

2023 SESSION

SENATE SUBSTITUTE

23106169D

SENATE BILL NO. 1413

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary

on February 1, 2023)

(Patron Prior to Substitute—Senator Norment)

A BILL to amend the Code of Virginia by adding a section numbered 19.2-392.3:1, relating to motion for the disclosure of expunged police and court records in a civil case.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-392.3:1 as follows:

§ 19.2-392.3:1. Motion for the disclosure of expunged police and court records in a civil case.

An action for damages against a locality or a law enforcement officer arising out of or relating to charges where a petition for the expungement of police and court records for such charges is pending or where the police and court records have been expunged, any party to such action may file a motion in the court in which the action is pending, or in the court where the petition for the expungement of police and court records was or is pending, for the release of the expunged records for use in the civil litigation, and, upon motion and for good cause shown, such police and court records shall be ordered to be released and the penalties set forth in this chapter relating to disclosure of such expunged records shall not apply.

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