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SENATE BILL NO. 230
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Finance and Appropriations
on February 12, 2026)
(Patron Prior to Substitute—Senator Surovell)

A BILL to amend and reenact §§ 19.2-392.2, as it is currently effective and as it shall become effective, and 19.2-392.16 of the Code of Virginia and the fourth enactment of Chapter 554 and the fourth enactment of Chapter 555 of the Acts of Assembly of 2023, as amended by the twelfth enactment of Chapter 634 and the twelfth enactment of Chapter 671 of the Acts of Assembly of 2025, and the fifth enactment of Chapter 634 and the fifth enactment of Chapter 671 of the Acts of Assembly of 2025, relating to expungement of police and court records; report.

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-392.2, as it is currently effective and as it shall become effective, and 19.2-392.16 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-392.2. (Effective until July 1, 2026) Expungement of police and court records.

A. If a person is arrested, charged with, summonsed, or indicted for the commission of an infraction, a crime, or a civil offense; or any offense defined in Title 18.2; and

1. Is acquitted; or

2. A nolle prosequi is taken or the charge is otherwise dismissed, including dismissal by accord and satisfaction pursuant to § 19.2-151, he is not ultimately convicted, provided that no finding of guilt was made by a court during the proceedings, such matter is eligible for expungement. Such person may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge. For purposes of this section, a matter shall be eligible for expungement if the initial charge is reduced or amended to another offense, including a lesser-included offense or the same offense with a lesser punishment, such that the person is not convicted of the initial charge.

B. If any person whose name or other identification has been used without his consent or authorization by another person who has been charged or arrested using such name or identification, he may file a petition with the court disposing of the charge for relief pursuant to this section. Such person shall not be required to pay any fees for the filing of a petition under this subsection. A petition filed under this subsection shall include one complete set of the petitioner's fingerprints obtained from a law-enforcement agency.

C. The petition with a copy of the warrant, summons, or indictment charging document, if reasonably available, shall be filed in the circuit court of the county or city in which the case was disposed of by acquittal or being otherwise dismissed resolved and shall contain, except when not reasonably available, the date of arrest and the name of the arresting agency. A single petition may request the expungement of the police and court records for multiple charges arising out of separate transactions or occurrences. When this information is not reasonably available, the petition shall state the reason for such unavailability. Such unavailability alone shall not be a basis for refusing expungement. The petition shall further state the specific criminal charge or civil offense to be expunged, the date of final disposition of the charge as set forth in the petition, the petitioner's date of birth, and the full name used by the petitioner at the time of arrest. If the petition is filed under this subsection, the petitioner shall request that the Central Criminal Records Exchange (CCRE) electronically forward a copy of the petitioner's Virginia criminal history record to the circuit court in which the petition was filed. Upon receiving such request, the CCRE shall electronically forward such record to the circuit court; however, if the circuit court is unable to receive an electronic transmission, the CCRE shall forward a copy of such record to the circuit court which shall be maintained under seal by the clerk unless otherwise ordered by the court.

D. A copy of the petition shall be served on the attorney for the Commonwealth of the city or county in which the petition is filed. The attorney for the Commonwealth may shall file an objection or answer to the petition, including the factual basis for such objection, or may give written notice to the court that he does not object to the petition within 21 days after it is served on him.

E. If the petition is filed under subsection B, the petitioner shall obtain from a law-enforcement agency one complete set of the petitioner's fingerprints and shall provide that agency with a copy of the petition for expungement. The law-enforcement agency shall submit the set of fingerprints to the CCRE with a copy of the petition for expungement attached. The CCRE shall forward under seal to the court a copy of the petitioner's criminal history and the set of fingerprints. Upon completion of the hearing, the court shall return the fingerprint card to the petitioner. If no hearing was conducted, upon the entry of an order of expungement or an order denying the petition for expungement, the court shall cause the fingerprint card to be destroyed unless, within 30 days of the date of the entry of the order, the petitioner requests the return of the fingerprint card in person from the clerk of the court or provides the clerk of the court a self-addressed, stamped envelope for the return of the fingerprint card.

