

INSTRUCTIONS FOR PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL

Virginia Code § 19.2-392.2, relating to the expungement of police and court records, provides in pertinent part as follows:

- Pursuant to § 19.2-392.2 (A), a person charged with the commission of a crime may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge IF one of the following is true:
 1. The person 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 or an original charge that was reduced or a charge that is dismissed after a plea or stipulation of the facts that would justify a finding of guilt pursuant to § 19.2-298.02.
- Pursuant to § 19.2-392.2 (C), the petition with a copy of the warrant or indictment 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 and shall contain, except where not reasonably available:
 1. The date of arrest and the name of the arresting agency. Where this information is not reasonably available, the petition shall state the reason for such unavailability;
 2. A statement of the specific criminal charge to be expunged;
 3. The date of final disposition of the charge as set forth in the petition;
 4. The petitioner's date of birth; and
 5. The full name used by the petitioner at the time of arrest.
- Circuit court form CC-1473, PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL, may be completed and filed by the petitioner (or the petitioner's attorney) in the appropriate circuit court according to these instructions. Pursuant to § 19.2-392.2(A), a person shall not be required to pay any court fees for filing a petition for expungement. A completed COVER SHEET FOR FILING CIVIL ACTIONS, circuit court form CC-1416, also may be required by the clerk of the court.
- Pursuant to § 19.2-392.2 (C), the petitioner shall request that the Central Criminal Records Exchange electronically forward a copy of the petitioner's criminal history record to the circuit court where the petition was filed.
- Pursuant to § 19.2-392.2 (D), the petitioner must have a copy of the petition served on the attorney for the Commonwealth of the city or county in which the petition is filed. The attorney for the Commonwealth may file an objection or answer to the petition or may give written notice to the court that he does not object to the petition within twenty-one days after it is served on him.
- Different procedures for expungement may apply to a petition or motion filed pursuant to § 19.2-392.2 (B) or § 19.2-392.2 (H). Court form CC-1473 should not be used for petitions filed under these subsections. For petitions filed pursuant to § 19.2-392.2(B), use court form [DC-363, PETITION OR MOTION FOR EXPUNGEMENT](#).
- Pursuant to § 19.2-392.2 (N), a petition for expungement and any responsive pleadings filed by the attorney for the clerk shall be maintained under seal by the clerk unless otherwise ordered by the court.