



# *Sealing of Criminal Records Update*

**January 2026**

## MEMBERS OF THE CRIME COMMISSION

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The Honorable Karrie K. Delaney  
The Honorable C. Todd Gilbert\*  
The Honorable Patrick A. Hope  
The Honorable Don L. Scott, Jr., *Speaker of the House*  
The Honorable Wren M. Williams

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The Honorable L. Louise Lucas  
The Honorable Mark J. Peake

### ATTORNEY GENERAL

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\*Delegate C. Todd Gilbert resigned as a member of the House of Delegates in July 2025. The Crime Commission currently has one vacancy from the House of Delegates.

# SEALING OF CRIMINAL RECORDS UPDATE

## Sealing Begins in Virginia on July 1, 2026

On July 1, 2026, a series of statutes will take effect in Virginia authorizing the automatic and petition sealing of numerous offenses.<sup>1</sup>

Processes will begin for the automatic sealing the following types of offenses:

- Misdemeanor convictions (petit larceny, shoplifting, trespassing, instigating trespass, trespass on posted property, distribution of marijuana, and disorderly conduct);<sup>2</sup>
- Possession of marijuana offenses (criminal and civil);<sup>3</sup>
- Misdemeanor non-convictions at case conclusion (acquittal and dismissal with prejudice);<sup>4</sup>
- Felony non-convictions at case conclusion (upon verbal request by the defendant and concurrence of the Commonwealth's Attorney) (acquittal and dismissal with prejudice);<sup>5</sup>
- Previously concluded misdemeanor non-convictions (acquittal, nolle prosequi, and dismissal, excluding deferred dismissal);<sup>6</sup> and,
- Traffic infractions.<sup>7</sup>

In addition, the following two petition processes will become available to seal certain offenses:

- Petition sealing of misdemeanor and felony convictions, deferred dismissals,<sup>8</sup> and related ancillary matters, with the exception of several categories of offenses, such as Class 1, 2, 3, and 4 felonies, sex crimes, violent felonies, sex trafficking, felonies involving the use of a firearm, protective order violations, hate crimes, animal cruelty, election laws, date rape drug offenses, not guilty by reason of insanity dispositions, dangerous or vicious dogs offenses, and crimes against family or household members;<sup>9</sup> and,
- Automatic petition sealing of misdemeanor convictions and deferred dismissals that are eligible for automatic sealing but were not sealed through the automatic process, certain other misdemeanor convictions and deferred dismissals not eligible for automatic sealing, and related ancillary matters.<sup>10</sup>

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<sup>1</sup> 2025 Va. Acts ch. 634 and 671. Senate Bill 1466, 2025 Regular Session of the General Assembly, Governor's Recommendation Adopted. <https://lis.virginia.gov/bill-details/20251/SB1466>. House Bill 2723, 2025 Regular Session of the General Assembly, Governor's Recommendation Adopted. <https://lis.virginia.gov/bill-details/20251/HB2723>. See VA. CODE ANN. § 19.2-392.5 et seq. (2025).

<sup>2</sup> VA. CODE ANN. § 19.2-392.6 (2025). *But see* 2025 Va. Acts ch. 634 and 671, enactment clauses 8 and 13. VSP has until October 1, 2026, to transmit the first list of convictions eligible for automatic sealing. See note 1.

<sup>3</sup> VA. CODE ANN. § 19.2-392.6:1 (2025).

<sup>4</sup> VA. CODE ANN. § 19.2-392.8(A) (2025).

<sup>5</sup> VA. CODE ANN. § 19.2-392.8(B) (2025).

<sup>6</sup> VA. CODE ANN. § 19.2-392.11 (2025).

<sup>7</sup> VA. CODE ANN. § 19.2-392.17 (2025).

<sup>8</sup> A deferred dismissal refers to a circumstance where a charge is dismissed after the defendant completes certain terms or conditions ordered by the court. See Virginia State Crime Commission. (2008). *Deferred disposition*, <https://vscc.virginia.gov/documents/deferred%20disposition.pdf>.

<sup>9</sup> VA. CODE ANN. § 19.2-392.12 (2025).

<sup>10</sup> VA. CODE ANN. § 19.2-392.12:1 (2025).

## Sealing is on Schedule for Implementation on July 1, 2026

The Crime Commission heard presentations from the Virginia State Police (VSP),<sup>11</sup> the Office of the Executive Secretary of the Supreme Court of Virginia (OES),<sup>12</sup> the Virginia Department of Motor Vehicles (DMV),<sup>13</sup> the Virginia Court Clerks Association, the Virginia Association of Commonwealth's Attorneys (VACA), and the Virginia Indigent Defense Commission (VIDC) at its August 2025 Commission meeting. Each entity advised that implementation is proceeding as scheduled for the sealing statutes to take effect on July 1, 2026. In addition, the Virginia Department of Criminal Justice Services (DCJS) notified Crime Commission staff prior to the meeting that the sealing regulations are in progress.<sup>14</sup>

Further, VSP provided a subsequent update to the Crime Commission at its December 2025 Commission meeting.<sup>15</sup> VSP informed Commission members that it is in the process of terminating its contract with the vendor for its new criminal history record system; however, VSP is undertaking internal system modifications to meet the requirements of the sealing legislation in time for the July 1, 2026, implementation.