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60 F. After receiving the criminal history record information, the court shall conduct a hearing on the
 61 petition. If the court finds that the continued existence and possible dissemination of information relating to
 62 the arrest of the petitioner causes or may cause circumstances ~~which~~ *that* constitute a *potential* manifest
 63 injustice to the petitioner, it shall enter an order requiring the expungement of the police and court records,
 64 including electronic records *and any emergency or preliminary protective orders issued pursuant to*
 65 *§ 16.1-253, 16.1-253.1, 16.1-253.4, 19.2-152.8, or 19.2-152.9*, relating to the charge. Otherwise, it shall deny
 66 the petition. However, if the petitioner has no prior criminal record and the arrest was for a misdemeanor
 67 violation or the charge was for a civil offense, the petitioner shall be entitled, in the absence of good cause
 68 shown to the contrary by the Commonwealth, to expungement of the police and court records relating to the
 69 charge, and the court shall enter an order of expungement. If the attorney for the Commonwealth of the
 70 county or city in which the petition is filed (i) gives written notice to the court pursuant to subsection D that
 71 he does not object to the petition and (ii) when the charge to be expunged is a felony, stipulates in such
 72 written notice that the continued existence and possible dissemination of information relating to the arrest of
 73 the petitioner causes or may cause circumstances ~~which~~ *that* constitute a *potential* manifest injustice to the
 74 petitioner, the court may enter an order of expungement without conducting a hearing. *The existence of a*
 75 *prior conviction alone shall not be a sufficient basis to deny an expungement.*

76 G. The Commonwealth shall be made party defendant to the proceeding. Any party aggrieved by the
 77 decision of the court may appeal, as provided by law in civil cases. *Unless the subject of the criminal record*
 78 *requests otherwise, any person whose petition for relief under this section is appealed shall be allowed to*
 79 *proceed under a pseudonym pursuant to § 8.01-15.1.*

80 H. Notwithstanding any other provision of this section, when the charge is dismissed because the court
 81 finds that the person arrested or charged is not the person named in the summons, warrant, indictment, or
 82 presentment, the court dismissing the charge shall, upon motion of the person improperly arrested or charged,
 83 enter an order requiring expungement of the police and court records relating to the charge. Such order shall
 84 contain a statement that the dismissal and expungement are ordered pursuant to this subsection and shall be
 85 accompanied by the complete set of the petitioner's fingerprints filed with his petition. Upon the entry of such
 86 order, it shall be treated as provided in subsection K.

87 I. Notwithstanding any other provision of this section, upon receiving a copy pursuant to § 2.2-402 of an
 88 absolute pardon for the commission of a crime that a person did not commit, the court shall enter an order
 89 requiring expungement of the police and court records relating to the charge and conviction. Such order shall
 90 contain a statement that the expungement is ordered pursuant to this subsection. Upon the entry of such order,
 91 it shall be treated as provided in subsection K.

92 J. Upon receiving a copy of a writ vacating a conviction pursuant to § 19.2-327.5 or 19.2-327.13, the court
 93 shall enter an order requiring expungement of the police and court records relating to the charge and
 94 conviction. Such order shall contain a statement that the expungement is ordered pursuant to this subsection.
 95 Upon the entry of the order, it shall be treated as provided in subsection K.

96 K. Upon the entry of an order of expungement, the clerk of the court shall cause a copy of such order to be
 97 forwarded to the Department of State Police, which shall, pursuant to rules and regulations adopted pursuant
 98 to § 9.1-134, direct the manner by which the appropriate expungement or removal of such records shall be
 99 effected.

100 L. Costs shall be as provided by § 17.1-275, but shall not be recoverable against the Commonwealth. If
 101 the court enters an order of expungement, the clerk of the court shall refund to the petitioner such costs paid
 102 by the petitioner.

103 M. Any order entered where (i) the court or parties failed to strictly comply with the procedures set forth
 104 in this section or (ii) the court enters an order of expungement contrary to law, shall be voidable upon motion
 105 and notice made within three years of the entry of such order.

106 N. A petition filed under this section and any responsive pleadings filed by the attorney for the
 107 Commonwealth shall be maintained under seal by the clerk unless otherwise ordered by the court. Any order
 108 to expunge issued pursuant to this section shall be sealed and may only be disseminated for the purposes set
 109 forth in § 19.2-392.3 pursuant to regulations and procedures adopted pursuant to § 9.1-128 and procedures
 110 adopted pursuant to § 9.1-134.

