

HOUSE BILL NO. 73

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Hope)

A BILL to amend and reenact § 8.01-130.01 of the Code of Virginia, relating to unlawful detainer; expungement.

**Be it enacted by the General Assembly of Virginia:**

**1. That § 8.01-130.01 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-130.01. Unlawful detainer; expungement.**

A. If, in an action for unlawful detainer filed in general district court, (i) such action is dismissed or a judgment is entered in favor of the defendant and the 30-day period following such dismissal or judgment has passed or (ii) a voluntary nonsuit of such action is taken and the time in which the action may be recommenced pursuant to § 8.01-229 has expired the six-month period following such nonsuit has passed, provided that no order of possession has been entered in the case, ~~the defendant may file a petition on a form created by the Supreme Court in the general district court in which the underlying unlawful detainer action was filed requesting expungement of the court records relating to the unlawful detainer. The petition shall provide the date that the order of dismissal or nonsuit was entered, the address of the property that was the subject of the unlawful detainer action, and the name of the plaintiff in the unlawful detainer action.~~

~~B. Upon finding that the unlawful detainer action was dismissed or a nonsuit was taken and the time for recommencement of the action has expired and no order of possession was entered, the court shall, without a further petition or hearing, enter an order requiring the expungement of the court records.~~

B. For unlawful detainer actions commenced prior to July 1, 2024, for which the court still has records, if (i) such action was dismissed or judgment was entered in favor of the defendant and the 30-day period following such dismissal or judgment has passed or (ii) a voluntary nonsuit of such action was

27 taken and the six-month period following such nonsuit has passed, provided that no order of possession  
28 has been entered in the case, the defendant may file a petition on a form created by the Supreme Court in  
29 the general district court in which the underlying unlawful detainer action was filed requesting  
30 expungement of the court records relating to the unlawful detainer. The petition shall provide the date that  
31 the order of dismissal, entry of judgment in favor of the defendant, or nonsuit was entered, the address of  
32 the property that was the subject of the unlawful detainer action, and the name of the plaintiff in the  
33 unlawful detainer action.

34 Upon finding that the unlawful detainer action was dismissed or judgment was entered in favor of  
35 the defendant and the 30-day period following such dismissal or judgment has passed or a nonsuit was  
36 taken and the six-month period following such nonsuit has passed, and no order of possession was entered,  
37 the court shall, without a hearing, enter an order requiring the expungement of the court records.

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