2027 Legislative Package

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STUDIES

- Mary Jane Burton (MJB) Review Panel
- Sealing of Criminal Records
- Automatic License Plate Recognition (ALPR)

MJB Review Panel

- Provide guidance on how attorneys share unredacted records with the defendants;
- Develop a process for the Review Panel to request scientific testing of evidence found in the possession of courts and/or law enforcement agencies; and,
- Clarify that the Review Panel may consult with other independent subject matter experts.

SEALING

- Staff was only requested to draft amendments to clarify the sealing laws or make the processes more efficient.
- A policy decision needs to be made on the automatic sealing of misdemeanor dismissals.
- Additional challenges were identified that will require further examination.

SEALING – POLICY DECISION

- Va. Code § 19.2-392.11(A) requires VSP to automatically seal misdemeanor "*dismissal[s], excluding any charge that was deferred and dismissed…*"

- VSP identified nearly 100,000 misdemeanor dismissals in the CCRE.
  - It cannot be determined which of these 100,000 charges were "dismissed" versus "deferred and dismissed".

- If VSP automatically seals <u>all</u> misdemeanor dismissals, then numerous charges that were deferred and dismissed will be sealed.

Dismissed Misdemeanor Charges

Rank	Misdemeanor Charges	Total
1	Domestic Assault & Battery (§ 18.2-57.2)	**22,389** (23%)
2	Assault & Battery (§ 18.2-57)	**12,348** (13%)
3	Contempt (§ 18.2-456)	**11,359** (12%)
4	Petit Larceny (§ 18.2-96)	**7,331** (7%)
5	Trespass (§ 18.2-119)	**5,672** (6%)
6	Failure to Appear (§ 19.2-128)	**5,276** (5%)
7	Driving While Intoxicated (§ 18.2-266)	**3,111** (3%)
8	Destruction of Property (§ 18.2-137)	**2,949** (3%)
9	Concealment of Goods (§ 18.2-103)	**2,569** (3%)
10	Disorderly Conduct (§ 18.2-415)	**2,168** (2%)
	All Other Code Sections	**23,134** (24%)
Total Dismissed Charges		**98,306**

The number of charges that were dismissed versus deferred and dismissed cannot be determined.

Source: Virginia State Police, Central Criminal Records Exchange, as of 10/1/26. Analysis by Crime Commission staff.

SEALING - POLICY DECISION

- Amend Va. Code § 19.2-392.11(A) to:
  - **Option A**: Remove the requirement to automatically seal dismissals.
    - Neither dismissed nor deferred and dismissed charges will be automatically sealed.
    - Remedies will still exist under expungement and petition sealing.

  OR

  - **Option B:** Allow all dismissals to be automatically sealed.
    - Nearly 100,000 misdemeanor dismissals will be sealed, including both dismissed and deferred and dismissed charges.

ALPR

- Various measures could be adopted to monitor and enforce law enforcement agency compliance with the ALPR statute.

Discussion