111 **§ 19.2-392.2. (Effective July 1, 2026) Expungement of police and court records.**

112 A. If a person is *arrested, charged with, summonsed, or indicted* for the commission of *an infraction, a*
 113 *crime, or a civil offense; or any offense defined in Title 18.2;* and

114 ~~1. Is acquitted; or~~

115 ~~2. A nolle prosequi is taken or the charge is otherwise dismissed, including dismissal by accord and~~
 116 ~~satisfaction pursuant to § 19.2-151; he is not ultimately convicted, provided that no finding of guilt was made~~
 117 ~~by a court during the proceedings, such matter is eligible for expungement. Such person may file a petition~~
 118 ~~setting forth the relevant facts and requesting expungement of the police records and the court records~~
 119 ~~relating to the charge. A person shall not be required to pay any court fees or costs for filing a petition under~~
 120 ~~this subsection. For purposes of this section, a matter shall be eligible for expungement if the initial charge is~~
 121 ~~reduced or amended to another offense, including a lesser-included offense or the same offense with a lesser~~

122 *punishment, such that the person is not convicted of the initial charge.*

123 B. If any person whose name or other identification has been used without his consent or authorization by
124 another person who has been charged or arrested using such name or identification, he may file a petition
125 with the court disposing of the charge for relief pursuant to this section. A person shall not be required to pay
126 any court fees or costs for filing a petition under this subsection. A petition filed under this subsection shall
127 include one complete set of the petitioner's fingerprints obtained from a law-enforcement agency.

128 C. The petition with a copy of the ~~warrant, summons, or indictment~~ *charging document*, if reasonably
129 available, shall be filed in the circuit court of the county or city in which the case was ~~disposed of by acquittal~~
130 ~~or being otherwise dismissed~~ *resolved* and shall contain, except when not reasonably available, the date of
131 arrest and the name of the arresting agency. *A single petition may request the expungement of the police and*
132 *court records for multiple charges arising out of separate transactions or occurrences.* When this
133 information is not reasonably available, the petition shall state the reason for such unavailability. *Such*
134 *unavailability alone shall not be a basis for refusing expungement.* The petition shall further state the specific
135 criminal charge or civil offense to be expunged, the date of final disposition of the charge as set forth in the
136 petition, the petitioner's date of birth, and the full name used by the petitioner at the time of arrest. If the
137 petition is filed under this subsection, the petitioner shall request that the Central Criminal Records Exchange
138 (CCRE) electronically forward a copy of the petitioner's Virginia criminal history record to the circuit court
139 in which the petition was filed. Upon receiving such request, the CCRE shall electronically forward such
140 record to the circuit court; however, if the circuit court is unable to receive an electronic transmission, the
141 CCRE shall forward a copy of such record to the circuit court which shall be maintained under seal by the
142 clerk unless otherwise ordered by the court.

143 D. A copy of the petition shall be served on the attorney for the Commonwealth of the city or county in
144 which the petition is filed. The attorney for the Commonwealth ~~may~~ *shall* file an objection or answer to the
145 petition, *including the factual basis for such objection*, or may give written notice to the court that he does not
146 object to the petition within 21 days after it is served on him.

147 E. If the petition is filed under subsection B, the petitioner shall obtain from a law-enforcement agency
148 one complete set of the petitioner's fingerprints and shall provide that agency with a copy of the petition for
149 expungement. The law-enforcement agency shall submit the set of fingerprints to the CCRE with a copy of
150 the petition for expungement attached. The CCRE shall forward under seal to the court a copy of the
151 petitioner's criminal history and the set of fingerprints. ~~Upon completion of the hearing, the court shall return~~
152 ~~the fingerprint card to the petitioner. If no hearing was conducted, upon the entry of an order of expungement~~
153 ~~or an order denying the petition for expungement, the court shall cause the fingerprint card to be destroyed~~
154 ~~unless, within 30 days of the date of the entry of the order, the petitioner requests the return of the fingerprint~~
155 ~~card in person from the clerk of the court or provides the clerk of the court a self-addressed, stamped~~
156 ~~envelope for the return of the fingerprint card.~~

