

News (/category/news-stories/)

Events (/events)

Opinions (https://valawyersweekly.com/category/opinion-digests/)

Verdicts & Settlements (/category/verdicts-settlements/)

Classifieds (https://valawyersweekly.com/classifieds Search...)

Home(/) > Editors' Picks(https://valawyersweekly.com/Category/Editors-Picks/) > Certain criminal convictions to be sealed come 2026

Certain criminal convictions to be sealed come 2026

Jason Boleman (https://valawyersweekly.com/author/jason-boleman/) // March 31, 2025 // 3 Minute Read
Recently approved legislation will allow certain criminal convictions to be sealed from public view for the first time in Virginia's history. But the bill passed by the General Assembly during... You can read the content in details following link
<https://valawyersweekly.com/2025/03/31/certain-criminal-convictions-to-be-sealed-come-2026/>

criminal-convictions-to-be-sealed-come-2026

▶ Listen to this article

Recently approved legislation will allow certain criminal convictions to be sealed from public view for the first time in Virginia's history.

But the bill passed by the General Assembly during the winter session creates significant alterations to the original record-sealing proposal.

Senate Bill 1466 (https://lis.virginia.gov/bill-details/20251/SB1466) garnered bipartisan support in both chambers of the Legislature. Patroned by Senate Majority Leader Scott Surovell, D-Fairfax, it amended numerous statutes related to the expungement and sealing of criminal records that were originally passed in 2021 and due to become effective on July 1.

As of press time, Virginia's legislative information system showed that Gov. Glenn Youngkin did not act on SB 1466 before the March 24 signing deadline, making the measure law without his signature.

Among the changes include delaying the effective date of the legislation to Jan. 1, 2026, greatly expanding the list of offenses exempt from sealing, requiring the Virginia Indigent Defense Commission to conduct trainings on expungement and sealing and educate public defenders on the matter, and requiring people seeking sealing petitions to pay their restitution before the petitions are considered.

Midlothian attorney George Townsend, whose law firm **Clean Slate Virginia** (https://cleanslatevirginia.com/) focuses exclusively on helping clients clear their criminal records, said he could not think of another criminal justice change in Virginia over the last few decades "that will be more impactful than this law."

"I refer to this law as the most impactful Virginia law that no one knows about," Townsend said. "It is designed to give people a second chance at employment, and it really will be transformational."

Legislative review

During the final year of Gov. Ralph Northam's term, the General Assembly passed **Senate Bill 1339** (https://legacylis.virginia.gov/cgi-bin/legp604.exe?212+sum+SB1339) to establish the process for the automatic sealing of police and court records amidst a wave of criminal justice reform bills.

YOUR NEWS. YOUR INBOX. DAILY.

Sign up for FREE by entering your email below.

Enter your business email *

Select Your Industry SIGN UP

By subscribing you agree to our Privacy Policy (https://bridgetowermedia.com/privacy-policy).

Editors' Picks (https://valawyersweekly.com/picks/)



Million-Dollar-Plus Settlements of 2024

Million-Dollar-Plus Settlements of 2024

Following are settlements of at least \$1 million reported in 2024 and reported to Virginia Lawyers Weekly...

(https://valawyersweekly.com/2025/03/24/million-plus-settlements-of-2024/)

Verdicts & Settlements (https://valawyersweekly.com/settlements/)

Truck runs red light, pushing plaintiff's car...

Sex abuse victims sue behavioral health...

Patient dies of complications after cervical...

Driver pulls over, struck by truck while he's...

Pregnant mother, daughter killed in crash...

Delayed evaluation of heart attack...

Fair worker riding tram fractures leg when...

Couple perishes when car hit by truck...

Virginia man moves to Texas for job, dies i...

Patient receives carbon dioxide instead of...

Funeral guest trips and falls on stairs at...

See All Verdicts & Settlements >

Opinion Digests (https://valawyersweekly.com)

Since then, stakeholders have been seeking adjustments to the bill, and the [Virginia State Crime Commission](https://vscc.virginia.gov/index.asp) (<https://vscc.virginia.gov/index.asp>) has been working on a compromise to amend the 2021 legislation. SB 1466 was a recommendation of the crime commission.

It's going to have broad ranging effects across all communities, and the law will really be transformational for a lot of people.

— George Townsend, Midlothian



In pitching the measure to his fellow members of the Senate Courts of Justice Committee in January, Surovell, who is vice chairman of the VSCC, called SB 1466 “a fairly big, complicated bill revising a big, complicated bill.”

Sen. Mark Peake, R-Lynchburg, told the committee that he believed the 2021 bill was “a terrible, terrible policy that we passed.”

However, as a member of the crime commission, Peake told the committee that SB 1466 “is the best worst option” and supported the bill.

Sen. Jennifer Carroll Foy, D-Woodbridge, lauded the compromise in SB 1466 before the committee.

