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SENATE BILL NO. 334

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 12, 2024)

(Patron Prior to Substitute—Senator Salim)

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

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 and court orders; prohibited provisions.

A. No plea agreement or court order executed or entered on or after July 1, 2024, 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 or court order that is prohibited by subsection A is void and unenforceable as against public policy.

C. The prohibition against waiving, releasing, or extinguishing rights under the Fourth Amendment under clause (i) of subsection A shall not apply to any plea agreement, written agreement, or court order that may be entered into by a defendant and the Commonwealth as a condition for participation in a specialty docket as authorized pursuant to Rule 1:25 of the Rules of the Supreme Court of Virginia.

SENATE SUBSTITUTE

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