157 F. After receiving the criminal history record information, the court shall conduct a hearing on the
158 petition. If the court finds that the continued existence and possible dissemination of information relating to
159 the arrest of the petitioner causes or may cause circumstances ~~which~~ *that* constitute a *potential* manifest
160 injustice to the petitioner, it shall enter an order requiring the expungement of the police and court records,
161 including electronic records *and any emergency or preliminary protective orders issued pursuant to*
162 *§ 16.1-253, 16.1-253.1, 16.1-253.4, 19.2-152.8, or 19.2-152.9*, relating to the charge. Otherwise, it shall deny
163 the petition. However, if the petitioner has no prior criminal record and the arrest was for a misdemeanor
164 violation or the charge was for a civil offense, the petitioner shall be entitled, in the absence of good cause
165 shown to the contrary by the Commonwealth, to expungement of the police and court records relating to the
166 charge, and the court shall enter an order of expungement. If the attorney for the Commonwealth of the
167 county or city in which the petition is filed (i) gives written notice to the court pursuant to subsection D that
168 he does not object to the petition and (ii) when the charge to be expunged is a felony, stipulates in such
169 written notice that the continued existence and possible dissemination of information relating to the arrest of
170 the petitioner causes or may cause circumstances ~~which~~ *that* constitute a *potential* manifest injustice to the
171 petitioner, the court may enter an order of expungement without conducting a hearing. *The existence of a*
172 *prior conviction alone shall not be a sufficient basis to deny an expungement.*

173 G. The Commonwealth shall be made party defendant to the proceeding. Any party aggrieved by the
174 decision of the court may appeal, as provided by law in civil cases. *Unless the subject of the criminal record*
175 *requests otherwise, any person whose petition for relief under this section is appealed shall be allowed to*
176 *proceed under a pseudonym pursuant to § 8.01-15.1.*

177 H. Notwithstanding any other provision of this section, when the charge is dismissed because the court
178 finds that the person arrested or charged is not the person named in the summons, warrant, indictment, or
179 presentment, the court dismissing the charge shall, upon motion of the person improperly arrested or charged,
180 enter an order requiring expungement of the police and court records relating to the charge. Such order shall
181 contain a statement that the dismissal and expungement are ordered pursuant to this subsection and shall be
182 accompanied by the complete set of the petitioner's fingerprints filed with his petition. Upon the entry of such
183 order, it shall be treated as provided in subsection K.

184 I. Notwithstanding any other provision of this section, upon receiving a copy pursuant to § 2.2-402 of an
185 absolute pardon for the commission of a crime that a person did not commit, the court shall enter an order
186 requiring expungement of the police and court records relating to the charge and conviction. Such order shall
187 contain a statement that the expungement is ordered pursuant to this subsection. Upon the entry of such order,
188 it shall be treated as provided in subsection K.

189 J. Upon receiving a copy of a writ vacating a conviction pursuant to § 19.2-327.5 or 19.2-327.13, the court
190 shall enter an order requiring expungement of the police and court records relating to the charge and
191 conviction. Such order shall contain a statement that the expungement is ordered pursuant to this subsection.
192 Upon the entry of the order, it shall be treated as provided in subsection K.

193 K. Upon the entry of an order of expungement, the clerk of the court shall ~~cause a copy of such order~~
194 *maintain a copy of such order under seal and shall cause an electronic notification of such order* to be
195 forwarded to the Department of State Police, which shall, pursuant to rules and regulations adopted pursuant
196 to § 9.1-134, direct the manner by which the appropriate expungement or removal of such records shall be
197 effected. The Department of State Police shall validate the accuracy of any criminal history record ordered to
198 be expunged pursuant to this section but shall not validate whether such record is eligible for expungement.
199 *Such electronic notification shall contain the petitioner's full name, date of birth, sex, race, and social*
200 *security number, if available, and the full name used by the petitioner at the time of arrest or summons, as*
201 *well as the petitioner's state identification number from the criminal history record, the court case number of*
202 *the charge, conviction, or ancillary matter to be expunged, if available, and the document control number, if*
203 *available.*

204 L. *The Department of State Police shall also electronically notify the Office of the Executive Secretary of*
205 *the Supreme Court of Virginia and any other agencies and individuals known to maintain or to have obtained*
206 *such a record, to include business screening services as provided in § 19.2-392.16, that such record has been*
207 *ordered to be expunged and shall not be disseminated pursuant to the rules and regulations adopted pursuant*
208 *to § 9.1-128 and the procedures adopted pursuant to § 9.1-134.*

209 M. Any order entered where (i) the court or parties failed to strictly comply with the procedures set forth
210 in this section or (ii) the court enters an order of expungement contrary to law, shall be voidable upon motion
211 and notice made within three years of the entry of such order.

