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SENATE BILL NO. 640

Offered January 8, 2020

Prefiled January 7, 2020

A *BILL to amend the Code of Virginia by adding in Article 13 of Chapter 3 of Title 8.01 a section numbered 8.01-130.01, relating to unlawful detainer; expungement.*

Patron—Surovell

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 13 of Chapter 3 of Title 8.01 a section numbered 8.01-130.01 as follows:

§ 8.01-130.01. Unlawful detainer; expungement.

A. *If an action for unlawful detainer filed in general district court is dismissed or a nonsuit is taken and the time in which the action may be recommenced pursuant to § 8.01-229 has expired, provided that no order of possession has been entered in the case, the defendant may file a petition on a form created by the Supreme Court pursuant to subsection B in the general district court in which the underlying unlawful detainer action was filed requesting expungement of the court records relating to the unlawful detainer.*

B. *The Supreme Court shall create a form to be used by a defendant petitioning a court to expunge records that meet the requirements of subsection A. The form shall be printed in 14-point type in plain English and shall direct the defendant to provide the date the order of dismissal or nonsuit was entered, the address of the property that was the subject of the unlawful detainer action, and the name of the plaintiff in the unlawful detainer action.*

C. *Upon finding that the unlawful detainer action was dismissed or a nonsuit was taken and the time for recommencement of the action has expired and no order of possession was entered, the court shall, without a hearing, enter an order requiring the expungement of the court records.*

D. *Upon entry of the order of expungement, the clerk of the court shall destroy any records of the unlawful detainer action in his possession and forward a copy of the order to the Office of the Executive Secretary of the Supreme Court, which shall remove the electronic records of the unlawful detainer action from its database.*

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