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SENATE BILL NO. 334

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

on _____)

(Patron Prior to Substitute--Senator Salim)

A BILL to amend the Code of Virginia by adding a section numbered 19.2-254.01, relating to plea agreements; prohibited provisions.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-254.01 as follows:

§ 19.2-254.01. Plea agreements; prohibited provisions.

A. No plea agreement shall contain any provision that purports to waive, release, or extinguish a defendant's (i) rights under the Fourth Amendment to the United States Constitution and Article I, Section 10 of the Constitution of Virginia; (ii) right to file a petition requesting expungement of the police records and the court records; or (iii) right to have criminal history record information and court records sealed.

B. Any provision of a plea agreement that is prohibited by subsection A is void and unenforceable as against public policy.

C. The prohibition against waiving, releasing, or extinguishing rights under the Fourth Amendment under clause (i) of subsection A shall not apply to any plea agreement or written agreement that may be entered into by a defendant and the Commonwealth as a condition for participation in a specialty docket as authorized pursuant to Virginia Supreme Court Rule 1:25.

2. That the provisions of § 19.2-254.01 of the Code of Virginia, as created by this act, shall apply retroactively to plea agreements entered into or accepted prior to July 1, 2024.

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