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SENATE BILL NO. 640**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on the Judiciary
on February 5, 2020)

(Patron Prior to Substitute—Senator Surovell)
Senate Amendments in [] - February 11, 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.

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 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. The petition shall provide the date that 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.*

B. *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.*

2. That the provisions of this act shall become effective on January 1, 2022.

[3. That the provisions of this act shall not become effective unless an appropriation effectuating the purposes of this act is included in a general appropriation act passed in 2020 by the General Assembly that becomes law.]

ENGROSSED

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