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REPORT OF THE  
VIRGINIA STATE CRIME COMMISSION

**Juvenile Records -  
Confidentiality and Expungement  
(SJR 24, 2014)**

TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA



**SENATE DOCUMENT NO. 8**

COMMONWEALTH OF VIRGINIA  
RICHMOND  
2015



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## **I. AUTHORITY**

The Code of Virginia, § 30-156, authorizes the Virginia State Crime Commission (“Crime Commission”) to study, report, and make recommendations on all areas of public safety and protection. In so doing, the Crime Commission shall endeavor to ascertain the causes of crime and recommend ways to reduce and prevent it, explore and recommend methods of rehabilitation of convicted criminals, study compensation of persons in law enforcement and related fields and study other related matters including apprehension, trial and punishment of criminal offenders.<sup>1</sup> Section 30-158(3) empowers the Crime Commission to conduct studies and gather information and data in order to accomplish its purpose as set forth in § 30-156 ... and formulate its recommendations to the Governor and the General Assembly.

## **II. EXECUTIVE SUMMARY**

Senate Joint Resolution 24 was introduced during the 2014 General Assembly Session by Senator Barbara Favola. The resolution directs focus upon the confidentiality and expungement of juvenile records. The resolution specifically directed the Crime Commission to:

- (i) Review all laws related to confidentiality and retention of juvenile court records;
- (ii) Report on at what time and by whom juvenile record information can be accessed;
- (iii) Determine whether existing confidentiality and destruction of records laws are being complied with;
- (iv) Examine the impact on youthful offenders of having a juvenile record; and,
- (v) Make recommendations regarding improvements in the laws that would assist juvenile offenders while allowing law enforcement to maintain the safety of the citizens of the Commonwealth.

Under Virginia law, juvenile records are to remain confidential; however, there are exceptions to this general rule. The Virginia State Police, the Department of Juvenile Justice, the courts, and the Department Motor Vehicles are all statutorily permitted to share juvenile records, under limited circumstances, to assist with handling of juvenile cases and for public safety purposes. The records of juveniles who are tried as adults, or juveniles who are 14 or older and found delinquent on the basis of an act which would be a felony if committed by an adult, are open and are not treated as confidential.

In terms of expungement, juveniles who are adjudicated delinquent of misdemeanors or status offenses have their records automatically expunged by age 19, or at age 29 for some offenses that are required to be a part of a Department of Motor Vehicles record. However, juveniles who are found delinquent of an offense that would otherwise be a felony if committed by an adult, or who are tried as an adult, do not have their records expunged. They may only obtain expungement if they are found not guilty or the charge is not prosecuted. Juveniles whose delinquency cases qualify for automatic expungement are not required to answer in the affirmative on applications about criminal history if asked if they have “ever been convicted of a crime.” Even those juveniles who do not receive an automatic expungement and whose records are open, may still answer that they have not been convicted of a crime. This is because, under the wording of Virginia’s statutes, they

have not been “found guilty;” rather, they were “adjudicated delinquent of an offense that would be a felony if committed by an adult.” However, their record is still open for public inspection and the general public may not recognize the distinction between “guilty” and “adjudicated delinquent.” A juvenile tried as an adult would have to answer in the affirmative if they are asked about a conviction on an application because those juveniles have actually been found “guilty.”

A conviction for a crime carries numerous collateral effects that may last indefinitely. For felony convictions and felony delinquencies, these collateral effects may include the loss of civil rights, limited employment, difficulties in obtaining insurance, staying in school and obtaining a secondary education, loss/denial of public benefits, and the possibility of not being able to serve in the military.

Based on a 2011 Crime Commission review of possible improper disclosure of juvenile records, it was discovered that the Department of Motor Vehicles had mistakenly disclosed offense information on some juvenile driving records. The Department of Motor Vehicles made these disclosures based on abstracts that had not been redacted when sent to them, or abstracts that were erroneously sent by the courts.<sup>2</sup> This mistake was corrected; however, it is unclear under current statutes as to what extent the Department of Motor Vehicles has the authority to include any information about offense specifics on a juvenile’s driving record.

