

## Helpful Information

- Expungement is not sealing; these are two separate processes.
- Expungement as described in this brochure applies to offenses committed by adults or juveniles tried as adults. There is a separate process for juvenile offenses (Va. Code § 16.1-306).
- Expungement is only available through a petition process. There is no automatic expungement.
- As of July 1, 2026, there will be no fee to file an expungement petition.
- There is no limit on the number of expungement petitions you can have granted in your lifetime.
- If you have any other record, or the charge you are seeking to expunge is a felony, you will need to prove the existence and sharing of the record causes or may cause a manifest injustice.
- Manifest injustice must be more than a subjective belief, but does not need to be an actual, already-experienced impact. This is often a hardship in obtaining employment, housing, or education, though other circumstances may also qualify.
- The facts of the offense and the reason for any non-conviction are generally not relevant at an expungement hearing.

## Resources

The following resources may be helpful:

### **Expungement petition statute:**

Va. Code § 19.2-392.2

### **Expungement petition, generally:**

**Form CC-1473**, available at

<https://www.vacourts.gov/static/forms/circuit/cc1473.pdf>

Instructions available at

<https://www.vacourts.gov/static/forms/circuit/cc1473inst.pdf>

### **Expungement petition, stolen identity:**

**Form DC-363**, available at

<https://www.vacourts.gov/static/forms/district/dc363.pdf>

### **How to obtain a copy of your criminal history record:**

Virginia State Police, available at

<https://vsp.virginia.gov/services/criminal-background/>



**VIRGINIA DEFENDERS**  
INDIGENT DEFENSE COMMISSION

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## **VIRGINIA EXPUNGEMENT OVERVIEW**

**VIRGINIA INDIGENT  
DEFENSE COMMISSION**

*November 1, 2025*

## What is expungement?

Expungement means that a record is removed from public view and normal access. Expungement does not eliminate the record.

## What records can be expunged?

Expungement is available for criminal charges and civil offenses that end as a non-conviction, generally not including deferred dismissals (but see exception in Va. Code § 19.2-298.02). Expungement is also available for charges that were obtained by someone else using your identity, regardless of outcome, and for charges that received an absolute pardon or a writ vacating a conviction. Traffic infractions do not qualify for expungement.

## What is a non-conviction?

A non-conviction is any charge, other than deferred dismissals, that ended in acquittal, nolle prosequi, or was “otherwise dismissed”. The phrase “otherwise dismissed” includes cases where a person was charged with one offense but convicted of another offense, so long as the original charge is “completely separate and unrelated” to the charge the person was convicted of, and the elements of that offense are not subsumed within the original charge (See *Williams v. Comm.*, 302 Va. 172, 885 S.E.2d 457 (April 20, 2023)).

## Expungement Process

The expungement process generally requires a person to file the following in the circuit court:

- An expungement petition (form CC-1473);
- A copy of the warrant, summons, or indictment for the criminal charge or civil offense to be expunged; and
- Their criminal history record from the Virginia State Police:
  - Before July 1, 2026, requires a complete set of fingerprints to obtain;
  - On or after July 1, 2026, can be requested via an online portal.

You must serve a copy of the petition on the Commonwealth’s Attorney.

The court may conduct a hearing on the petition, or it may grant the expungement without a hearing under certain circumstances.

## Effect of Expungement

When a record is expunged, all court, jail, and law enforcement records relating to the charge(s) expunged are removed from public view and kept separately.

You generally do not need to disclose an expunged record to government and private entities in Virginia, but may be required to disclose the record to another state government, the federal government, or a private entity outside of Virginia.

Expunged records can still be accessed with a court order:

- To assess an application for employment at a law enforcement agency;
- For a pending criminal investigation, if the investigation will be jeopardized or life or property will be endangered without immediate access to the record;
- In a civil lawsuit against a locality or a law-enforcement officer; or,
- By the person whose record was expunged.