212 ~~M.~~ N. A petition filed under this section and any responsive pleadings filed by the attorney for the
213 Commonwealth shall be maintained under seal by the clerk unless otherwise ordered by the court. Any order
214 to expunge issued pursuant to this section shall be sealed and may only be disseminated for the purposes set
215 forth in § 19.2-392.3 pursuant to regulations and procedures adopted pursuant to § 9.1-128 and procedures
216 adopted pursuant to § 9.1-134.

217 **§ 19.2-392.16. (Effective July 1, 2026) Dissemination of criminal history records and traffic history**
218 **records by business screening services.**

219 A. For the purposes of this section:

220 "Business screening service" means a person engaged in the business of collecting, assembling,
221 evaluating, or disseminating Virginia criminal history records or traffic history records on individuals.

222 "Business screening service" does not include any government entity or the news media.

223 "Criminal history record" means any information collected by a business screening service on individuals
224 containing any personal identifying information, photograph, or other identifiable descriptions pertaining to
225 an individual and any information regarding arrests, detentions, indictments, or other formal criminal charges,
226 and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, or release.

227 "Delete" means that a criminal history record or a traffic history record shall not be disseminated in any
228 manner, except to any entity authorized to receive and use such information pursuant to § 19.2-392.13 and
229 pursuant to the rules and regulations adopted pursuant to § 9.1-128 and the procedures adopted pursuant to
230 § 9.1-134, but may be retained in order to resolve any disputes relating to this section, the accuracy of the
231 record consistent with the federal Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., or the
232 Gramm-Leach-Bliley Act, 15 U.S.C. § 6801 et seq.

233 "*Expunged record*" means a Virginia criminal history record or a traffic history record that has been
234 *expunged pursuant to Chapter 23.1 (§ 19.2-392.1 et seq.) of Title 19.2.*

235 "Sealed possession of marijuana record" means any criminal or civil offense that concluded with any final
236 disposition as a charge or conviction of former § 18.2-250.1 which has been sealed without the entry of a
237 court order pursuant to § 19.2-392.6:1.

238 "Sealed record" means a Virginia criminal history record or a traffic history record that has been sealed
239 pursuant to § 19.2-392.7, 19.2-392.8, 19.2-392.10, 19.2-392.11, 19.2-392.12, 19.2-392.12:1, or 19.2-392.17.

240 "Traffic history record" means any information collected by a business screening service on individuals
241 containing any personal identifying information, photograph, or other identifiable descriptions pertaining to
242 an individual and any information regarding arrests, detentions, indictments, or other formal traffic infraction
243 charges, and any disposition arising therefrom.

244 B. If a business screening service knows that a criminal history record or a traffic history record is a
245 sealed record, *expunged record*, or a sealed possession of marijuana record, regardless of the source of the

246 record, the business screening service shall promptly delete the record.