The Crime Commission reviewed study findings at its September and December meetings and presented two policy options:

**Policy Option 1:** Amend Va. Code § 46.2-383 to make it clear that DMV can include offense specifics that relate to the operation of a motor vehicle on a juvenile’s driving record, but not for any other type of crime for which a juvenile is adjudicated delinquent.

**Policy Option 2:** Should the courts be required to record and report the number of cases expunged annually?

The Crime Commission unanimously endorsed Policy Option 1. No motion was made on Policy Option 2.

Delegate Jennifer McClellan introduced House Bill 1957 during the 2015 Regular Session of the Virginia General Assembly to make clear the information that DMV can provide on a juvenile driving record. After passing both the House of Delegates and the Senate, this bill was signed into law by the Governor on March 23, 2015.

### **III. BACKGROUND**

Senate Joint Resolution 24 (SJR 24) was introduced during the 2014 General Assembly Session by Senator Barbara Favola. The resolution directs focus upon the expungement of juvenile records. The resolution specifically directed the Crime Commission to:

- (i) Review all laws related to confidentiality and retention of juvenile court records;
- (ii) Report on at what time and by whom juvenile record information can be accessed;
- (iii) Determine whether existing confidentiality and destruction of records laws are being complied with;
- (iv) Examine the impact on youthful offenders of having a juvenile record; and,

- (v) Make recommendations regarding improvements in the laws that would assist juvenile offenders while allowing law enforcement to maintain the safety of the citizens of the Commonwealth.

In general, juveniles are separated into two categories in Virginia's criminal justice system: juveniles who are tried as adults; and, juveniles who are processed through the juvenile justice system.

### **Juveniles Tried as Adults**

In Virginia, juveniles can have their cases transferred to a circuit court and be tried as an adult in three specific ways: automatic certification, discretionary certification, and after a transfer hearing. Juveniles are "automatically" certified for transfer to circuit court if they are 14 years of age at the time of offense and there is a sufficient finding of probable cause for the following serious offenses: capital murder, murder, lynching, and aggravated malicious wounding.<sup>3</sup> Under prosecutorial certification, if a Commonwealth's Attorney makes a motion, and it is established at a hearing that there is probable cause that a juvenile 14 years or older committed any of the statutorily listed offenses in Va. Code § 16.1-269.1(C), then the juvenile will be tried as an adult.<sup>4</sup> And finally, if a Commonwealth's Attorney makes a motion, and the juvenile is 14 years or older and is charged with any crime that would be a felony if committed by an adult, the judge may consider transferring the juvenile to circuit court to be tried as an adult.<sup>5</sup> As with adult records, juveniles who are tried and convicted as adults have no confidentiality attached in regard to these records.<sup>6</sup> After a juvenile has been tried and convicted as an adult, he is considered to be an adult for all future criminal cases.<sup>7</sup>

### **Confidentiality of Juvenile Records**

The general rule with juvenile adjudications and criminal records is that these records must be kept confidential and not disclosed or shared.<sup>8</sup> There are, however, several exceptions located in the Virginia Code which permit the disclosure of juvenile adjudications in very specific circumstances. In particular, there are exceptions for the Virginia State Police (VSP), courts, the Department of Juvenile Justice (DJJ), and the Department of Motor Vehicles (DMV) to share information on juvenile adjudications. These exceptions are aimed at allowing agencies to share information with other agencies involved with the juvenile's custody and care, and to protect the public.

The Virginia State Police, under Virginia Code § 19.2-389.1, is permitted to share juvenile criminal records in the following, limited circumstances:

- Information required for firearms purchases and permits;
- Aid in the preparation of pretrial, post-trial, and pre-sentence reports;
- Community-based probation services agencies;
- Fingerprint comparisons using AFIS;
- Va. Department of Forensic Science to determine if it can maintain a juvenile's DNA sample;
- Va. Office of the Attorney General for all criminal justice activities;
- Va. Criminal Sentencing Commission for research purposes;
- Threat assessment teams at public institutions of higher learning; and,
- Law enforcement employment screening.

