

Fiscal Impact Review 2026 General Assembly Session

Bill number: SB 230 (House Courts of Justice Substitute); Expungement of police and court records.

Review requested by: Chair Hope, House Courts of Justice Committee

Date: March 4, 2026

JLARC Staff Fiscal Estimates

The House Courts of Justice substitute for SB 230 would make numerous changes to the eligibility criteria and clarify the process for expungement of court and police records. The bill could lead to an increase in petitions for expungement because of provisions that would expand eligibility, but the projected increase is expected to be small and have a negligible fiscal impact. The proposed clarifications to the expungement process are also not expected to lead to a fiscal impact.

An explanation of the JLARC staff review is included on the pages that follow.

Bill summary

The House Courts of Justice substitute for SB 230 would make numerous changes to the eligibility criteria and process for expungement of court and police records. Under current law, individuals charged in circuit, general district, and juvenile and domestic relations courts are eligible to have their criminal record expunged if they were found innocent of the charges or the charges were “otherwise dismissed.

The House Courts substitute for SB230 would expand the types of law enforcement and court actions that are eligible for expungement. For example, the substitute would expand the eligible types of actions to include arrests, summons, indictments, and emergency and preliminary protective orders. It would also expand the types of offenses that are eligible for expungement to include infractions. Additionally, the bill would lower the threshold for granting an expungement (e.g., demonstrating potential injustice as opposed to manifest injustice). Finally, the bill proposes changes to clarify expungement procedures, such as stipulating that a single petition may cover multiple charges.

Fiscal implications

The fiscal impact of the House Courts substitute for SB 230 is likely to be negligible based on available information. There is not expected to be IT or staffing costs. (This review does not assess the DPB fiscal impact statement for SB 230, which is for the introduced version of the bill and included substantial staffing and IT costs, because the substitute makes substantial changes to the bill.)

There are two categories of changes in the House Courts substitute for SB 230 that could have potential fiscal impacts – 1) an expansion of the types of law enforcement and court actions as well as offenses that are eligible for expungement, and 2) clarifications to the expungement process. The substitute would expand the law enforcement and court actions eligible for expungement, and the types of offenses to include infractions. The bill would also lower the threshold for granting an expungement by requiring only that potential injustice be demonstrated as opposed to manifest injustice.

Representatives from Virginia State Police (VSP) indicated that, while it is possible more individuals would petition for expungement and create additional workload as a result of the substitute bill if enacted, they believe that the increase in petitions would be small and existing personnel could absorb the work required to handle them. However, both the VSP and the Office of the Executive Secretary of the Supreme Court indicated that it is difficult to determine precisely the extent to which the bill would increase

expungement petitions. Furthermore, it is unclear how automatic sealing for some non-convictions, which will become effective July 1, 2026, may decrease petitions for expungements.

There is no indication that the procedural clarifications in the House substitute for SB 230 would require additional staff resources based on discussions with VSP and OES representatives. For example, the bill would clarify that individuals can file one petition for multiple charges, and some courts appear to already allow this.

Budget amendment necessary? No

Agencies affected: Virginia State Police, Clerks, Court System

Patron: Senator Surovell

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