

2006 SESSION

INTRODUCED

068224792

SENATE BILL NO. 674

Offered January 19, 2006

A *BILL to amend and reenact § 19.2-392.3 of the Code of Virginia, relating to disclosure of expunged records.*

Patron—Puckett

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-392.3 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-392.3. Disclosure of expunged records.

A. It shall be unlawful for any person having or acquiring access to an expunged court or police record to open or review it or to disclose to another person any information from it without an order from the court which ordered the record expunged.

B. Upon a verified petition filed by the attorney for the Commonwealth alleging that the record is needed by a law-enforcement agency for purposes of employment application as an employee of a law-enforcement agency or for a pending criminal investigation and that the investigation will be jeopardized or that life or property will be endangered without immediate access to the record, the court may enter an ex parte order, without notice to the person, permitting such access. An ex parte order may permit a review of the record, but may not permit a copy to be made of it.

C. Any person who willfully violates this section is guilty of a Class 1 misdemeanor.

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