Under Va. Code § 16.1-301, law enforcement agencies are required to keep juvenile criminal records separate from adult records. However, records for any violent juvenile felony offense listed under Va. Code § 16.1-269.1 (B) and (C), any arson offense, or any violation of a law involving any weapon listed in Va. Code § 18.2-308(A), may be disclosed to school principals for the safety of other students. This information may also be shared with local school division threat assessment teams.

The general rule for courts is that records of juvenile adjudications are to remain confidential, only to be shared with individuals or entities that are specifically listed in the Code of Virginia.<sup>9</sup> Additionally, courts are required to maintain juvenile files separately from adult files. Under Va. Code § 16.1-305, the courts are permitted to share juvenile court records with specifically enumerated individuals or agencies:

- Judges, probation officers, and professional staff assigned to JDR courts;
- Public or private agencies that have custody of the child or for furnishing treatment or evaluation;
- Commonwealth's Attorneys or attorneys for the juvenile;
- Persons, agencies, or institutions, under court order, with legitimate interests;
- Aid in the preparation of pretrial, post-trial, and presentence reports;
- Community-based probation service agencies;
- Background for Parole Board;
- Office of the Attorney General of Virginia for all criminal justice activities;
- Va. DMV for abstracts pursuant to Va. Code § 46.2-383; and,
- Va. Workers Compensation Board, to determine compensation for a victim of a crime.

The Virginia Department of Juvenile Justice must keep the records of juveniles in their custody, under supervision of court service units, or before a court, confidential.<sup>10</sup> The Virginia Department of Juvenile Justice may open the records to the following:

- Judges, prosecuting attorneys, probation officers and professional staff assigned to the juvenile's case;
- Agencies treating or providing services to a juvenile;
- Parents, legal guardians, or those standing in *loco parentis* to the juvenile;
- The juvenile himself upon reaching majority;
- Any person, by order of the court, having a legitimate interest in the juvenile, case, or work of the court;
- Any person, agency, or institution, having a legitimate interest in the treatment of the juvenile;
- Commonwealth's Attorneys, pretrial services, probation services for pretrial and post-trial activities;
- Persons, agencies, institutions outside of DJJ doing research for DJJ;
- Law enforcement for criminal street gang information purposes;
- Va. Office of the Attorney General for all criminal justice activities; and,
- The Commonwealth's Attorneys' Services Council and any attorney for the Commonwealth for use in identifying criminal street gang members.<sup>11</sup>

The Virginia Department of Motor Vehicles is statutorily permitted to obtain juvenile adjudication records in order to effectuate suspensions of juvenile drivers' licenses under three distinct sections of the Code. Virginia Code section symbol 16.1-305(D) references "papers filed in connection with



an adjudication of guilty for an offense for which the clerk is required by section symbol 46.2-383 to furnish an abstract to the Department of Motor Vehicles." This implies, though does not strictly state, that those adjudication records are to be forwarded to the DMV if the offense involved is listed in Va. Code § 46.2-386. (The subsection directly concerns prosecutors being able to receive attested copies of those papers, not DMV). In turn, under Va. Code § 46.2-383, DMV is permitted to obtain abstracts of the convictions on the following offenses:

- Any traffic violation, including local ordinances;
- Motor vehicle theft;
- Operating a water craft while intoxicated;
- Driving while intoxicated;
- Failure to pay fines, costs, forfeiture, restitution or penalty, or any installment, related to traffic cases;
- Forfeiture of bail or collateral, related to charges;
- Manslaughter or any other felony in the commission of which a motor vehicle was used; and,
- Court ordered driver's education or alcohol treatment/rehabilitation program.

This section refers to convictions and not adjudications. According to DMV, the authority to include adjudication information on DMV driving records is derived from the fact that this Code section refers to "persons," and the word "persons" includes juveniles. This argument, plus the fact that Va. Code § 16.1-305 (D) references Va. Code § 46.2-383, albeit indirectly, is the justification that DMV uses to include adjudication information on the driving records that they produce. It should be noted, though, that there is no specific language in Va. Code § 46.2-383 that authorizes DMV to include juvenile offense specifics on a driving record, just that DMV can receive this information.

