent offense for		under (B) if			conviction is not
above-mentioned acts		previous			aggravated felony,
		conviction not			keep records of
		aggravated felony			previous conviction
		and subsequent			out of record of
		conviction record			conviction
		does not contain			
		previous record			
18.2-248.01	Yes	Yes, under (B)	Yes		
Transporting					
controlled substances					
into Commonwealth					
18.2-248.5	Yes	Yes, under (B)	Yes		
Manufacture, sell,					
give, distribute, or					
possess with intent to					
distribute illegal					
stimulants and steroids					
18.2-250	Probably	No	Yes		Plead to 18.2-250.1
Simple possession of a					for 30 grams or less
controlled substance					of marijuana
18.2-250.1	Yes	No	No, if possession of		Plead to possession
Possession of			30 grams or less of		of 30 grams or less
marijuana (first			marijuana		of marijuana or
offense)					keep amount of
					marijuana out of
					record of conviction

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-250.1	Yes	Probably not,	Yes	•	Keep previous
Second offense for		under (B) if			record for simple
simple possession		conviction record			possession out of
		from first offense			record of conviction
		is not part of			
		record of			
		conviction			
18.2-251.2	Probably	Yes, under (B)	Yes		
Possession or					
distribution of					
flunitrazepam					
18.2-251.4	Probably	Probably not	Probably		
Defeating drug					
screening tests 18.2-251.4	Duchahly	Duchably not	No		
	Probably	Probably not	NO		
Defeating alcohol screening tests					
18.2-255(A)(i); (A)(ii)	Probably	Yes, under (B)	Yes		
Distribution of certain	Tiobably	i cs, under (D)	105		
drugs to minors or					
causing minors to					
assist in distribution					

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
		felony	controlled substance	consequences	and practice tips
18.2-255(B)(i); (B)(ii)	Probably	Probably, under	Probably		Keep record clean if
Distribution of		(M) if loss to			imitation drug is
imitation drugs to		victim exceeds			actually a federal
minors or causing		\$10,000; Probably			controlled
minors to assist in		not, under (B) if			substance; Keep
distribution		actual substance is			loss to victim under
		not controlled			\$10,000
		substance			,
18.2-255.1	Probably	Yes, under (B)	Probably		
Distribution, sale or	•				
advertisement of					
paraphernalia to minor					
18.2-255.2	Probably	Yes, under (B) if	Yes		Keep record clean
Sale of drugs near		sold near			of where drugs were
certain properties		properties			sold
		described in			
		federal offense			
18.2-255.2	Probably	Probably not,	Probably		Keep record clean if
Sale of imitation drugs		under (B) if actual			imitation drug is
near certain properties		substance is not			actually a federal
		controlled			controlled substance
		substance			
18.2-258	Probably	Probably, under	Probably		
Keeping drug house	-	(B)			

Offense	CIMT	Aggravated	Crime relating to a controlled substance	Other immigration	Alternate pleas
10.0.059.1		felony		consequences	and practice tips
18.2-258.1	Yes	Yes, under (B);	Yes		
Obtaining drugs by		Yes, under (M) if			
fraud, deceit, or		loss to victim			
forgery		exceeds \$10,000;			
		Yes, under (R) if			
		forgery sections			
		and sentence			
		imposed is at least			
		one year			
54.1-3466	Probably	No	Yes		
Possession of					
controlled					
paraphernalia					
54.1-3466	Probably	No, under (B) if	Yes		Keep reference to
Distribution of		record of			remuneration out of
controlled		conviction does			record of conviction
paraphernalia		not show			
		remuneration			
18.2-265.3(A); (B)	Probably	Yes	Yes		Plead to 18.2-
Sale or possession	•				265.3(C) and keep
with intent to sell drug					reference to
paraphernalia; Sale of					remuneration out of
drug paraphernalia to					record of conviction
minors					
18.2-265.3(C)	Probably	No, under (B) if	Yes		Keep reference to
Distribution of	•	record of			remuneration out of
paraphernalia to		conviction does			record of conviction
minors		not show			
		remuneration			

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-265.5	Probably	Probably, under	Probably		
Advertisement of drug		(B) and (U)			
paraphernalia					
DRIVING OFFENSES					
18.2-51.4	Yes	No	Yes, if record of		Keep reference to
Maiming as a result of			conviction shows		driving under the
DUI			driving under the		influence of a
			influence of a		controlled substance
			controlled substance		out of record of
					conviction
18.2-266	No	No	Yes, if record of		Keep reference to
Simple DUI			conviction shows		driving under the
			driving under the		influence of a
			influence of a		controlled substance
			controlled substance		out of record of
					conviction
46.2-341.24	No	No	Yes, if record of		Keep reference to
DUI commercial			conviction shows		driving under the
vehicle			driving under the		influence of a
			influence of a		controlled substance
			controlled substance		out of record of
					conviction
18.2-268.3	No	No	No		
Refusal to take test					
when previously					
convicted of DUI					

