

1 AN ACT relating to expungement of criminal records.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. KRS 431.076 IS REPEALED AND REENACTED TO READ AS  
4 FOLLOWS:

5 *(1) If a court enters an order of acquittal of criminal charges against a person, or*  
6 *enters an order dismissing criminal charges with prejudice, the court shall*  
7 *concurrently order the record expunged. The order expunging the records shall*  
8 *not require any action by the person.*

9 *(2) If a court enters an order dismissing misdemeanor charges without prejudice,*  
10 *then twelve (12) months following the date the order was entered the court shall*  
11 *order the record expunged. The order expunging the records shall not require*  
12 *any action by the person.*

13 *(3) The order shall expunge all records in the custody of the court and any records in*  
14 *the custody of any other agency or official, including law enforcement records.*  
15 *The court shall order the expungement on a form provided by the Administrative*  
16 *Office of the Courts. Every agency, with records relating to the arrest, charge, or*  
17 *other matters arising out of the arrest or charge, that is ordered to expunge*  
18 *records, shall certify to the court within sixty (60) days of the entry of the*  
19 *expungement order, that the required expungement has been completed. All*  
20 *orders enforcing the expungement procedure shall also be expunged.*

21 *(4) If an expungement is ordered under this section, an appellate court which issued*  
22 *an opinion in the case shall order the appellate case file to be sealed and also*  
23 *direct that the version of the appellate opinion published on the court's Web site*  
24 *be modified to avoid use of the petitioner's name in the case title and body of the*  
25 *opinion.*

26 *(5) After the expungement, the proceedings in the matter shall be deemed never to*  
27 *have occurred. The court and other agencies shall delete or remove the records*

1 from their computer systems so that any official state-performed background  
2 check will indicate that the records do not exist. The court and other agencies  
3 shall reply to any inquiry that no record exists on the matter. The person whose  
4 record is expunged shall not have to disclose the fact of the record or any matter  
5 relating thereto on an application for employment, credit, or other type of  
6 application.

7 (6) Inspection of the records included in the order may thereafter be permitted by the  
8 court only upon petition by the person who is the subject of the records and only  
9 to those persons named in the petition.

10 (7) This section shall be retroactive.