



SEALING OF CRIMINAL RECORDS UPDATE

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SEALING BEGINS IN VIRGINIA ON JULY 1, 2026

On July 1, 2026, a series of statutes will take effect in Virginia authorizing the automatic and petition sealing of numerous offenses.⁴⁰⁷

Processes will begin to automatically seal the following types of offenses:

- Misdemeanor convictions (petit larceny, shoplifting, trespassing, instigating trespass, trespass on posted property, distribution of marijuana, and disorderly conduct);⁴⁰⁸
- Possession of marijuana offenses (criminal and civil);⁴⁰⁹
- Misdemeanor non-convictions at case conclusion (acquittal and dismissal with prejudice);⁴¹⁰
- Felony non-convictions at case conclusion (upon verbal request by the defendant and concurrence of the Commonwealth's Attorney) (acquittal and dismissal with prejudice);⁴¹¹
- Previously concluded misdemeanor non-convictions (acquittal, nolle prosequi, and dismissal, excluding deferred dismissal);⁴¹² and,
- Traffic infractions.⁴¹³

In addition, the following two petition processes will become available to seal certain offenses:

- Petition sealing of misdemeanor and felony convictions, deferred dismissals,⁴¹⁴ and related ancillary matters, with the exception of several categories of offenses, such as Class 1, 2, 3, and 4 felonies, sex crimes, violent felonies, sex trafficking, felonies involving the use of a firearm, protective order violations, hate crimes, animal cruelty, election laws, date rape drug offenses, not guilty by reason of insanity dispositions, dangerous or vicious dogs offenses, and crimes against family or household members;⁴¹⁵ and,
- Automatic petition sealing of misdemeanor convictions and deferred dismissals that are eligible for automatic sealing but were not sealed through the automatic process, certain other misdemeanor convictions and deferred dismissals not eligible for automatic sealing, and related ancillary matters.⁴¹⁶

⁴⁰⁷ 2025 Va. Acts ch. 634 and 671. Senate Bill 1466, 2025 Regular Session of the General Assembly, Governor's Recommendation Adopted. <https://lis.virginia.gov/bill-details/20251/SB1466>. House Bill 2723, 2025 Regular Session of the General Assembly, Governor's Recommendation Adopted. <https://lis.virginia.gov/bill-details/20251/HB2723>. See VA. CODE ANN. § 19.2-392.5 *et seq.* (2025).

⁴⁰⁸ VA. CODE ANN. § 19.2-392.6 (2025). *But see* 2025 Va. Acts ch. 634 and 671, enactment clauses 8 and 13. The Virginia State Police has until October 1, 2026, to transmit the first list of convictions eligible for automatic sealing. See note 1.

⁴⁰⁹ VA. CODE ANN. § 19.2-392.6:1 (2025).

⁴¹⁰ VA. CODE ANN. § 19.2-392.8(A) (2025).

⁴¹¹ VA. CODE ANN. § 19.2-392.8(B) (2025).

⁴¹² VA. CODE ANN. § 19.2-392.11 (2025).

⁴¹³ VA. CODE ANN. § 19.2-392.17 (2025).

⁴¹⁴ A deferred dismissal refers to a circumstance where a charge is dismissed after the defendant completes certain terms or conditions ordered by the court. See Virginia State Crime Commission. (2008). *Deferred disposition*, <https://vsc.virginia.gov/documents/deferred%20dispositon.pdf>.

⁴¹⁵ VA. CODE ANN. § 19.2-392.12 (2025).

⁴¹⁶ VA. CODE ANN. § 19.2-392.12:1 (2025).

SEALING IS ON SCHEDULE FOR IMPLEMENTATION ON JULY 1, 2026

The Crime Commission heard presentations from the Virginia State Police (VSP),⁴¹⁷ the Office of the Executive Secretary of the Supreme Court of Virginia (OES),⁴¹⁸ the Virginia Department of Motor Vehicles (DMV),⁴¹⁹ the Virginia Court Clerks Association, the Virginia Association of Commonwealth's Attorneys (VACA), and the Virginia Indigent Defense Commission (VIDC) at its August 2025 Commission meeting. Each entity advised that implementation is proceeding as scheduled for the sealing statutes to take effect on July 1, 2026. In addition, the Virginia Department of Criminal Justice Services (DCJS) notified Crime Commission staff prior to the meeting that the sealing regulations are in progress.⁴²⁰

Further, VSP provided a subsequent update to the Crime Commission at its December 2025 Commission meeting.⁴²¹ VSP informed Commission members that it is in the process of terminating its contract with the vendor for its new criminal history record system; however, VSP is undertaking internal system modifications to meet the requirements of the sealing legislation in time for the July 1, 2026, implementation.

Finally, the Clerk of the Fairfax County Circuit Court advised Crime Commission staff, VSP, and OES during sealing implementation meetings that his office plans to be prepared to implement sealing by July 1, 2026.⁴²²

SEALING RESOURCES AND TRAINING HAVE BEEN PROVIDED

The 2025 sealing legislation directed the Crime Commission to identify methods to educate and assist the public, provide practitioner training, determine workload and resource needs, and assess any additional matters that arise in relation to sealing.⁴²³ Pursuant to this legislative directive, and with guidance from the Crime Commission, staff engaged in numerous sealing-related activities during 2025.