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-270 Subsequent offense DUI	No	No	Yes, if record of conviction shows driving under the influence of a controlled substance		Keep reference to driving under the influence of a controlled substance out of record of conviction
18.2-272 Driving after forfeiture of license	No	No	Yes, if record of conviction shows driving under the influence of a controlled substance		Keep reference to driving under the influence of a controlled substance out of record of conviction
46.2-300 Driving without license	No	No	No		
18.2-323.1 Drinking while driving; possession of open container while driving	No	No	No		
46.2-357(B)(1); (B)(2) Driving while habitual offender; Driving while habitual offender and driving endangers life, limb, or property	No	No	Possibly, if underlying offense involved driving under the influence of a controlled substance		Keep reference to driving under the influence of a controlled substance out of record of conviction

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
46.2-357(B)(2)	Yes	No	Yes, if record of	consequences	Keep reference to
Committing certain	105	110	conviction shows		driving under the
DUI while habitual			driving under the		influence of a
offender			influence of a		controlled substance
orrender			controlled substance		out of record of
					conviction
46.2-852	No	No	No		
Reckless driving					
46.2-853	No	No	No		
Driving vehicle that is					
not under control					
46.2-894	No	No	No		
Failure to report an					
accident after property					
damage					
46.2-894	Probably	No	No		Plead to failure to
Failure to report an					report after property
accident after bodily					damage
injury					
46.2-895	No	No	No		
Passenger failure to					
report an accident after					
property damage		N	N		
46.2-895	Possibly	No	No		Plead to failure to
Passenger failure to					report after property
report an accident after					damage
bodily injury					

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
CRIMES INVOLVING	J MORALS AND I	DECENCY/CRIME	S AGAINST PUBLIC (
18.2-346	Yes	Probably under		Yes, inadmissible	
Being a prostitute or		(A) if facts show		for engaging in	
prostitution		minor was		prostitution within	
		involved in		10 years of	
		prostitution		admission	
18.2-370	Yes	Yes, under (A)		Yes, child abuse	
Indecent liberties				offense	
18.2-370.1	Yes	Yes, under (A)		Yes, child abuse	
Indecent liberties by				offense	
person in custodial or					
supervisory					
relationship					
18.2-371(i)	No	No		Possibly offense	
Contributing to the				relating to child	
delinquency of a				abuse,	
minor by rendering				abandonment, or	
child in need of				neglect	
supervision					

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-371(i) Contributing to the delinquency of a minor by rendering child delinquent	Probably not, unless act committed by child is CIMT	Possibly, under (F) if delinquent act by child is crime of violence and sentence imposed is at least one year; Probably, under (A) if delinquent act by child is sexual act		Possibly offense relating to child abuse, abandonment, or neglect	Keep reference to child's commission of CIMT or crime of violence out of record of conviction
18.2-371(i) Contributing to the delinquency of a minor by rendering child abused or neglected by omission that causes injury	Yes	No		Yes, offense relating to child abuse, abandonment, or neglect	Plead to 18.2- 371(i), contributing by rendering a child in need of supervision
18.2-371(i) Contributing to the delinquency of a minor by rendering child abused or neglected by infliction of injury	Yes	Yes, under (F) if inflicts or threatens to inflict physical (not mental) injury and sentence imposed is at least one year		Yes, offense relating to child abuse, abandonment, or neglect	Plead to 18.2- 371(i), contributing by rendering a child in need of supervision

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
		felony	controlled substance	consequences	and practice tips
18.2-371(i)	Probably	No		Yes, offense	Plead to 18.2-
Contributing to the				relating to child	371(i), contributing
delinquency of a				abuse,	by rendering a child
minor by failing to				abandonment, or	in need of
provide necessary care				neglect	supervision
18.2-371(i)	Probably	No		Yes, offense	Plead to 18.2-
Contributing to the				relating to child	371(i), contributing
delinquency of a				abuse,	by rendering a child
minor by abandoning				abandonment, or	in need of
such child				neglect	supervision
18.2-371(i)	Yes	Yes, under (A)		Yes, offense	Plead to 18.2-
Contributing to the				relating to child	371(i), contributing
delinquency of a				abuse,	by rendering a child
minor by allowing				abandonment, or	in need of
sexual act to be				neglect	supervision
committed on child					
18.2-371(i)	Probably not	No		Yes, offense	
Contributing to the				relating to child	
delinquency of a				abuse,	
minor by rendering				abandonment, or	
child abused or				neglect	
neglected by					
unreasonable absence					

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-371(i) Contributing to the delinquency of a minor by knowingly leaving the child with an unrelated person whom the parent knows is a convicted sex offender	Probably not	No		Possibly offense relating to child abuse, abandonment, or neglect	
18.2-371(i) Contributing to the delinquency of a minor by rendering child in need of services	Probably	No		Yes, offense relating to child abuse, abandonment, or neglect	Plead to 18.2- 371(i), contributing by rendering a child in need of supervision
18.2-371(ii) Engaging in consensual sexual intercourse with a child	Yes	Yes, under (A)		Yes, offense relating to child abuse, abandonment, or neglect	Plead to 18.2- 371(i), contributing by rendering a child in need of supervision
18.2-371.1(A) Abuse or neglect of children by willful ommission that causes injury	Yes	No		Yes, offense relating to child abuse, abandonment, or neglect	Plead to 18.2- 371(i), contributing by rendering a child in need of supervision or plead to 18.2-371.1(B)

