

# Updates to VA Criminal Record Expungement Laws



## Overview

Beginning in **2025**, H.B. 2113/S.B. 1339 will expand existing state expungement laws in Virginia by allowing automatic and petition-based record sealing for offenses resulting in misdemeanor and low-level felony convictions and non-convictions. Through the process of record sealing, an individual's criminal history cannot be publicly or privately accessed.

**Currently**, Virginia law does not permit record sealing without petition, and only individuals who were charged, but not convicted of their crime, generally qualify.

**Timeline:** To ensure that the Commonwealth has adequate time and necessary resources to execute changes to the law, most provisions in the bill are **not set to take effect until July 1, 2025**.

## Lifetime Limit for Deferrals and

**Convictions:** A petitioner can seal eligible convictions and deferrals from only two sentencing events during their lifetime.

## Automatic Sealing

Without petition, the following offenses may be automatically sealed\* by the Commonwealth (beginning October 1, 2025):

- **Unauthorized** Identity theft.
- **Misdemeanors** resulting in **non-conviction**.
- **Misdemeanors** resulting in a **deferred dismissal** for underage possession of alcohol or possession of marijuana.
- **Misdemeanors** resulting in a **conviction** for any of the following:
  - Possession of Marijuana
  - Possession of Marijuana with Intent to Distribute (non-felony)
  - Underage Possession of Alcohol
  - Trespass after having been Forbidden
  - Petit Larceny
  - Concealment
  - Instigating Trespass by Others
  - Trespass on Posted Property
  - Disorderly Conduct

## Petition-Based Sealing

By petition, the following offenses may be eligible\* for record sealing:

- Any eligible **Misdemeanors** not eligible for automatic sealing (DUI/DWI and domestic violence offenses are not eligible).
- **Felonies:** Only Class 5 felonies, Class 6 felonies, and felony larceny convictions will be eligible for expungement.
- **Deferred dismissals** for other offenses (beside the two offenses eligible for automatic sealing) may also be eligible to be sealed by petition.

\*Additional requirements apply.

## Waiting Periods for Convictions

Individuals with eligible **Felony** convictions must wait ten years after their conviction or release from incarceration, whichever is later, to be eligible for record sealing. **Misdemeanor** convictions have a seven-year waiting period. The individual must have no other convictions during the waiting period.



### To Apply for Legal Services:

[LSNV.org/get-help/how-do-i-apply/](https://www.lsnv.org/get-help/how-do-i-apply/)



(703) 778-6800

Intake Hours: Monday – Thursday 9:30am – 12:00pm & 1:30pm – 3:00pm.

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