

APPENDIX A: CRIMINAL RECORD SEALING PROCESSES IN VIRGINIA (AS OF 7/1/25)¹

PROCESS ²	ELIGIBLE OFFENSES	WAITING PERIOD	CRITERIA FOR RELIEF
Automatic sealing of misdemeanor convictions ³	Misdemeanor convictions with an offense date on or after January 1, 1986, for: <ul style="list-style-type: none"> • Petit larceny (§ 18.2-96); • Shoplifting (§ 18.2-103); • Trespassing (§ 18.2-119); • Instigating trespass (§ 18.2-120); • Trespass on posted property (§ 18.2-134); • Distribution of marijuana (§ 18.2-248.1(a)); and, • Disorderly conduct (§ 18.2-415).⁴ 	7 years from the date of conviction. ⁵	Person cannot have been convicted of a separate offense on the same date that is not eligible for automatic sealing, ⁶ and during the 7 year waiting period cannot have been: <ul style="list-style-type: none"> • Convicted of any other crime in Virginia that requires a report to the CCRE;⁷ or, • Convicted of a crime in any other state, the District of Columbia, or the United States or one of its territories, excluding traffic infractions.⁸
Automatic sealing of possession of marijuana offenses ⁹	Any criminal or civil offense that concluded with a final disposition as a charge or conviction for possession of marijuana (former Va. Code § 18.2-250.1), regardless of the offense date. ¹⁰	None. ¹¹	None, except the DMV cannot seal any offense in violation of federal regulations or program requirements. ¹²
Automatic sealing of misdemeanor non-convictions at case conclusion ¹³	All misdemeanors that conclude on or after July 1, 2026, as an: <ul style="list-style-type: none"> • Acquittal; or, • Dismissal with prejudice.¹⁴ 	None. Sealed immediately upon conclusion of the case. ¹⁵	Misdemeanor non-convictions must be sealed unless the defendant objects to sealing. ¹⁶
Automatic sealing of felony non-convictions at case conclusion ¹⁷	All felonies that conclude on or after July 1, 2026, as an: <ul style="list-style-type: none"> • Acquittal; or, • Dismissal with prejudice.¹⁸ 	None. Sealed immediately upon conclusion of the case. ¹⁹	Felony non-convictions must be sealed if: <ul style="list-style-type: none"> • The defendant makes a verbal request for sealing; and, • The Commonwealth’s Attorney concurs with the sealing request.²⁰
Automatic sealing of previously concluded misdemeanor non-convictions ²¹	All misdemeanors with an offense date on or after January 1, 1986, that concluded as an: <ul style="list-style-type: none"> • Acquittal; • Nolle prosequi; or, • Dismissal, excluding deferred dismissals.²² 	3 years from the date of final disposition. ²³	The person’s criminal history record cannot include: <ul style="list-style-type: none"> • Any convictions that are reportable to the CCRE;²⁴ or, • Any arrests or charges for a crime the requires a report to the CCRE, excluding traffic infractions, within the past 3 years.²⁵
Automatic sealing of traffic infractions ²⁶	All traffic infractions under Title 46.2 with an offense date on or after January 1, 1986, excluding criminal offenses. ²⁷	11 years from date of final disposition. ²⁸	Traffic infractions must be sealed unless such sealing is: <ul style="list-style-type: none"> • Prohibited under federal or state law;²⁹ or, • In violation of a federal regulation or program requirement.³⁰