“This is a good, compromised bill to pass at this juncture,” Carroll Foy told the committee.

Ultimately, the legislation passed both chambers of the General Assembly with bipartisan support before heading to Youngkin’s desk.

2025 amendments

Townsend said that, under the new sealing law, there are essentially “two different prongs of charges” that are eligible for sealing.

The first prong involves the automatic sealing of certain misdemeanor charges if the person goes seven years without another criminal conviction.

The second, larger prong involves “most other misdemeanors and class five and six felonies,” according to Townsend. Those can be sealed via a petition to the court, and those with a felony conviction must wait 10 years without another criminal conviction to qualify for felony sealing.

The 2025 bill also expands the list of crimes that are not eligible for sealing to include sex offenses, violent crimes, hate crimes, animal cruelty, and offenses related to election crimes.

Lauren McGarry, an attorney with the Legal Aid Justice Center, said the law “is definitely a big change from the 2021 version.”

“Attorneys should know that there are a lot more offenses that are *not* eligible now, so they’re going to need to carefully check the enumerated code sections that are included, as well as the broad categories, such as ‘violent crimes,’ that are now excluded,” McGarry said.

Rob Poggenklass, executive director of Justice Forward Virginia, said the exclusion of those offenses was “part of the compromise” of the 2025 bill.

“There are a bunch of types of offenses that are not going to be eligible [for sealing], and then there are carve-outs to those,” Poggenklass said. “So, determining somebody’s eligibility is going to be a bit of a labyrinth.”

McGarry said lawyers should also be aware that the 2025 measure allows for the sealing of ancillary charges.

digests/)

Domestic Relations: Human embryos aren’...

Arbitration: Change clause renders...

Arbitration: Dispute over scope of...

Civil Rights: Due process suit is reinstated...

Consumer Protection: Tenant sues credit...

Civil Practice: Court vacates default...

Employment: Woman alleges supervisor...

Arbitration: Employee claims she opted ou...

Domestic Relations: Parties dispute...

Constitutional: Court lacked jurisdiction to...

Civil Procedure: Court retained jurisdiction...

Domestic Relations: Spouses dispute valu...

[See All Digests >](#)



Lauren McGarry

“What that means is if a person was convicted of grand larceny, and then they got a couple probation violations or a failure to appear from that original charge of grand larceny, those will seal along with the original conviction for grand larceny,” McGarry said.

The 2021 bill originally intended for the sealing law to become effective on July 1. SB 1466 delays that enactment to Jan. 1, 2026, to ensure the organizations affected by the sealing law have more time to adapt to the changes.

“The reality is that the General Assembly made a lot of changes to the 2021 law in the 2025 session,” Poggenklass said. “So, the agencies that are charged with implementing this huge bill have a lot of work to do.”

Townsend said the delay has led to him having to discuss the timeline of sealing matters with his clients.

“I’ve had to have some hard, challenging conversations with some of my clients who were anticipating being able to have convictions sealed as early as this summer,” Townsend said. “The impact it’s going to have is just delaying everything for my law firm and for everybody else that is in this area for another six months.”

Townsend also noted that the bill limits sealing to offenses from 1986 to present, making some older clients ineligible for the new provisions.

“It seems like a long time ago, but I’ve talked to a number of people already who are in that group whose offense date is in the early ‘80s, and now those convictions cannot be sealed,” Townsend said.



Rob Poggenklass

Impact

Citing the VSCC, Poggenklass said there are approximately 2.5 million individual records in the Central Criminal Records Exchange. In a state of approximately 8 million residents, Poggenklass said the law has the potential to help tens of thousands of Virginians.

“We know that almost all employers and 90% of landlords use some form of background check and that those numbers have gone up dramatically in the last 10 or 20 years,” Poggenklass said. “Not having to explain those records is hugely beneficial to people who’ve been through the criminal legal system already, served their time, and have remained conviction free.”

McGarry said the law emphasizes the importance of giving second chances.

“Recidivism rates are lowest when people can be employed and housed, and the way to get them employed and housed is to either stop checking backgrounds or give them an opportunity to redeem themselves and clear their past so they are not held down by the person that they were and ... aren’t anymore,” McGarry said.

The measure could present new opportunities for lawyers in the criminal practice area, Townsend noted.

“There is now the ability for some folks who qualify to have criminal convictions sealed, and that has to be done by petition to the circuit court,” Townsend said. “It is another practice area for folks that traditionally have done criminal defense work and expungement and things like that.”

Meanwhile, he said the business community will benefit from a larger employee pool.

“It’s going to have broad ranging effects across all communities, and the law will really be transformational for a lot of people,” Townsend said.

McGarry said she hopes discussion on criminal record-sealing continues.

“I hope in the coming years we can continue expanding this and eliminating the barriers to it, which includes hopefully making it automatic that offenses will clear off of people’s records so they don’t have to go through the court process, which can be really prohibitive,” she said.