247 C. A business screening service shall register with the Department of State Police to electronically receive
 248 notifications of orders of sealing provided to the Department of State Police pursuant to §§ 19.2-392.7,
 249 19.2-392.8, 19.2-392.10, 19.2-392.11, 19.2-392.12, and 19.2-392.12:1, *and orders of expunged records*
 250 *provided to the State Police pursuant to § 19.2-392.2*. The Department of State Police may charge an annual
 251 licensing fee to the business screening service for accessing such information, with such fee to be used to
 252 cover the cost of providing such records. The contract between the Department of State Police and the
 253 business screening service shall prohibit dissemination of the electronic notifications of the orders of sealing
 254 *and orders of expungement* and shall require compliance by the business screening service with the
 255 provisions of subsections D, E, and F. The electronic notifications of the orders of sealing *and orders of*
 256 *expungement* received by the business screening service and all information contained therein shall remain
 257 confidential and shall not be disseminated or resold. The electronic notifications of the orders of sealing *and*
 258 *orders of expungement* shall be used for the sole purpose of deleting criminal history records that have been
 259 sealed *or expunged*. The business screening service shall delete the electronic notifications of the orders of
 260 sealing *and orders of expungement* after deleting the information contained in such orders from sealed *or*
 261 *expunged* records. The Department of State Police shall require that the business screening service seeking
 262 access to the information identify themselves, certify the purposes for which the information is sought, and
 263 certify that the information will be used for no other purpose. The Department of State Police shall further
 264 require that a business screening service acknowledge receipt of all electronic notifications of the orders of
 265 sealing *and orders of expungement* provided by the Department of State Police. The Department of State
 266 Police shall maintain and publicly post a list on its website identifying the business screening services that are
 267 licensed to receive such records.

268 D. A business screening service that disseminates a criminal history record or a traffic history record on or
 269 after the effective date of this section shall include the date when the record was collected by the business
 270 screening service and a notice that the information may include records that have been sealed *or expunged*
 271 since that date.

272 E. A business screening service shall implement and follow reasonable procedures to assure that it does
 273 not maintain or sell criminal history records or traffic history records that are inaccurate or incomplete. If the
 274 completeness or accuracy of a criminal history record or traffic history record maintained by a business
 275 screening service is disputed by the individual who is the subject of the record, the business screening service
 276 shall, without charge, investigate the disputed record. If, upon investigation, the business screening service
 277 determines that the record does not accurately reflect the content of the official record, the business screening
 278 service shall correct the disputed record so as to accurately reflect the content of the official record. If the
 279 disputed record is found to have been sealed pursuant to § 19.2-392.6:1, 19.2-392.7, 19.2-392.8, 19.2-392.10,
 280 19.2-392.11, 19.2-392.12, 19.2-392.12:1, or 19.2-392.17, *or expunged pursuant to § 19.2-392.2*, the business
 281 screening service shall promptly delete the record. A business screening service may terminate an
 282 investigation of a disputed record if the business screening service reasonably determines that the dispute is
 283 frivolous, which may be based on the failure of the subject of the record to provide sufficient information to
 284 investigate the disputed record. Upon making a determination that the dispute is frivolous, the business
 285 screening service shall inform the subject of the record of the specific reasons why it has determined that the
 286 dispute is frivolous and shall provide a description of any information required to investigate the disputed
 287 record. The business screening service shall notify the subject of the disputed record of the correction or
 288 deletion of the record or of the termination or completion of the investigation related to the record within 30
 289 days of the date when the business screening service receives notice of the dispute from the subject of the
 290 record.

291 F. A business screening service shall implement procedures for individuals to submit a request to obtain
 292 their own criminal history record and traffic history record information maintained by the business screening
 293 service and any other information that may be sold to another entity by the business screening service
 294 regarding the individual.

295 G. A business screening service that violates this section is liable to the person who is the subject of the
 296 criminal history record or traffic history record for a penalty of \$1,000 or actual damages caused by the
 297 violation, whichever is greater, plus costs and reasonable attorney fees. Within 10 days of service of any suit
 298 by an individual, the business screening service may make a cure offer in writing to the individual claiming to
 299 have suffered a loss as a result of a violation of this section. Such offer shall be in writing and include one or
 300 more things of value, including the payment of money. A cure offer shall be reasonably calculated to remedy
 301 a loss claimed by the individual, as well as any attorney fees or other fees, expenses, or other costs of any
 302 kind that such individual may incur in relation to such loss. No cure offer shall be admissible in any
 303 proceeding initiated under this section, unless the cure offer is delivered by the business screening service to
 304 the individual claiming loss or to any attorney representing such individual prior to the filing of the business
 305 screening service's initial responsive pleading in such proceeding. The business screening service shall not be
 306 liable for such individual's attorney fees and court costs incurred following delivery of the cure offer unless
 307 the actual damages found to have been sustained and awarded, without consideration of attorney fees and

308 court costs, exceed the value of the cure offer.

