Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

PUBLISHED: 3/10/2026 4:55 PM **ORIGINAL**

Bill Number: SB23ER **Patron:** Salim
Bill Title: Plea agreements and court orders; prohibited provisions.

Bill Summary: This enrolled bill prohibits plea agreements and court orders executed or entered on or after July 1, 2026, from containing 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. The bill provides that any such prohibited provision of a plea agreement or court order is void and unenforceable as against public policy. The bill provides that such prohibition does not apply to any plea agreements, written agreements, or court orders entered into by a defendant and the Commonwealth (a) as a condition for participation in a specialty docket or (b) in a case involving a sexual offense where the victim is younger than 18 years of age or in a case involving any offenses involving children. The bill further provides that any waiver, release, or extinguishment of rights under the Fourth Amendment permissible by law shall be no longer than the period of supervised probation imposed against the defendant; if the defendant is not placed on supervised probation, it shall be no longer than five years.

Budget Amendment Necessary: None **Items Impacted:** N/A
Explanation: N/A

Fiscal Summary: According to the Office of the Executive Secretary (OES) of the Supreme Court of Virginia, there is no anticipated fiscal impact from the bill.

Fiscal Analysis: Any unanticipated costs that may arise from the bill are expected to be absorbable with existing resources.

Other: None.