The second section that confers on DMV the authority to obtain otherwise confidential juvenile records is Va. Code § 16.1-278.9. Under this section, if a juvenile is adjudicated delinquent of the following offenses, the judge must deny or suspend the driver's license of a juvenile:<sup>12</sup>

- DUI or refusal;
- Marijuana or controlled substances possession or distribution;
- Unlawful purchase, possession or consumption of alcohol;
- Public intoxication;
- Possession of a handgun or "street sweeper;"
- Threats to bomb or damage a building; and,
- Truancy.

While judges are required to take action on the license and "shall report any order issued under this section to the Department of Motor Vehicles," there is similarly no explicit authority in this section for DMV to include specific adjudication information on the juvenile's driving record.

The last section that permits DMV to obtain records of juvenile adjudications is Va. Code § 16.1-278.8(A)(9). In this section, a judge has the discretion to order the suspension of a license for juveniles found delinquent of any offense. And, as with the other sections that allow DMV to receive information about adjudications, this section simply allows the judge to take action on the juvenile's driver's license. Again, there is no explicit authority in this statute for DMV to include specific adjudication information on the driving record they produce, nor is there a cross reference to Va. Code § 46.2-383. There is also a general grant of authority under Va. Code § 46.2-395 for DMV to

suspend or revoke licenses for failure or refusal to pay fines or court costs for criminal convictions, but again there is also no explicit authority in this statute to include information about underlying juvenile convictions on the DMV driving record.

With regard to the conviction records that DMV maintains, these records may be destroyed after 3 years, and 5 years for forfeitures related to speeding or reckless driving. Convictions stay on driving records for various lengths of time, depending upon the person or entity requesting the record: 5 years for insurance companies; 7 years for employers; 11 years for personal use; and, 12 years for law enforcement.

### **Unauthorized Disclosures**

In 2011, Crime Commission staff was asked to determine if juvenile records were being improperly disclosed, based on a 2011 Commission on Youth study on juvenile re-entry, which indicated that there were improper disclosures of juvenile records.<sup>13</sup> After staff made a presentation at the September 2011, Crime Commission meeting, staff obtained a copy of a letter from an attorney whose client had an adjudication for petit larceny included on his DMV driving record. Staff reviewed the juvenile's DMV record and determined that it appeared to be an improper disclosure of his record. The authorization for including the adjudication on the record was stated as "Va. Code § 46.2-390.1." It is not clear from Va. Code § 46.2-390.1 where the authority would be for including the juvenile adjudication for petit larceny on the driving record.<sup>14</sup>

After contacting both the Virginia Supreme Court and DMV, the problem was identified as a data entry error, due to a new computer program used to transmit abstracts from the JDR courts to DMV in accordance with Va. Code § 46.2-383. In some cases, petit larceny adjudications were included in the abstract, with DMV then adding this adjudication information onto the juvenile's driving record. It is extremely doubtful, based on the overall confidential nature of juvenile records, that DMV had the authority to list the actual offense of petit larceny on these driving records. The Virginia Supreme Court and DMV worked closely together to identify the affected records and remove improperly disclosed delinquencies. Overall, there were nearly 7,000 cases reviewed and close to 3,500 records corrected.