309 H. The Attorney General may file a civil action to enforce this section. If the court finds that a business
310 screening service has willfully engaged in an act or practice in violation of this section, the Attorney General
311 may recover for the Literary Fund, upon petition to the court, a civil penalty of not more than \$2,500 per
312 violation. For the purposes of this section, prima facie evidence of a willful violation may be shown when the
313 Attorney General notifies the alleged violator by certified mail that an act or practice is a violation of this
314 section and the alleged violator, after receipt of said notice, continues to engage in the act or practice. In any
315 civil action pursuant to this subsection, in addition to any civil penalty awarded, the Attorney General may
316 also recover any costs and reasonable expenses incurred by the state in investigating and preparing the case,
317 not to exceed \$1,000 per violation, and attorney fees. Such additional costs and expenses shall be paid into
318 the general fund of the Commonwealth.

319 I. A business screening service that disseminates criminal history records or traffic history records in the
320 Commonwealth is deemed to have consented to service of process in the Commonwealth and to the
321 jurisdiction of courts of the Commonwealth for actions involving a violation of this section or for the
322 recovery of remedies under this section.

323 J. A business screening service that is a consumer reporting agency and that is in compliance with the
324 applicable provisions of the federal Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., or the Gramm-
325 Leach-Bliley Act, 15 U.S.C. § 6801 et seq., is considered to be in compliance with the comparable provisions
326 of this section. A business screening service is subject to the state remedies under this section if its actions
327 would violate this section and federal law.

328 K. Any business screening service or person who engages in the conduct of a business screening service,
329 as set forth in this section, that fails to register with the Department of State Police as required by
330 subsection C and that disseminates criminal history records or traffic history records in the Commonwealth
331 may be subject to (i) suit by any person injured by such dissemination and (ii) enforcement actions by the
332 Attorney General as set forth in subsection H.

333 L. Nothing in this section shall prohibit the prosecution of any person who knowingly and intentionally
334 violates the provisions of § 19.2-392.14.

335 **2. That the fourth enactment of Chapter 554 and the fourth enactment of Chapter 555 of the Acts of**
336 **Assembly of 2023, as amended by the twelfth enactment of Chapter 634 and the twelfth enactment of**
337 **Chapter 671 of the Acts of Assembly of 2025, are amended and reenacted as follows:**

338 **4. That the provisions of § 19.2-392.3 of the Code of Virginia, as amended by this act, shall become**
339 **effective on July 1, 2025, and that the provisions of §§ 9.1-128, ~~19.2-392.2~~, 19.2-392.6, 19.2-392.7,**
340 **19.2-392.10, 19.2-392.11, 19.2-392.12, and 19.2-392.13 of the Code of Virginia, as amended by this act,**
341 **shall become effective on July 1, 2026, and that the provisions of § 19.2-392.2 of the Code of Virginia, as**
342 **amended by the first enactment of this act, shall become effective on July 1, 2027.**

343 **3. That the fifth enactment of Chapter 634 and the fifth enactment of Chapter 671 of the Acts of**
344 **Assembly of 2025 are amended and reenacted as follows:**

345 **5. That the provisions of §§ 2.2-3706 and 2.2-3706.1 and §§ 9.1-101, 9.1-128, 17.1-293.1, 17.1-502,**
346 **19.2-310.7, ~~19.2-392.2~~, 19.2-392.5 through 19.2-392.8, 19.2-392.11 through 19.2-392.14, 19.2-392.16, and**
347 **19.2-392.17, as they shall become effective, of the Code of Virginia, as amended by the first enactment**
348 **of this act, shall become effective on July 1, 2026, and that the provisions of § 19.2-392.2, as it shall**
349 **become effective, of the Code of Virginia, as amended by the first enactment of this act, shall become**
350 **effective on July 1, 2027.**

351 **4. That the Department of State Police and the Office of the Executive Secretary of the Supreme Court**
352 **shall evaluate the costs of implementation of this act and submit a report on its findings to the Chairs**
353 **of the Senate Committees on Finance and Appropriations and for Courts of Justice and the House**
354 **Committees on Appropriations and for Courts of Justice no later than October 1, 2026.**

355 **5. That the provisions of the first, second, and third enactments of this act shall not become effective**
356 **unless reenacted by the General Assembly at a subsequent regular or special session.**