

HOUSE BILL NO. 803

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

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

(Patron Prior to Substitute--Delegate Rasoul)

A BILL to amend and reenact § 16.1-306 of the Code of Virginia, relating to expungement of juvenile court records.

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

**1. That § 16.1-306 of the Code of Virginia is amended and reenacted as follows:**

**§ 16.1-306. Expungement of court records.**

A. Notwithstanding the provisions of § 16.1-69.55, the clerk of the juvenile and domestic relations district court shall, on January 2 of each year or on a date designated by the court, destroy its files, papers and records, including electronic records, connected with any proceeding concerning a juvenile in such court, if such juvenile has attained the age of 19 years and five years have elapsed since the date of the last hearing in any case of the juvenile which is subject to this section.

However, if the juvenile was found guilty of an offense for which the clerk is required by § 46.2-383 to furnish an abstract to the Department of Motor Vehicles or was adjudicated delinquent of a delinquent act that would be a felony if committed by an adult, other than (i) an act of violence as defined in § 19.2-297.1 and such juvenile was 14 years of age or older at the time of the offense or (ii) an offense for which the juvenile is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to subsection D of § 9.1-902, the records shall be destroyed when the juvenile has attained the age of 29. If the juvenile was ~~found guilty of a delinquent act which would be a felony if committed by an adult~~ adjudicated delinquent for (a) an act of violence as defined in § 19.2-297.1 and such juvenile was 14 years of age or older at the time of the offense or (b) a felony offense for which the juvenile is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to subsection D of § 9.1-902, the records shall be retained.

