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SENATE BILL NO. 23

Offered January 14, 2026

Prefiled November 17, 2025

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.*

Patron—Salim

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 and court orders; prohibited provisions.**

A. No plea agreement or court order executed or entered on or after July 1, 2026, shall contain any provision that purports to waive, release, or extinguish a defendant's (i) rights under the Fourth Amendment to the Constitution of the United States 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 (i) 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 or (ii) in a case involving a sexual offense in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 where the victim is younger than 18 years of age.

D. Any such waiver, release, or extinguishment of rights under the Fourth Amendment permissible pursuant to subsection C shall be no longer than the period of supervised probation imposed against the defendant. If the defendant is not placed on supervised probation, such waiver, release, or extinguishment of rights under the Fourth Amendment shall be no longer than the period of suspension of sentence imposed against such defendant.

INTRODUCED

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