**Expungement of Criminal Charges in Virginia**

**Frequently Asked Questions (FAQs)**

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| **What does it mean for a criminal case to be “expunged”?** | When a case is expunged, it is no longer visible to the public. Most employers and private landlords are not able to see a record of the arrest, which may make it easier to become employed, find housing, or enroll at educational institutions. |
| **Who is eligible for expungement?** | If you had a criminal case that was dismissed, or the Commonwealth’s Attorney decided not to prosecute the case (also known as a *nolle prosequi*), then you can ask the court to expunge, or “erase”, the public record of that case.  If you pled guilty or no contest (*nolo contendere*), or you were found guilty by a judge or jury, then your case is not eligible unless someone else used your identification without your consent (identity theft).  There are certain convictions that can be “sealed” under a new law, effective July 1, 2025. (Title 19.2 Chapter 23.2 of the Code of Virginia) Sealing does not remove criminal records but makes them more difficult for the public to access. Starting on October 1, 2025, some misdemeanors will be automatically sealed without a petition. |
| **How can I get my case expunged?** | You must ask a Circuit Court judge in each city or county where you were charged to expunge your case. This is done by filing a petition with the Circuit Court Clerk’s Office. In the City of Richmond, the Circuit Court is located on the first floor of the John Marshall Courts Building at 400 N. 9th Street. The Clerk’s Office is open on Monday through Friday from 8:30 to 4:30. Their phone number is (804) 646-6505. |
| **Do I need a lawyer to file a petition for expungement?** | You may choose to have a lawyer help you file a petition, or you may represent yourself. The Virginia State Bar, the organization that licenses attorneys, offers a [Lawyer Referral Service](https://vlrs.community.lawyer), through which you may consult an attorney for a limited time at a reduced fee. The toll-free telephone number is 1-800-552-7977. Low-income persons may be eligible for legal assistance through Legal Aid. Visit their website for more information or call (1-866-534-5243) to reach your local legal aid office.  <https://www.valegalaid.org/find-legal-help> |
| **What paperwork do I need to file a petition?** | You will need a certified copy of **each** charge you want to have expunged. You can obtain these copies from the clerk’s office for the court where you were charged. For example, if your court case was in the Richmond Marsh/Manchester General District Court, you would need to go there to get a certified copy of your charge(s). There is a minimal cost to obtain a certified copy. You can obtain a copy of the petition form from the Circuit Court Clerk’s Office or at the link below. The form is Virginia Circuit Form CC-1473. Contact the Clerk’s Office to find out how many copies of your documents are required at the time of filing. After your petition is filed, you will also need to provide a copy of your paperwork to the Sheriff or Police Department to have your fingerprints taken. <https://www.vacourts.gov/forms/circuit/cc1473.pdf> |
| **How can the Commonwealth’s Attorney help?** | The Commonwealth’s Attorney (CA) cannot represent you on your expungement. However, we do our best to make the expungement process accessible for people who are trying to be engaged in the community through employment, stable housing, and education. In Richmond, the CA does not require you to have the Sheriff officially serve your petition on our office. Once you file your petition, you simply walk across the hall to our office, and we will accept a copy from you or your lawyer. We then file a “waiver of service” that is attached to your expungement case. We only object to the judge granting petitions for expungement if we believe you are ineligible, or we have a serious concern for public safety. If we do not object to your petition, then you may not be required to appear in court for a hearing. |
| **Does it cost money to file a petition?** | You may be required to pay a filing fee when you submit your petition for expungement. You can ask the Clerk’s Office if the fee can be waived based on your income. If you do pay a filing fee, the law requires it to be refunded to you if the judge grants your petition. |
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