Finally, the Clerk of the Fairfax County Circuit Court advised Crime Commission staff, VSP, and OES during sealing implementation meetings that his office plans to be prepared to implement sealing by July 1, 2026.<sup>16</sup>

## Sealing Resources and Training Have Been Provided

The 2025 sealing legislation directed the Crime Commission to identify methods to educate and assist the public, provide practitioner training, determine workload and resource needs, and assess any additional matters that arise in relation to sealing.<sup>17</sup> Pursuant to this legislative directive, and with guidance from the Crime Commission, staff engaged in numerous sealing-related activities during 2025.

### *Sealing Informational Brochure Created*

Staff collaborated with stakeholders to develop an informational brochure explaining the sealing laws and associated processes.<sup>18</sup> The brochure is available on the Crime Commission's website to

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<sup>11</sup> Virginia State Police. (2025, August 19). *Progress on automated sealing*.

<https://vscc.virginia.gov/2025/Aug19VSCCmtg/VSP%20-%20Sealing%20Update.pdf>.

<sup>12</sup> Office of the Executive Secretary of the Supreme Court of Virginia. (2025, August 19). *Update on implementation of sealing criminal records*. <https://vscc.virginia.gov/2025/Aug19VSCCmtg/OES%20-%20Criminal%20Sealing%20Update.pdf>.

<sup>13</sup> Virginia Department of Motor Vehicles. (2025, August 19). *DMV conviction record sealing implementation update*. <https://vscc.virginia.gov/2025/Aug19VSCCmtg/Sealing%20Presentation%20DMV%20Aug%202025.pdf>.

<sup>14</sup> Virginia Department of Criminal Justice Services (personal communication, August 13, 2025).

<sup>15</sup> Virginia State Police. (2025, December 2). *Progress on automated sealing*.

<https://vscc.virginia.gov/2025/Dec2VSCCMtg/Virginia%20State%20Police%20Sealing%20Update.pdf>.

<sup>16</sup> Clerk of the Fairfax County Circuit Court (personal communications, January 7 and 9, 2026).

<sup>17</sup> 2025 Va. Acts ch. 634 and 671, enactment clauses 16 and 17. See note 1.

<sup>18</sup> Virginia State Crime Commission. *Sealing of criminal records in Virginia*.

<https://vscc.virginia.gov/Sealing/VSCC%20Sealing%20Brochure%20July%202025.pdf>.

download, print, and distribute to the public. The informational brochure contains a QR code that links directly to the Crime Commission's sealing webpage.

### *Sealing Webpage Created*

A webpage was created on the Crime Commission website to provide the public with detailed information about sealing.<sup>19</sup> The webpage includes frequently asked questions about sealing, past reports and presentations, resources, and the sealing informational brochure, as well as information on expungement from the VIDC.<sup>20</sup>

### *Training Provided by Crime Commission Staff*

Crime Commission staff delivered multiple presentations on sealing at conferences across the Commonwealth, with content tailored to each specific audience, including the following:

- Virginia Court Clerks Association Annual Conference (Bristol);<sup>21</sup>
- Leroy Rountree Hassell, Sr. Indigent Criminal Defense Seminar - Advanced Skills for the Experienced Practitioner (Richmond);<sup>22</sup>
- VIDC Annual Public Defender Conference (Virginia Beach); and,
- Virginia State Bar Pro Bono Conference (virtual).<sup>23</sup>

### *Staff Attended Trainings and Informational Sessions Provided by Other Entities*

In addition to providing training, staff also attended sealing trainings and informational sessions provided by other entities.<sup>24</sup> Specifically, staff attended the following sessions:

- “Understanding the Virginia Sealing Criminal Records Statute” (Virginia CLE);<sup>25</sup>
- “Virtual Criminal Record Expungement and Sealing Informational Workshop” (Nolef Turns, Justice Forward, EmpowerAll, and Newport News NAACP);<sup>26</sup>
- “Criminal Conviction Sealing in 2026” (VACA);<sup>27</sup>

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<sup>19</sup> Virginia State Crime Commission. *Sealing of criminal records*. <https://vscc.virginia.gov/sealing.asp>.

<sup>20</sup> Virginia Indigent Defense Commission. (2025). *Expungement FAQs*.

<https://vscc.virginia.gov/Sealing/Expungement%20FAQ%20-%20VIDC.pdf>. Virginia Indigent Defense Commission. (2025, November 1). *Virginia expungement overview*. <https://vscc.virginia.gov/Sealing/Expungement%20Brochure%20-%20VIDC.pdf>.

