

PETITION SEALING – INELIGIBLE AND EXCLUDED OFFENSES (AS OF 7/1/25)

CLASSES OF OFFENSES INELIGIBLE FOR PETITION SEALING (§ 19.2-392.12(A))

- Class 1, 2, 3, and 4 felonies; and,
- Unclassified felonies, with the exception of grand larceny (§ 19.2-95) and offenses deemed punishable as larceny.

CLASSES OF OFFENSES EXCLUDED FROM PETITION SEALING (§ 19.2-392.12(L))

1. Any violation of any offense under [§ 9.1-902](#) for which registration with the Sex Offender and Crimes Against Minors Registry is required;
2. Any violation of any offense listed under subsection C of [§ 17.1-805](#) (violent crimes);
3. Any violation of any felony offense not listed under subsection C of [§ 17.1-805](#) where the person utilized a firearm, as defined in [§ 18.2-308.2:2](#), as part of the transaction or occurrence in the underlying offense to be sealed, unless such person's right to possess, transport, or carry a firearm, ammunition for a firearm, or a stun weapon has been restored pursuant to [§ 18.2-308.2](#);
4. Any violation of an emergency, preliminary, or permanent protective order issued pursuant to Article 4 ([§ 16.1-246 et seq.](#)) of Chapter 11 of Title 16.1 or Chapter 9.1 ([§ 19.2-152.7:1 et seq.](#)) of Title 19.2, or any family abuse protective order under [§ 16.1-279.1](#);
5. Any violation of any hate crime as defined in [§ 52-8.5](#);
6. Any violation of Article 9 of Chapter 65 of Title 3.2 ([§ 3.2-6570 et. seq.](#)) (cruelty to animals);
7. Any violation of [Title 24.2](#) (election laws);
8. Any violation involving the possession and distribution of flunitrazepam pursuant to [§ 18.2-251.2](#) or the possession of Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate) pursuant to [§ 18.2-250](#);
9. Any violation where a person was found not guilty by reason of insanity;
10. Any conspiracy, attempt, or solicitation, and any principal in the second degree, accessory before the fact, or accessory after the fact for an ineligible offense;
11. Any conspiracy, attempt, or solicitation, and any principal in the second degree, accessory before the fact, or accessory after the fact where the completed substantive offense would be punishable as a Class 1, 2, 3, or 4 felony or by a term of imprisonment of more than 10 years, with the exception of a violation [§ 18.2-95](#) or any other felony offense where the defendant is deemed guilty of larceny and punished as in [§ 18.2-95](#);

12. Any violation of any offense where the person was prohibited by the court from possessing or owning a companion animal as a result of the transaction or occurrence in the underlying offense to be sealed, while such prohibition remains in effect;
13. Any violation of Article 6 of ([§ 3.2-6537 et seq.](#)) of Chapter 65 of Title 3.2 that involved a dangerous or vicious dog as a part of the transaction or occurrence in the underlying offense to be sealed, while the person continues to own or possess such dog;
14. Any violation of Article 7 ([§ 18.2-61 et seq.](#)) of Chapter 4 of Title 18.2;
15. Any violation of Article 3 ([§ 18.2-346 et seq.](#)) of Chapter 8 of Title 18.2, with the exception of [§ 18.2-346](#), former subsection A of § 18.2-346, and [§ 18.2-347](#);
16. Any violation of Article 4 ([§ 18.2-362 et seq.](#)) of Chapter 8 of Title 18.2, with the exception of [§ 18.2-365](#), [18.2-371.2](#), [18.2-371.3](#), and [18.2-371.4](#);
17. Any violation of Article 5 ([§ 18.2-372 et seq.](#)) of Chapter 8 of Title 18.2, with the exception of [§ 18.2-388](#); and
18. Any offense where the victim of the crime to be sealed was a family or household member, as defined in [§ 16.1-228](#), of the person.

INDIVIDUAL OFFENSES EXCLUDED FROM PETITION SEALING (§ 19.2-392.12(L))

CODE SECTION	SECTION TITLE
§ 4.1-309.1	Possessing or consuming alcoholic beverage while operating a school bus; penalty.
§ 5.1-13	Operation of aircraft while under influence of intoxicating liquors or drugs; reckless operation.
§ 18.2-36	How involuntary manslaughter punished.
§ 18.2-36.1	Certain conduct punishable as involuntary manslaughter.
§ 18.2-36.2	Involuntary manslaughter; operating a watercraft while under the influence; penalties.
§ 18.2-47	Abduction and kidnapping defined; forced labor; punishment.
§ 18.2-49.1(A)	Violation of court order regarding custody and visitation; penalty
§ 18.2-51.5	Maiming, etc., of another resulting from operating a watercraft while intoxicated; penalty.
§ 18.2-57(C)	Felony assault or assault and battery against certain public servants.
§ 18.2-57.2	Assault and battery against a family or household member; penalty.
§ 18.2-57.3	Persons charged with first offense of assault and battery against a family or household member may be placed on local community-based probation; conditions; education and treatment programs; costs and fees; violations; discharge.
§ 18.2-59.1	Sexual extortion; penalty.
§ 18.2-60	Threats of death or bodily injury to a person or member of his family; threats of death or bodily injury to persons on school property; threats of death or bodily injury to health care providers; penalty.
§ 18.2-60.3	Stalking; penalty.
§ 18.2-60.5	Unauthorized use of electronic tracking device; penalty.
§ 18.2-130	Peeping or spying into dwelling or enclosure.
§ 18.2-130.1	Peeping or spying into dwelling or occupied building by electronic device or unmanned aircraft system; penalty.
§ 18.2-144	Maiming, killing or poisoning animals, fowl, etc.
§ 18.2-144.1	Prohibition against killing or injuring police animals; penalty.
§ 18.2-154	Shooting at or throwing missiles, etc., at train, car, vessel, etc.; penalty.
§ 18.2-178.1	Financial exploitation of vulnerable adults; penalty.
§ 18.2-266	Driving motor vehicle, engine, etc., while intoxicated, etc.
§ 18.2-266.1	Persons under age 21 driving after illegally consuming alcohol; penalty

CODE SECTION	SECTION TITLE
§ 18.2-268.3	Refusal of tests; penalties; procedures.
§ 18.2-282.1	Brandishing a machete or other bladed weapon with intent to intimidate; penalty.
§ 18.2-324.2	Use of unmanned aircraft system for certain purposes; penalty.
§ 18.2-346 (former subsection B only)	Prostitution; commercial sexual conduct; penalties.
§ 18.2-405	What constitutes a riot; punishment.
§ 18.2-406	What constitutes an unlawful assembly; punishment.
§ 18.2-472.1	Providing false information or failing to provide registration information; penalty; prima facie evidence.
§ 19.2-62	Interception, disclosure, etc., of wire, electronic or oral communications unlawful; penalties; exceptions.
§ 29.1-738	Operating boat or manipulating water skis, etc., in reckless manner or while intoxicated, etc.
§ 29.1-738.02	Persons under age twenty-one operating watercraft after illegally consuming alcohol; penalty.
§ 29.1-738.2	Consent to blood or breath test.
§ 37.2-912	Conditional release; criteria; conditions; reports; penalty.
§ 40.1-100.2	Employment involving sexually explicit visual material prohibited.
§ 40.1-103	Cruelty and injuries to children; penalty; abandoned infant.
§ 46.2-341.24	Driving a commercial motor vehicle while intoxicated, etc.
§ 46.2-341.26:3	Refusal of tests; issuance of out-of-service orders; disqualification.

Source: Table prepared by Virginia State Crime Commission staff.