

Effect of Sealing

When a criminal record is sealed, there are limitations on when it can be disclosed or used. However, there are various exceptions to the disclosure and use limitations.

Does a person whose record was sealed need to disclose the offense?

In general, a person is not required to disclose a sealed offense to a state or local government entity or a private employer in Virginia.

Can a person be asked to disclose a sealed offense?

It depends on the circumstance. For example, a person can be asked by certain types of employers, in child custody proceedings, or for jury service, but cannot be asked by other types of employers, persons leasing or selling apartments or homes, educational institutions, or insurance companies.

Can a sealed offense be used in a subsequent criminal proceeding?

Yes. Even after an offense has been sealed, it can be used for pretrial and post-trial sentencing reports, when determining bail or punishment, and for impeachment purposes.

Helpful Information

- Sealing is not expungement; these are two different processes.
- Most of the sealing processes apply to records of offenses committed on or after January 1, 1986.
- Sealing applies to offenses committed by adults and juveniles tried as adults, but not juveniles.
- Sealing does not relieve a person of the obligation to pay restitution, fines, and court costs.
- Sealing is not a pardon.
- Sealing does not restore a person's civil rights or their right to purchase or possess a firearm.
- A sealed offense will not be a barrier crime under Virginia law, but it may be a barrier crime under federal law.
- Private background check companies must register with the Virginia State Police to receive notice when an offense is sealed.

Scan QR code for more information:



Sealing of Criminal Records

vscc.virginia.gov/sealing.asp

vsccinfo@vscc.virginia.gov



SEALING OF CRIMINAL RECORDS IN VIRGINIA

*Sealing laws take effect
on July 1, 2026*

Overview

Virginia's new criminal record sealing laws (Va. Code § 19.2-392.5 et seq.) take effect on July 1, 2026.

What is sealing?

Sealing means that a criminal record will generally no longer be publicly accessible. However, the record is not eliminated, and it can be accessed and disseminated for a variety of reasons.

What is a criminal record?

A criminal record includes arrests, charges, convictions, and related ancillary matters.

What records can be sealed?

Sealing applies to criminal records in the possession of the Central Criminal Records Exchange (CCRE) maintained by the Virginia State Police (VSP), Virginia courts, Virginia law enforcement agencies, the Virginia Department of Motor Vehicles (DMV), and private background check companies. In addition, sealing applies to civil possession of marijuana offenses and traffic infractions.

Sealing Processes

The laws create numerous automatic and petition sealing processes:

1. Automatic sealing of misdemeanor convictions. Convictions for petit larceny, shoplifting, trespassing, instigating trespass, trespass on posted property, distribution of marijuana, and disorderly conduct will be sealed after 7 years if eligibility conditions are met.

2. Automatic sealing of possession of marijuana offenses. Any criminal or civil offense that resulted in a final disposition for possession of marijuana, either as a charge or conviction, will be sealed when the law takes effect.

3. Automatic sealing of misdemeanor non-convictions at case conclusion. Acquittals and dismissals with prejudice, on or after July 1, 2026, will be sealed at the conclusion of the case, unless the defendant objects.

4. Automatic sealing of felony non-convictions at case conclusion. Acquittals and dismissals with prejudice, on or after July 1, 2026, may be sealed at the conclusion of the case, if the defendant makes a verbal request to seal and the Commonwealth agrees.

5. Automatic sealing of previously concluded misdemeanor non-convictions. Non-convictions going backward in time will be sealed after 3 years if eligibility conditions are met.

6. Automatic sealing of traffic infractions. Eligible traffic infractions will be sealed after 11 years.

7. Petition sealing of misdemeanor and felony convictions, deferred dismissals, and related ancillary matters. A person can petition to seal certain misdemeanors, class 5 and 6 felonies, and larceny offenses, along with related ancillary matters. If eligibility conditions are met, misdemeanors can be sealed after 7 years and felonies can be sealed after 10 years.

8. Automatic petition sealing of misdemeanor convictions, deferred dismissals, and related ancillary matters. A person can petition to seal offenses that were eligible for automatic sealing but not sealed, underage alcohol and drug paraphernalia offenses, and related ancillary matters. Eligible offenses can be sealed after 7 years. A person can also petition to seal ancillary matters related to an offense that was automatically sealed.