

**431.079 Petition or application seeking expungement to include certification of eligibility for expungement from Department of Kentucky State Police and Administrative Office of the Courts -- Administrative regulations -- Construction.**

- (1) Every petition or application filed seeking expungement of a conviction shall include a certification of eligibility for expungement. The Department of Kentucky State Police and the Administrative Office of the Courts shall certify that the agencies have conducted a criminal background check on the petitioner and whether or not the petitioner is eligible to have the requested record expunged. The Department of Kentucky State Police shall promulgate administrative regulations to implement this section, in consultation with the Administrative Office of the Courts.
- (2) Nothing in this section shall be construed to prohibit the expungement of a case ordered by a court of competent jurisdiction.
- (3) For the purposes of this section, KRS 431.073, 431.076, and 431.078, "expungement" means the removal or deletion of records by the court and other agencies which prevents the matter from appearing on official state-performed background checks.

**Effective:** June 27, 2019

**History:** Amended 2019 Ky. Acts ch. 188, sec. 3, effective June 27, 2019. -- Amended 2016 Ky. Acts ch. 94, sec. 4, effective July 15, 2016. -- Created 2013 Ky. Acts ch. 69, sec. 15, effective June 25, 2013.

**Legislative Research Commission Note (6/25/2013).** Although 2013 Ky. Acts ch. 69, sec. 15, subsec. (2), defines expungement for the purposes of "this section and Sections 2 and 3 of this Act" (KRS 346.040 and 346.135), the references have been codified as "this section and KRS 431.076 and 431.078" (2013 Ky. Acts ch. 69, secs. 16 and 17) under the authority of KRS 7.136(1)(h), in order to correct a manifest typographical or clerical error that occurred when the provisions of House Bill 57/HCS were drafted as an amendment to Senate Bill 78, but the internal references were not changed to conform.