PROCESS ²	ELIGIBLE OFFENSES	WAITING PERIOD	CRITERIA FOR RELIEF
<p>Petition sealing of misdemeanor and felony convictions, deferred dismissals, and related ancillary matters³¹</p>	<p>Convictions and deferred dismissals for certain classes of offenses with an offense date on or after January 1, 1986, with a variety of exclusions:³²</p> <ul style="list-style-type: none"> • Misdemeanors; • Class 5 and 6 felonies; • Grand larceny and offenses punishable as larceny; and, • Related ancillary matters.³³ 	<p>7 years for misdemeanors and 10 years for felonies, beginning from the latest date of the following events:</p> <ul style="list-style-type: none"> • Dismissal of the deferred charge; • Conviction; • Release from incarceration on the charge or conviction; • Finding of a violation of a suspended sentence, probation, or parole; or, • Release from incarceration after a finding of a violation of a suspended sentence, probation, or parole.³⁴ 	<p>In addition to the waiting period:</p> <ul style="list-style-type: none"> • No prior convictions for a Class 1 or 2 felony or any other crime punishable by life; • No Class 3 or 4 felony convictions in the past 20 years; • No other felony conviction within the past 10 years; • Demonstrate rehabilitation if the charge or conviction involved the use or dependence on alcohol or any other narcotic drug; • Restitution paid in full; • Cannot have had two sealing petitions previously granted under the general sealing statute; and, • Petitioner must prove that the continued existence and possible dissemination of the conviction would constitute a manifest injustice.³⁵
<p>Automatic petition sealing of misdemeanor convictions, deferred dismissals, and related ancillary matters, as well as ancillary matters related to previously sealed offenses³⁶</p>	<p>Misdemeanor convictions and deferred dismissals with an offense date on or after January 1, 1986, for:</p> <ul style="list-style-type: none"> • Underage alcohol (§ 4.1-305); • Petit larceny (§ 18.2-96); • Shoplifting (§ 18.2-103); • Trespassing (§ 18.2-119); • Instigating trespass (§ 18.2-120); • Trespass on posted property (§ 18.2-134); • Distribution of marijuana (§ 18.2-248.1(a)); • Drug paraphernalia (§ 18.2-265.3(A)); and, • Disorderly conduct (§ 18.2-415).³⁷ 	<p>7 years from the date of conviction or deferred dismissal³⁸</p>	<p>Person cannot have been convicted of a separate offense on the same date that is not eligible for automatic sealing,³⁹ and during the 7 year waiting period cannot have been:</p> <ul style="list-style-type: none"> • Convicted of any other crime in Virginia that requires a report to the CCRE;⁴⁰ or, • Convicted of a crime in any other state, the District of Columbia, or the United States or one of its territories, excluding traffic infractions.⁴¹
	<p>Ancillary matters related to the following offenses that were previously automatically sealed:</p> <ul style="list-style-type: none"> • Convictions (§ 19.2-392.7); • Non-convictions (§ 19.2-392.11); and, • Possession of marijuana offenses (§ 19.2-392.6:1).⁴² 	<p>None⁴³</p>	<p>Ancillary matters must be sealed if the related underlying offense was automatically sealed.⁴⁴</p>

Source: Table prepared by Virginia State Crime Commission staff.

¹ The sealing statutes will take effect on July 1, 2026, unless that date is changed with future legislation. See VA. CODE ANN. §§ 19.2-392.5(A) and 19.2-392.16 (2025). Sealing applies to the records of the Central Criminal Records Exchange (Virginia State Police), any state courts, any law enforcement agency in Virginia, and the Virginia Department of Motor Vehicles, as well as records collected and shared by third-parties. See also VA. CODE ANN. § 19.2-392.5(B) (2025). Sealing applies to the records of adults and juveniles tried as adults, but not juveniles. See also VA. CODE ANN. § 19.2-392.13(C) and (C1) (2025). Even if a record is sealed, that record still exists and can be disclosed for a variety of purposes.

² These sealing processes are different than the expungement process which currently exists under Virginia law. See VA. CODE ANN. §§ 19.2-392.1 through 19.2-392.4 (2025). Certain conviction and non-conviction criminal records are eligible for sealing (see table above), whereas only non-conviction criminal records are eligible for expungement. See VA. CODE ANN. § 19.2-392.2 (2025). Sealing is intended to prohibit public access to criminal records (VA. CODE ANN. § 19.2-392.5(A) (2025)), whereas expungement is intended to prohibit nearly all access to a record (6VAC20-120-20 and 6VAC20-120-80 (2025)). Sealed records can be accessed for numerous reasons (VA. CODE ANN. § 19.2-392.13(C) (2025)), whereas expunged records can only be accessed for very limited purposes (VA. CODE ANN. §§ 19.2-392.3 & 19.2-392.3:1 (2025)).

³ VA. CODE ANN. § 19.2-392.6 and 19.2-392.7 (2025).

⁴ VA. CODE ANN. § 19.2-392.6(A) (2025).

⁵ VA. CODE ANN. § 19.2-392.6(B) (2025).

⁶ VA. CODE ANN. § 19.2-392.6(C) (2025).

⁷ VA. CODE ANN. § 19.2-392.6(B) (2025). See also VA. CODE ANN. § 19.2-390(A).

⁸ VA. CODE ANN. § 19.2-392.6(B) (2025).

⁹ VA. CODE ANN. § 19.2-392.6:1 (2025).

¹⁰ VA. CODE ANN. § 19.2-392.6:1(A) (2025).