Sealing Informational Brochure Created

Staff collaborated with stakeholders to develop an informational brochure explaining the sealing laws and associated processes.⁴²⁴ The brochure is available on the Crime Commission's website to

⁴¹⁷ Virginia State Police. (2025, August 19). *Progress on automated sealing*. <https://vscc.virginia.gov/2025/Aug19VSCCmtg/VSP%20-%20Sealing%20Update.pdf>.

⁴¹⁸ Office of the Executive Secretary of the Supreme Court of Virginia. (2025, August 19). *Update on implementation of sealing criminal records*. <https://vscc.virginia.gov/2025/Aug19VSCCmtg/OES%20-%20Criminal%20Sealing%20Update.pdf>.

⁴¹⁹ Virginia Department of Motor Vehicles. (2025, August 19). *DMV conviction record sealing implementation update*. <https://vscc.virginia.gov/2025/Aug19VSCCmtg/Sealing%20Presentation%20DMV%20Aug%202025.pdf>.

⁴²⁰ Virginia Department of Criminal Justice Services (personal communication, August 13, 2025).

⁴²¹ Virginia State Police. (2025, December 2). *Progress on automated sealing*. <https://vscc.virginia.gov/2025/Dec2VSCCmtg/Virginia%20State%20Police%20Sealing%20Update.pdf>.

⁴²² Clerk of the Fairfax County Circuit Court (personal communications, January 7 and 9, 2026).

⁴²³ 2025 Va. Acts ch. 634 and 671, enactment clauses 16 and 17. See note 1.

⁴²⁴ Virginia State Crime Commission. *Sealing of criminal records in Virginia*. <https://vscc.virginia.gov/Sealing/VSCC%20Sealing%20Brochure%20July%202025.pdf>.

download, print, and distribute to the public. The informational brochure contains a QR code that links directly to the Crime Commission's sealing webpage.

Sealing Webpage Developed

A webpage was created on the Crime Commission website to provide the public with detailed information about sealing.⁴²⁵ The webpage includes frequently asked questions about sealing, past reports and presentations, resources, and the sealing informational brochure, as well as information on expungement from the VIDC.⁴²⁶

Training Provided by Crime Commission Staff

Crime Commission staff delivered multiple presentations on sealing across the Commonwealth, with content tailored to each specific audience, including the following:

- Criminal Record Sealing for Law Enforcement Agencies (virtual – in coordination with the Virginia State Police);
- Leroy Rountree Hassell, Sr. Indigent Criminal Defense Seminar - Advanced Skills for the Experienced Practitioner (Richmond);⁴²⁷
- Virginia Association of Chiefs of Police and Virginia Association of Campus Law Enforcement Administrators Joint Winter Conference (Henrico County);⁴²⁸
- Virginia Court Clerks Association Annual Conference (Bristol);⁴²⁹
- Virginia Indigent Defense Commission Annual Public Defender Conference (Virginia Beach);
- Virginia Sheriffs' Institute Spring Conference (Norfolk);⁴³⁰ and,
- Virginia State Bar Pro Bono Conference (virtual).⁴³¹

In addition, staff provided information on sealing to the Virginia Municipal League to be distributed to city and county attorneys.

Staff Attended Trainings and Informational Sessions Provided by Other Entities

In addition to providing training, staff also attended sealing trainings and informational sessions provided by various other entities.⁴³² Specifically, staff attended the following sessions:

⁴²⁵ Virginia State Crime Commission. *Sealing of criminal records*. <https://vscc.virginia.gov/sealing.asp>.

⁴²⁶ Virginia Indigent Defense Commission. (2025). *Expungement FAQs*. <https://vscc.virginia.gov/Sealing/Expungement%20FAQ%20-%20VIDC.pdf>.
Virginia Indigent Defense Commission. (2025, November 1). *Virginia expungement overview*.
<https://vscc.virginia.gov/Sealing/Expungement%20Brochure%20-%20VIDC.pdf>.

⁴²⁷ Agenda available at [https://vsbwebstorage.blob.core.windows.net/\\$web/AgendasandMeetingMaterials/2025/ICDS%20Agenda%20Sept26-25.pdf](https://vsbwebstorage.blob.core.windows.net/$web/AgendasandMeetingMaterials/2025/ICDS%20Agenda%20Sept26-25.pdf).

⁴²⁸ Agenda available at <https://assets.noviams.com/novi-file-uploads/vacp/events/agendas/2026-vacp-winter-conference-agenda-draft-1.pdf>.

⁴²⁹ Agenda available at https://vccaonline.org/?page_id=990.

⁴³⁰ Agenda available at <https://web.cvent.com/event/64be5aa5-c5c5-49cf-b0e5-daf5169d20e1/websitePage:645d57e4-75eb-4769-b2c0-f201a0bfc6ce>.

