

Virginia's New Record-Sealing Law: Frequently Asked Questions

What's the difference between sealing and expungement?

In Virginia, not much. In some states, expungement means a criminal record has been totally destroyed, while sealing means a record has been placed in a secure location where only a few people can access it for very specific reasons. Current Virginia law says "expungement" while the new law says "sealing," but the terms are defined similarly. In Virginia, expungement means a record has been placed in a secure location where only a few people can access it for very specific reasons, such as a court clerk having access so that she can collect payments on any fines or fees still owed on the case. Under the new law, sealing means the record will be transferred to a confidential and secure area inaccessible from normal use. Once a record is sealed or expunged, it can be accessed only by obtaining a court order and only for a few specific reasons set forth in the law. Most importantly, regardless of whether a record is sealed or expunged, most employers and landlords will no longer have access to it.

Is there anything I can do to expunge records right now?

Maybe! Virginia already has an expungement law, which allows people whose cases were dismissed, dropped, or who were found not guilty to ask a court to expunge those records. While not everyone qualifies for expungement under this law, until the new law takes effect, this is the only way to clear a criminal record in Virginia.

*This notice was made by Legal Aid Justice Center
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Visit justice4all.org/expungement to learn more*

When does the new law take effect?

July 1, 2025. Automatic sealing will begin October 1, 2025. The General Assembly delayed the effective date of the new law to give courts and the Virginia State Police time to upgrade their computer systems. LAJC believes impacted individuals need relief sooner and plans to push the General Assembly to move up this date.

How do I know if my record qualifies for sealing under the new law?

See additional eligibility fliers.

How long does the process take?

Under Virginia's current expungement law, even with the help of a lawyer, expunging a criminal record often takes at least nine months, and sometimes much longer. Because the new law includes automatic sealing, some records will be sealed on a monthly basis, as soon as they become eligible. The process for petition-based sealing will still take several months but one source of delays under the old law is the requirement that individuals get fingerprinted. Under the new law, the fingerprint requirement has been removed, so that should speed the process up a bit.

Want to connect with other people organizing for expungement?

The Virginia Expungement Council welcomes individuals who are impacted by criminal records. Email vaexpungementcouncil@gmail.com for more information and upcoming meetings.

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