

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 16.1-306 of the Code of Virginia, relating to expungement of juvenile*
3 *and domestic relations district court records.*

4 [H 278]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 16.1-306 of the Code of Virginia is amended and reenacted as follows:**8 **§ 16.1-306. Expungement of court records.**

9 A. Notwithstanding the provisions of § 16.1-69.55, the clerk of the juvenile and domestic relations
10 district court shall, on January 2 of each year or on a date designated by the court, destroy its files,
11 papers and records, including electronic records, connected with any proceeding concerning a juvenile in
12 such court, if such juvenile has attained the age of 19 years and five years have elapsed since the date
13 of the last hearing in any case of the juvenile which is subject to this section. However, if the juvenile
14 was found guilty of an offense for which the clerk is required by § 46.2-383 to furnish an abstract to the
15 Department of Motor Vehicles, the records shall be destroyed when the juvenile has attained the age of
16 29. If the juvenile was found guilty of a delinquent act which would be a felony if committed by an
17 adult, the records shall be retained.

18 B. ~~It~~ *However, in all files in which the court records concerning a juvenile contain a finding of*
19 *guilty of any offense ancillary to (i) a delinquent act which that would be a felony if committed by an*
20 *adult or an (ii) any offense for which the clerk is required by § 46.2-383 to furnish an abstract to the*
21 *Department of Motor Vehicles together with findings of not innocent of other acts, all of the records of*
22 *such juvenile subject to this section shall be retained and, the records of any such ancillary offense shall*
23 *also be retained for the time specified for the felony or the offense reported to the Department of Motor*
24 *Vehicles as specified in subsection A, and all such records shall be available for inspection as provided*
25 *in § 16.1-305.*

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

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

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

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

ENROLLED

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