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-371.1(A)	Yes	Probably, under	controlled substance	Yes, offense	Plead to 18.2-
Abuse or neglect of	105	(F) if sentence		relating to child	371(i), contributing
children by willful act		imposed is at least		abuse,	by rendering a child
that causes injury		one year		abandonment, or	in need of
that causes injury		one year		neglect	supervision or plead
				negicet	to 18.2-371.1(B);
					Keep sentence
					under one year
18.2-371.1(B)	No	No		Yes, offense	Plead to 18.2-
Abuse or neglect of	110	110		relating to child	371(i), contributing
children by reckless				abuse,	by rendering a child
act that does not cause				abandonment, or	in need of
injury				neglect	supervision
18.2-374	Probably not	Possibly under (I)			I
Production,	2	if facts shows			
publication, sale,		child pornography			
possession, etc. of					
obscene items					
18.2-374.1	Probably	Yes, under (I)			
Production,					
publication, sale,					
possession with intent					
to distribute,					
financing, etc. of child					
pornography					
18.2-374.1:1(A)	Probably	Yes, under (I)			
Possession of child					
pornography					

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-387	Probably	Probably, under			
Indecent exposure		(A) if indecent			
		exposure to a			
		minor			
18.2-288	No	No			
Profane swearing and					
public intoxication					
18.2-405	Probably not	Probably, under		Yes, firearms	Keep sentence
Rioting		(F) if sentence		offense if record of	under one year;
		imposed is at least		conviction shows	Keep reference to
		one year		firearm and firearm	firearm out of
				meets federal	record of conviction
				definition	
18.2-406	Probably not	No		Yes, firearms	Keep reference to
Unlawful assembly				offense if record of	firearm out of
				conviction shows	record of conviction
				firearm and firearm	
				meets federal	
				definition	
18.2-415	No	No			
Disorderly conduct					
18.2-416	No	No			
Abusive language					

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-427	Probably not	No			
Use of profane,					
threatening or indecent					
language over airways					
CRIMES AGAINST T	HE ADMINISTRA	TION OF JUSTIC	E		
18.2-434	Yes	Yes, under (S) if			Keep sentence
Perjury		sentence imposed			under one year;
		it at least one			Keep loss to victim
		year; Yes, under			under \$10,000
		(M) if loss to			
		victim exceeds			
		\$10,000			
18.2-438	Yes	Yes, under (S) if			Keep sentence
Bribes to officers or		sentence imposed			under one year
candidates for office		is at least one year			
18.2-460(A)	Probably not	Possibly, under			Keep sentence
Obstruction of justice		(S) if offense			under one year;
without force or		meets federal			Keep record of
threats		definition and			conviction clean of
		sentence imposed			type of offense
		is at least one year			

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
		felony	controlled substance	consequences	and practice tips
18.2-460(B)	Probably	Probably, under			Keep sentence
Obstruction of justice		(F) if sentence			under one year;
through threats or		imposed is at least			Keep record of
force		one year;			conviction clean of
		Possibly, under			type of offense
		(S) if offense			
		meets federal			
		definition and			
		sentence imposed			
		is at least one year			
18.2-460(C)	Probably	Probably, under			Keep sentence
Obstruction of justice		(F) if sentence			under one year;
through threats of		imposed is at least			Keep record of
bodily harm or force		one year;			conviction clean of
		Possibly, under			type of offense
		(S) if offense			
		meets federal			
		definition and			
		sentence imposed			
		is at least one year			
18.2-460(D)	Yes	Probably, under			Keep sentence
Obstruction of justice		(S) if sentence			under one year;
through false		imposed is at least			Keep loss to victim
statements		one year; Yes,			under \$10,000
		under (M) if loss			
		to victim exceeds			
		\$10,000			

Offense	CIMT	Aggravated	Crime relating to a	Other immigration	Alternate pleas
		felony	controlled substance	consequences	and practice tips
18.2-478	Yes	Yes, under (F) if			Keep sentence
Escape from jail or		sentence imposed			under one year;
custody by force or		is at least one			Plead to 18.2-479
violence without		year; Probably,			
setting fire to jail		under (S) if			
		sentence imposed			
		is at least one year			
18.2-479	Probably	Probably not			
Escape from jail or					
custody without force					
or violence or fire					
18.2-479.1(A)	Probably not	Probably not			
Resisting lawful arrest					
by intentionally					
preventing officer					
from arresting					
18.2-479.1(B)	Probably	Probably not			Plead to 18.2-
Resisting lawful arrest					479.1(A)
by intentionally					
fleeing from officer					
18.2-817	Probably	Probably not			Plead to 18.2-
Disregarding signal by					479.1(A)
law enforcement					
officer to stop					
4.1-322	No	No			
Possession/drinking					
alcoholic by					
interdicted persons					