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# New Virginia clean slate law will create high demand for legal aid, experts say



Jeff Chiu, file/ The Associated Press

A Virginia law that will take effect July of 2026 will shield certain past convictions from public view. (AP Photo/Jeff Chiu, file)



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RICHMOND — A new [“clean slate” law](#) set to take effect next year will shield some past crimes from public viewing.

Advocates say that matters for people whose convictions haunt them for years after they’ve served their time. And legal experts say there’s much to be done to prepare for the influx of people who will want to have their previous convictions sealed.

Attorney Scott Surovell, a Democratic state senator representing Fairfax, said people were already lining up to take advantage of the new law.

“I’ve got a list of about 30 people who contacted me over the last five years that want me to file sentence sealing petitions for them,” Surovell said Wednesday when he joined a panel of lawmakers and advocates to discuss the law’s impacts. “I have one client I’ve been waiting for 20, 30 years to do this... He’s going to be the first one I file for.

“He had a petty larceny conviction for a \$205 bag of baseball equipment when he was in high school and (it’s been) following him around the rest of his life.”

The clean state law says qualifying misdemeanors and felonies can be sealed after seven years and 10 years, respectively, assuming the person doesn’t commit any new crimes in the intervening time period.



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The legislation has a delayed start date in part to accommodate the computer programming required to get the system up and running. Previously, [the law had been delayed by four years](#) to allow for the \$20 million rebuild of the system for criminal recordkeeping and to give legislators time to mend some holes in the law. There won't be another delay; Surovell said the law will take effect July 1, 2026 "come hell or high water."

There are other hurdles. Some offenses, such as marijuana possession, will automatically be sealed after the required waiting period. But most offenses that are eligible to be sealed require people to petition to do so, and that could prove challenging for an already strained legal system.

"There is a backbreaking demand out there, particularly within the low income population, for free and low cost legal services," said Christa Gantz, director of Access to Legal Services at the Virginia State Bar, at Wednesday's panel. "If (the case) is at all complicated, particularly the petition-based part of it, then utilizing an attorney will make a major difference in their ability to get relief."

Over 1 million Virginians qualify for legal aid, Gantz said, and though there are legal assistance programs in the civil space that could help with conviction sealings, they would require significant staff and technology resources.

"Because this is a new law, what that means is it would require new programming, and I think that the challenges there are primarily funding," she said. "People in need are going to be contacting the courts, but then the next step is going to be the Virginia State Bar's Access Department, and they're going to say 'where can I get help?' What I would typically do as the director is refer to them to a program.

"We don't have that yet."

Gantz said people able to pay for legal work can get started through the Virginia Lawyer Referral Service, and those who can't can get brief advice using the state bar's Virginia Free Legal Answers clinic. She thinks attorneys who do pro bono work in Virginia will be eager to help with sentence sealings, in part because they are limited in scope, don't take a ton of time and could have a big impact.

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George Townsend, a criminal defense attorney, founded the law firm [Clean](#)

“I guess one of the good things about the delay is we have more time to let people know about it,” he said. “There’s going to be a huge volume, so getting ready for that...I’ve done criminal defense all my career, and I’ve told hundreds, maybe thousands of people ‘you have a conviction, there’s nothing we can do.’ And I found out about the law and knew it was going to be a huge change.”

In preparation for the new cases, the General Assembly approved funding for an additional staff position in each clerk’s office, effective as of July.

“This added capacity will help clerks manage the increased workload associated with the new law,” Townsend said. “In my view, it would be highly beneficial if clerks permitted petitions to be filed in advance of the July 1, 2026 implementation date.

“Allowing early filings would enable a phased rollout, helping to avoid a surge of thousands of petitions on a single day and long lines forming outside courthouses across the commonwealth.”

Once a conviction record is sealed, it won’t show up on public background checks for things like apartment and loan applications. Some employers, like police agencies, would still be able to see the details of the criminal record.

A [dozen states](#), including Virginia, and Washington, D.C. have clean slate laws. Some legal experts [maintain](#) these kinds of laws prevent access to valuable insight on how fair the court process is and pose First Amendment right of access concerns. The counter argument is that there is a compelling public interest to have certain records sealed because of their prolonged impact.

The law also indirectly addresses [barrier laws](#), which say, for example, that people convicted of felony drug possession could not then go on to become drug counselors. The barrier laws remain in effect, but if those convictions are sealed, they will not preclude people from doing that kind of work.

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