⁴³¹ Agenda available at <https://event.gotowebinar.com/event/175e32fc-70fb-41af-8855-c007b5e1073f>.

⁴³² Justice Forward created a webpage to provide information on expungement and sealing. Justice Forward Virginia Foundation. (2025). *Criminal record expungement and record sealing*. <https://www.justiceforwardvafoundation.org/expungementsealing-2>.

- “Understanding the Virginia Sealing Criminal Records Statute” (Virginia CLE);⁴³³
- “Virtual Criminal Record Expungement and Sealing Informational Workshop” (Nolef Turns, Justice Forward, EmpowerAll, and Newport News NAACP);⁴³⁴
- “Criminal Conviction Sealing in 2026” (Virginia Association of Commonwealth’s Attorneys);⁴³⁵
- “The State of Record Clearance in the Commonwealth of Virginia” (Virginia Association of Criminal Defense Lawyers);⁴³⁶
- Virginia Justice Conference (Nolef Turns);⁴³⁷
- “Seal the Deal: Preparing Clients for Record Sealing in Virginia” (VIDC);⁴³⁸
- Judicial Conference of Virginia (Roanoke); and,
- Sealing Legislation Learning Sessions for Circuit Court Clerks (Chesapeake and Spotsylvania County).

CRIME COMMISSION CONTINUES TO COLLABORATE WITH STAKEHOLDERS

Expungement and Sealing Resource Attorney at VIDC

The 2025 sealing legislation created a new expungement and sealing resource attorney position at the VIDC.⁴³⁹ Staff collaborated with the VIDC resource attorney to develop public information on expungement.⁴⁴⁰ In addition, the VIDC resource attorney co-presented with Crime Commission staff on sealing at the VIDC Annual Public Defender Conference.

Sealing Implementation Work Group

Staff continued to engage with stakeholders and advocates during 2025. Staff created a sealing implementation work group comprised of numerous state and local agencies, organizations, and interested groups. Members heard updates from state agencies on the status of their implementation efforts (VSP, OES, DMV, DCJS, VIDC), discussed logistical and operational challenges, trainings and informational materials for stakeholders, and public awareness and outreach measures. No legislative

⁴³³ This was a virtual course and is available for replay at <https://www.vacle.org/product/understanding-the-virginia-sealing-criminal-records-statute-od/>. The course first aired in April 2025.

⁴³⁴ This was a virtual event held on June 26, 2025. The event announcement is available at <https://x.com/nolefturnsinc/status/1937330322062082411>.

⁴³⁵ This was an in-person course on held August 1, 2025.

⁴³⁶ This was a virtual training on August 6, 2025, by Rob Poggenklass, Executive Director of Justice Forward.

⁴³⁷ This was an in-person event held on September 11 and 12, 2025, and included an informational class on sealing led by Rob Poggenklass, Executive Director of Justice Forward, and an expungement clinic. Information on the conference is available at <https://www.virginiajusticeconference.com/>. Staff attended in-person on September 11.

⁴³⁸ This was a virtual course held on November 5, 2025.

⁴³⁹ 2025 Va. Acts ch. 634 and 671, enactment clause 3. See note 1. See also House Bill 1600. Budget Amendments Conference Report. Item 40 #1c. <https://budget.lis.virginia.gov/amendment/2025/1/HB1600/Introduced/CR/40/1c/>.

⁴⁴⁰ See Virginia Indigent Defense Commission. (2025). *Expungement FAQs*. <https://vscc.virginia.gov/Sealing/Expungement%20FAQ%20-%20VIDC.pdf>. See also Virginia Indigent Defense Commission. (2025, November 1). *Virginia expungement overview*. <https://vscc.virginia.gov/Sealing/Expungement%20Brochure%20-%20VIDC.pdf>.

changes were identified that need to be made to the sealing statutes during the 2026 Regular Session. This work group will continue to meet in 2026.

Sealing Resource Needs Work Group

Staff also created a sealing resource needs work group to discuss and evaluate workload, staffing, and resource needs, as directed by the 2025 legislation.⁴⁴¹ Because resources for sealing were allocated in the 2025 budget,⁴⁴² no additional resources were identified at this time. Staff will continue to consult with these stakeholders to identify workload, staffing, and resource needs after the sealing statutes take effect. This work group will continue to meet in 2026.

CONCLUSION

Automatic and petition sealing takes effect in Virginia on July 1, 2026. All stakeholders advise that implementation is on schedule. Crime Commission staff will continue consulting with stakeholders and interested groups to monitor implementation, support public outreach, identify resource needs, collect sealing data, and provide training upon request.

⁴⁴¹ 2025 Va. Acts ch. 634 and 671, enactment clause 16. See note 1.

⁴⁴² See Virginia State Crime Commission. (2025). *Sealing of criminal records update*.

<https://vscc.virginia.gov/Annual%20Reports/2024%20VSCC%20Annual%20Report%20-Sealing%20of%20Criminal%20Records%20Update.pdf>.