## **IV. EXPUNGEMENT**

Within Virginia's juvenile criminal justice system, there are two separate categories of expungement. One is the regular method of expungement that is available to adults. The other is limited to juveniles who have been adjudicated of an offense that would be a misdemeanor if committed by an adult. This latter method occurs automatically. Each year, JDR court clerks must expunge the records for all juveniles who have reached 19 years of age, provided there has been five years since the adjudication of delinquency.<sup>15</sup> However, if the juvenile was found delinquent for an offense that would be a felony if committed by an adult, they are not eligible for this automatic expungement.<sup>16</sup> In addition, if the offense is one for which DMV receives an abstract under Va. Code § 46.2-383, the record can only be expunged when the individual reaches the age of 29.<sup>17</sup>

If a juvenile is not covered by automatic expungement, there is a provision under Va. Code § 19.2-392.2 to obtain an expungement of the record. This is the same statute that is applicable to adult charges and arrests. It provides a very limited remedy because an expungement may only be obtained if the individual was acquitted, or the charge was *nolle prosequied* ("nolle prossed"); and,

the court finds that the continued existence and possible dissemination of the record constitutes “a manifest injustice to the petitioner.”

The JDR courts expunge records each year, and are provided training on a regular basis concerning automatic expungements. However, the number of records expunged each year is not currently tracked.

## **V. COLLATERAL EFFECTS OF A CRIMINAL RECORD**

There are many effects that a criminal record has on a person, beyond incarceration, which may last indefinitely, even after an incarcerated person may have been rehabilitated.<sup>18</sup> As one Supreme Court jurist noted, a conviction “imposes a status upon a person...which...seriously affects his reputation and economic opportunities.”<sup>19</sup> In fact, the current modern form of these consequences has been compared to the old English practice known as the “civil death,” where a criminal’s civil rights were extinguished after conviction of a crime.<sup>20</sup> In general, a criminal record may affect a person’s ability to find employment, participate in business opportunities, result in a loss of access to benefits and participation in government programs such as student loans, housing, insurance, and contracting, and may negatively impact other parts of civic life.<sup>21</sup>

For juveniles, in addition to the possible restrictions on future employment, there are other consequences of a criminal record that are different than for adults. One such difference is that juveniles may have their education interrupted while incarcerated. Even if there are no appreciable interruptions to a juvenile’s education, some studies link unusually low high school graduation rates to juvenile convictions and delinquency adjudications, when compared to those students without a criminal record.<sup>22</sup> In addition, juveniles with a criminal record also enroll at much lower rates in four-year colleges than those youth with no such records.<sup>23</sup>

### **Virginia’s Collateral Effects**

If a juvenile’s adjudicated delinquencies are subject to automatic expungement, he does not have to answer in the affirmative if he has been “convicted” of a crime if asked by a potential employer, insurer, or school. Furthermore, provided the juvenile has not been tried as an adult, he can answer that he has never been “convicted” of a crime, even if he was adjudicated delinquent of an offense that would be a felony if committed by an adult. JDR court proceedings result in adjudications, and not convictions, which is why he would not be required to answer that he was “convicted” of a crime “nor shall any such finding operate to disqualify the child for employment by any state or local governmental agency.”<sup>24</sup> However, the VSP and local law enforcement may consider the “nature and gravity of the offense, the time since adjudication, the time since completion of any sentence, and the nature of the job,” when a juvenile applies for a job with a law enforcement agency.

The social, medical, psychiatric, psychological, predisposition and supervision records of juveniles are not open to the public.<sup>25</sup> With the prospective employee’s written consent, an employer may file a form with the Central Criminal Records Exchange (CCRE) requesting criminal records. If the person has juvenile adjudications, but no adult convictions, the CCRE request should come back with a “clean record.”<sup>26</sup> Educational institutions or employers are not permitted to inquire about records that have been expunged per Va. Code § 19.2-392.4. State agencies and local governments are also not permitted to request an “applicant for a license, permit, registration, or governmental service” disclose an expunged record under Va. Code § 19.2-392.4.

If a juvenile is 14 and is adjudicated delinquent of a crime that would be a felony if committed by an adult, these court records are open to public inspection, unless a judge has ordered the record to remain confidential. So, it is possible for a potential employer to search the court records for these types of juvenile adjudications. The juvenile may still answer in the negative that he was not “convicted” of a crime, but the record is open to the public.