<sup>21</sup> Agenda available at [https://vccaonline.org/?page\\_id=990](https://vccaonline.org/?page_id=990).

<sup>22</sup> Agenda available at

[https://vsbwebstorage.blob.core.windows.net/\\$web/AgendasandMeetingMaterials/2025/ICDS%20Agenda%20Sept26-25.pdf](https://vsbwebstorage.blob.core.windows.net/$web/AgendasandMeetingMaterials/2025/ICDS%20Agenda%20Sept26-25.pdf).

<sup>23</sup> Agenda available at <https://event.gotowebinar.com/event/175e32fc-70fb-41af-8855-c007b5e1073f>.

<sup>24</sup> Justice Forward created a webpage to provide information on expungement and sealing. Justice Forward Virginia Foundation. (2025). *Criminal record expungement and record sealing*.

<https://www.justiceforwardvafoundation.org/expungementsealing-2>.

<sup>25</sup> This was a virtual course and is available for replay at <https://www.vacle.org/product/understanding-the-virginia-sealing-criminal-records-statute-od/>. The course first aired in April 2025.

<sup>26</sup> This was a virtual event held on June 26, 2025. The event announcement is available at <https://x.com/nolefturnsinc/status/1937330322062082411>.

<sup>27</sup> This was an in-person course held August 1, 2025.

- “The State of Record Clearance in the Commonwealth of Virginia” (Virginia Association of Criminal Defense Lawyers);<sup>28</sup>
- Virginia Justice Conference (Nolef Turns);<sup>29</sup> and,
- “Seal the Deal: Preparing Clients for Record Sealing in Virginia” (VIDC).<sup>30</sup>

## Crime Commission Continues to Collaborate with Stakeholders

### *Expungement and Sealing Resource Attorney at VIDC*

The 2025 sealing legislation created a new expungement and sealing resource attorney position at the VIDC.<sup>31</sup> Staff collaborated with the VIDC resource attorney to develop public information on expungement.<sup>32</sup> In addition, the VIDC resource attorney co-presented with Crime Commission staff on sealing at the VIDC Annual Public Defender Conference.

### *Sealing Implementation Work Group*

Staff continued to engage with stakeholders and advocates during 2025. Staff created a sealing implementation work group comprised of numerous state and local agencies, organizations, and interested groups. Members heard updates from state agencies on the status of their implementation efforts (VSP, OES, DMV, DCJS, VIDC), learned about how the Virginia State Bar can support these initiatives, and discussed logistical and operational challenges, trainings and informational materials for stakeholders, and public awareness and outreach measures. No legislative changes were identified that need to be made to the sealing statutes during the 2026 Regular Session. This work group will continue to meet in 2026.

### *Sealing Resource Needs Work Group*

Staff also created a sealing resource needs work group to discuss and evaluate workload, staffing, and resource needs, as directed by the 2025 legislation.<sup>33</sup> Because resources for sealing were allocated in the 2025 budget,<sup>34</sup> no additional resources were identified at this time. Staff will continue to consult with these stakeholders to identify workload, staffing, and resource needs after the sealing statutes take effect. This work group will continue to meet in 2026.

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<sup>28</sup> This was a virtual training on August 6, 2025, by Rob Poggenklass, Executive Director of Justice Forward.

<sup>29</sup> This was an in-person event held on September 11 and 12, 2025, and included an informational class on sealing led by Rob Poggenklass, Executive Director of Justice Forward, and an expungement clinic. Information on the conference is available at <https://www.virginiajusticeconference.com/>. Staff attended in-person on September 11.

<sup>30</sup> This was a virtual course held on November 5, 2025.

<sup>31</sup> 2025 Va. Acts ch. 634 and 671, enactment clause 3. See note 1. See also House Bill 1600. Budget Amendments Conference Report. Item 40 #1c. <https://budget.lis.virginia.gov/amendment/2025/1/HB1600/Introduced/CR/40/1c/>.

<sup>32</sup> See Virginia Indigent Defense Commission. (2025). *Expungement FAQs*.

<https://vscc.virginia.gov/Sealing/Expungement%20FAQ%20-%20VIDC.pdf>. See also Virginia Indigent Defense Commission. (2025, November 1). *Virginia expungement overview*.

<https://vscc.virginia.gov/Sealing/Expungement%20Brochure%20-%20VIDC.pdf>.

<sup>33</sup> 2025 Va. Acts ch. 634 and 671, enactment clause 16. See note 1.

<sup>34</sup> See Virginia State Crime Commission. (2025). *Sealing of criminal records update*.

<https://vscc.virginia.gov/Annual%20Reports/2024%20VSCC%20Annual%20Report%20-Sealing%20of%20Criminal%20Records%20Update.pdf>.

## Conclusion

Automatic and petition sealing takes effect in Virginia on July 1, 2026. All stakeholders advise that implementation is on schedule. Crime Commission staff will continue consulting with stakeholders and interested groups to monitor implementation, support public outreach, identify resource needs, collect sealing data, and provide training upon request.