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SENATE BILL NO. 334

Offered January 10, 2024

Prefiled January 9, 2024

A *BILL to amend the Code of Virginia by adding a section numbered 19.2-254.01, relating to plea agreements; prohibited provisions.*

Patrons—Salim and Carroll Foy

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-254.01 as follows:
§ 19.2-254.01. Plea agreements; prohibited provisions.

A. No plea agreement shall contain any provision that purports to waive, release, or extinguish a defendant's (i) rights under the Fourth Amendment to the United States Constitution and Article I, Section 10 of the Constitution of Virginia; (ii) right to file a petition requesting expungement of the police records and the court records; or (iii) right to have criminal history record information and court records sealed.

B. Any provision of a plea agreement that is prohibited by subsection A is void and unenforceable as against public policy.

2. That the provisions of § 19.2-254.01 of the Code of Virginia, as created by this act, shall apply retroactively to plea agreements entered into or accepted prior to July 1, 2024.

INTRODUCED

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