School superintendents are notified when a juvenile is charged with a serious crime, which can result in the student’s suspension, or expulsion, or required attendance at an alternative education program.<sup>27</sup>

There is also the potential loss of public benefits as a result of a criminal record which includes:

- Loss of driver’s license for committing certain offenses, listed in Va. Code §§ 46.2-383, 16.1-278.8(A)(9), and, 16.1-278.9;
- Being unable to adopt or become a foster parent per Va. Code § 63.2-1721; and,
- Being prohibited from possessing or owning firearms if found delinquent of murder, kidnapping, robbery, or rape, Va. Code § 18.2-308.2.

Some other effects include:

- Colleges and universities require the disclosure of convictions, and the U.S. military also restricts enlistment based on an individual’s criminal record;<sup>28</sup>
- Fingerprints and photographs submitted to the CCRE are not expunged;<sup>29</sup>
- If a juvenile 14 or older is convicted of a felony or adjudicated delinquent on the basis of an act which would be a felony if committed by an adult, he will have a sample of their blood, saliva or tissue taken for DNA analysis;<sup>30</sup> and,
- If a juvenile is found guilty or delinquent of an offense that requires registration on the Sex Offender and Crimes Against Minors Registry, he may be required to register for up to 15 years, 25 years, or for his lifetime, depending on the offense.<sup>31</sup>

## **VI. SUMMARY**

Overall, juvenile records are to remain confidential, although there are exceptions. The VSP, DJJ, the courts, and DMV all share juvenile records to assist with handling of cases and for public safety purposes. The court records of juveniles who are tried as adults or juveniles that are 14 or older and found delinquent on the basis of an act which would be a felony if committed by an adult are open, and are not treated as confidential.

Juveniles who are adjudicated delinquent of misdemeanors and status offenses can have their records automatically expunged by age 19, or at age 29 for some offenses that appear on DMV records. However, juveniles who are found delinquent of a felony, or who are tried as an adult, do not have their records expunged. Juveniles subject to automatic expungement are not required to answer in the affirmative on applications about criminal history. Even those juveniles found delinquent of offenses that would be a felony if committed by an adult, whose records are open, may still answer that they have not been convicted of a crime. Juveniles tried as adults must disclose convictions on applications.

There are numerous collateral effects for delinquencies and convictions that cannot be expunged, which include the loss of civil rights, limited employment, denial of insurance, difficulties related to staying in school and obtaining a secondary education, denial of public benefits, and the ability to serve in the military. The DMV based on mistaken abstracts received from the courts, improperly disclosed information on certain driving records a few years ago. This mistake was corrected. However, a close reading of Virginia's statutes reveals that it is unclear if DMV has the authority to include any information about offense specifics on a juvenile's driving record.

The Crime Commission reviewed study findings at its September and December meetings and presented two policy options:

**Policy Option 1:** Amend Va. Code § 46.2-383 to make it clear that DMV can include offense specifics that relate to the operation of a motor vehicle on a juvenile's driving record, but not for any other type of crime for which a juvenile is adjudicated delinquent.

**Policy Option 2:** Should the courts be required to record and report the number of cases expunged annually?

The Crime Commission unanimously endorsed Policy Option 1. No motion was made on Policy Option 2.

Delegate Jennifer McClellan introduced House Bill 1957 during the 2015 Regular Session of the Virginia General Assembly to make clear the information that DMV can provide on a juvenile driving record. After passing both the House of Delegates and the Senate, this bill was signed into law by the Governor on March 23, 2015.<sup>32</sup>

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<sup>1</sup> VA. CODE ANN § 30-156 (2009).

<sup>2</sup> These are abstracts that contain the main details of a criminal case: the name of the defendant, the court, the offense charged, the date of the adjudication, etc. They are forwarded to the Department of Motor Vehicles.

<sup>3</sup> VA. CODE ANN. § 16.1-269.1(B) (2014).

<sup>4</sup> VA. CODE ANN. § 16.1-269.1(C) (2014).

<sup>5</sup> VA. CODE ANN. § 16.1-269.1(A) (2014).

