1	HOUSE BILL NO. 803
2	AMENDMENT IN THE NATURE OF A SUBSTITUTE
3	(Proposed by the Senate Committee for Courts of Justice
4	on)
5	(Patron Prior to SubstituteDelegate Rasoul)
6	A BILL to amend and reenact § 16.1-306 of the Code of Virginia, relating to expungement of juvenile
7	court records.
8	Be it enacted by the General Assembly of Virginia:
9	1. That § 16.1-306 of the Code of Virginia is amended and reenacted as follows:
10	§ 16.1-306. Expungement of court records.
11	A. Notwithstanding the provisions of § 16.1-69.55, the clerk of the juvenile and domestic relations
12	district court shall, on January 2 of each year or on a date designated by the court, destroy its files, papers
13	and records, including electronic records, connected with any proceeding concerning a juvenile in such
14	court, if such juvenile has attained the age of 19 years and five years have elapsed since the date of the
15	last hearing in any case of the juvenile which is subject to this section.
16	However, if the juvenile was found guilty of an offense for which the clerk is required by § 46.2-
17	383 to furnish an abstract to the Department of Motor Vehicles or was adjudicated delinquent of a
18	delinquent act that would be a felony if committed by an adult, other than (i) an act of violence as defined
19	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
20	for which the juvenile is required to register with the Sex Offender and Crimes Against Minors Registry
21	pursuant to subsection D of § 9.1-902, the records shall be destroyed when the juvenile has attained the
22	age of 29. If the juvenile was found guilty of a delinquent act which would be a felony if committed by
23	an adult adjudicated delinquent for (a) an act of violence as defined in § 19.2-297.1 and such juvenile was
24	14 years of age or older at the time of the offense or (b) a felony offense for which the juvenile is required
25	to register with the Sex Offender and Crimes Against Minors Registry pursuant to subsection D of § 9.1-
26	902, the records shall be retained.

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B. However, in all files in which the court records concerning a juvenile contain a finding of guilty
of any offense ancillary to (i) a delinquent act that would be a felony if committed by an adult or (ii) any
offense for which the clerk is required by § 46.2-383 to furnish an abstract to the Department of Motor
Vehicles, the records of any such ancillary offense shall also be retained for the time specified for the
felony or the offense reported to the Department of Motor Vehicles as specified in subsection A, and all
such records shall be available for inspection as provided in § 16.1-305.

C. A person who has been the subject of a delinquency or traffic proceeding and (i) has been found innocent thereof or (ii) such proceeding was otherwise dismissed, may file a motion requesting the destruction of all records pertaining to such charge. Notice of such motion shall be given to the attorney for the Commonwealth. Unless good cause is shown why such records should not be destroyed, the court shall grant the motion, and shall send copies of the order to all officers or agencies that are repositories of such records, and all such officers and agencies shall comply with the order.

39 D. Each person shall be notified of his rights under subsections A and C of this section at the time40 of his dispositional hearing.

E. Upon destruction of the records of a proceeding as provided in subsections A, B, and C, the
violation of law shall be treated as if it never occurred. All index references shall be deleted and the court
and law-enforcement officers and agencies shall reply and the person may reply to any inquiry that no
record exists with respect to such person.

45 F. All docket sheets shall be destroyed in the sixth year after the last hearing date recorded on the46 docket sheet.

47 2. That the clerk of the juvenile and domestic relations district court shall expunge all records
48 pursuant to § 16.1-306 of the Code of Virginia, as amended by this act, by July 1, 2027.

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