

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 agreements*
3 *and court orders; prohibited provisions.*

4 [S 23]
5 Approved

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, 2026, shall contain any*
10 *provision that purports to waive, release, or extinguish a defendant's (i) rights under the Fourth Amendment*
11 *to the Constitution of the United States and Article I, Section 10 of the Constitution of Virginia; (ii) right to*
12 *file a petition requesting expungement of the police records and the court records; or (iii) right to have*
13 *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 under*
17 *clause (i) of subsection A shall not apply to any plea agreement, written agreement, or court order that may*
18 *be entered into by a defendant and the Commonwealth (i) as a condition for participation in a specialty*
19 *docket as authorized pursuant to Rule 1:25 of the Rules of the Supreme Court of Virginia, (ii) in a case*
20 *involving a sexual offense in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 where the*
21 *victim is younger than 18 years of age, or (iii) in a case involving any offenses involving children in violation*
22 *of Article 4 (§ 18.2-362 et seq.) or 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2.*

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