¹¹ VA. CODE ANN. § 19.2-392.6:1(A) (2025).

¹² VA. CODE ANN. § 19.2-392.6:1(B) (2025).

¹³ VA. CODE ANN. § 19.2-392.8(A) (2025). See also § 19.2-392.10 (2025).

¹⁴ VA. CODE ANN. § 19.2-392.8(A) (2025).

¹⁵ VA. CODE ANN. § 19.2-392.8(A) (2025).

¹⁶ VA. CODE ANN. § 19.2-392.8(A) (2025). Regardless of whether the non-conviction is sealed or not, the person may still seek to have the offense expunged. VA. CODE ANN. § 19.2-392.8(D) (2025).

¹⁷ VA. CODE ANN. § 19.2-392.8(B) (2025).

¹⁸ VA. CODE ANN. § 19.2-392.8(B) (2025).

¹⁹ VA. CODE ANN. § 19.2-392.8(B) (2025).

²⁰ VA. CODE ANN. § 19.2-392.8(B) (2025). Regardless of whether the non-conviction is sealed or not, the person may still seek to have the offense expunged. VA. CODE ANN. § 19.2-392.8(D) (2025).

²¹ VA. CODE ANN. § 19.2-392.11 (2025).

²² VA. CODE ANN. § 19.2-392.11(A) (2025).

²³ VA. CODE ANN. § 19.2-392.11(A) (2025).

²⁴ VA. CODE ANN. § 19.2-392.11(A) (2025). An offense that has been sealed is not treated as a conviction for eligibility purposes under this process.

²⁵ VA. CODE ANN. § 19.2-392.11(A) (2025).

²⁶ VA. CODE ANN. § 19.2-392.17 (2025).

²⁷ VA. CODE ANN. § 19.2-392.17(A) (2025).

²⁸ VA. CODE ANN. § 19.2-392.17(A) (2025).

²⁹ VA. CODE ANN. § 19.2-392.17(A) (2025).

³⁰ VA. CODE ANN. § 19.2-392.17(B) (2025).

³¹ VA. CODE ANN. § 19.2-392.12 (2025). See also VA. CODE ANN. § 19.2-392.12(B) (2025). A person does not need to pay any court fees or costs to file a petition; however, a person may need to pay other fees to obtain their criminal history record or serve the petition.

³² VA. CODE ANN. § 19.2-392.12(L) (2025). See also Appendix B for a list of exclusions.

³³ VA. CODE ANN. § 19.2-392.12(A) (2025). See also VA. CODE ANN. § 19.2-392.5(A) (2025). Ancillary matter is defined as “any (i) violation or alleged violation of the terms and conditions of a suspended sentence, probation, or parole; (ii) violation or alleged violation of contempt of court; (iii) charge or conviction for failure to appear; or (iv) appeal from a bail, bond, or recognizance order.”

³⁴ VA. CODE ANN. § 19.2-392.12(F)(2) (2025).

³⁵ VA. CODE ANN. § 19.2-392.12(F) (2025).

³⁶ VA. CODE ANN. § 19.2-392.12:1 (2025). See also VA. CODE ANN. § 19.2-392.12:1(C) (2025). A person does not need to pay any court fees or costs to file a petition; however, a person may need to pay other fees to obtain their criminal history record or serve the petition.

³⁷ VA. CODE ANN. § 19.2-392.12:1(A) (2025).

³⁸ VA. CODE ANN. § 19.2-392.12:1(I) (2025).

³⁹ VA. CODE ANN. § 19.2-392.12:1(D) (2025).

⁴⁰ VA. CODE ANN. § 19.2-392.12:1(I) (2025). *See also* VA. CODE ANN. § 19.2-390(A) (2025).

⁴¹ VA. CODE ANN. § 19.2-392.12:1(I) (2025).

⁴² VA. CODE ANN. § 19.2-392.12:1(B) (2025). *See also* § 19.2-392.5(A) (2025). Ancillary matter is defined as “any (i) violation or alleged violation of the terms and conditions of a suspended sentence, probation, or parole; (ii) violation or alleged violation of contempt of court; (iii) charge or conviction for failure to appear; or (iv) appeal from a bail, bond, or recognizance order.”

⁴³ There is no waiting period for ancillary matters because the waiting period for the related automatically sealed conviction or non-conviction will have passed, and there is no waiting period for automatically sealed marijuana offenses.

⁴⁴ VA. CODE ANN. § 19.2-392.12:1(J) (2025).