

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 19.2-254.01, relating to plea*
3 *agreements and court orders; prohibited provisions.*

4
5 Approved

[S 334]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That the Code of Virginia is amended by adding a section numbered 19.2-254.01 as follows:**

8 **§ 19.2-254.01. *Plea agreements and court orders; prohibited provisions.***

9 *A. No plea agreement or court order executed or entered on or after July 1, 2024, shall contain any*
10 *provision that purports to waive, release, or extinguish a defendant's (i) rights under the Fourth*
11 *Amendment to the United States Constitution and Article I, Section 10 of the Constitution of Virginia;*
12 *(ii) right to file a petition requesting expungement of the police records and the court records; or (iii)*
13 *right to have criminal history record information and court records sealed.*

14 *B. Any provision of a plea agreement or court order that is prohibited by subsection A is void and*
15 *unenforceable as against public policy.*

16 *C. The prohibition against waiving, releasing, or extinguishing rights under the Fourth Amendment*
17 *under clause (i) of subsection A shall not apply to any plea agreement, written agreement, or court*
18 *order that may be entered into by a defendant and the Commonwealth (i) as a condition for*
19 *participation in a specialty docket as authorized pursuant to Rule 1:25 of the Rules of the Supreme*
20 *Court of Virginia or (ii) in a case involving a sexual offense in violation of Article 7 (§ 18.2-61 et seq.)*
21 *of Chapter 4 of Title 18.2 where the victim is under 18 years of age.*

22 *D. Any such waiver, release, or extinguishment of rights under the Fourth Amendment permissible*
23 *pursuant to subsection C shall be no longer than the period of supervised probation or post-release*
24 *supervision imposed against the defendant. If the defendant is not placed on supervised probation or*
25 *post-release supervision, such waiver, release, or extinguishment of rights under the Fourth Amendment*
26 *shall be no longer than the period of suspension of sentence or post-release incarceration imposed*
27 *against such defendant.*

ENROLLED

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