<sup>6</sup> See VA. CODE ANN. 16.1-305(A) dealing with the confidentiality of just delinquency proceedings; compare to VA. CODE ANN. 16.1-271 and VA. CODE ANN. 16.1-307 which specify all of the procedures and dispositions for the convictions of juveniles tried as adults." See also UNC Center for Civil Rights, *Juvenile Delinquency Adjudication, Collateral Consequences, and Expungement of Juvenile Records: A Survey of Law and Policy in Delaware, Virginia, North Carolina and Florida* p. 12 (2011), retrieved from <http://www.law.unc.edu/documents/civilrights/centerforcivilrightsexpungementreport.pdf>.

<sup>7</sup> VA. CODE ANN. § 16.1-271 (2014).

<sup>8</sup> VA. CODE ANN. § 16.1-305 (2014).

<sup>9</sup> However, if "a juvenile 14 years of age or older at the time of the offense is adjudicated delinquent on the basis of an act which would be a felony if committed by an adult," the records are open, unless otherwise ordered by the judge.

<sup>10</sup> VA. CODE ANN § 16.2-300 (2014).

<sup>11</sup> *Id.* Under Va. Code § 16.1-309.1, a judge may share information on a juvenile in the "consideration of public interest." Essentially, this information may be shared in situations where the juvenile has been adjudicated of a serious offense and is a fugitive.

<sup>12</sup> VA. CODE ANN. § 16.1-278.9 (2014).

<sup>13</sup> VA. COMM'N ON YOUTH, STUDY OF JUVENILE OFFENDER REENTRY IN THE COMMUNITY, September 2011. Retrieved from

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[http://leg2.state.va.us/dls/h&sdocs.nsf/fc86c2b17a1cf388852570f9006f1299/2aa3342132c11b2f85257903005a63f6/\\$FILE/RD179.pdf](http://leg2.state.va.us/dls/h&sdocs.nsf/fc86c2b17a1cf388852570f9006f1299/2aa3342132c11b2f85257903005a63f6/$FILE/RD179.pdf).

<sup>14</sup> Under Va. Code § 46.2-390.1, a juvenile's license may be revoked for violating drug offenses, which has nothing to do with petit larceny.

<sup>15</sup> VA. CODE ANN. § 16.1-306(A) (2014).

<sup>16</sup> Id.

<sup>17</sup> Id., Additionally, if the juvenile commits an offense which is eligible for automatic expungement and an offense for which DMV receives an abstract, the file can only be expunged when the juvenile reaches the age of 29. VA. CODE ANN. § 16.1-306(B)(ii) (2014).

<sup>18</sup> Berson, S.B. (Sept. 2013). Beyond the sentence: Understanding collateral consequences, *National Institute of Justice Journal*, 272, 25-28.

<sup>19</sup> Parker v. Ellis, 362 U.S. 574, 593-94 (1960) (Warren, C.J., dissenting).

<sup>20</sup> Chin, G.J. (2012). The new civil death: Rethinking punishment in the era of mass conviction, *University of Pennsylvania Law Review*, 160, 1789-1833.

<sup>21</sup> *Supra* note 18 .

<sup>22</sup> See, for example, Kirk, D.S., & Sampson, R.J. (2013). Juvenile arrest and collateral educational damage in the transition to adulthood. *Sociology of Education*, 86(1), 36-62.

<sup>23</sup> Id. at p. 53.

<sup>24</sup> VA. CODE ANN. §16.1-308 (2014).

<sup>25</sup> VA. CODE ANN. §16.1-305(B1) (2014).

<sup>26</sup> VA. CODE ANN. §19.2-389 (2014).

<sup>27</sup> VA. CODE ANN. § 22.1-277.2:1 and VA. CODE ANN. § 16.1-260(G).

<sup>28</sup> See generally, <http://usmilitary.about.com/od/joiningthemilitary/a/moralwaivers.htm>.

<sup>29</sup> VA. CODE ANN. § 19.2-299 (2014).

<sup>30</sup> VA. CODE ANN. § 16.1-299.1 (2014).

<sup>31</sup> VA. CODE ANN. § 9.1-902(G)(2014).

<sup>32</sup> 2015 Va. Acts ch. 478.



