

1 AN ACT relating to criminal history.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 431 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) 1. "Criminal history provider" means a person or an organization that:*

7 *a. Compiles a criminal history report and uses, publishes, or*
8 *provides the report to a person or an organization other than a*
9 *law enforcement agency or another criminal history provider; or*

10 *b. Regularly publishes criminal history information on the internet*
11 *or in any public forum, or regularly makes criminal history*
12 *information available through the internet.*

13 *2. "Criminal history provider" does not include a law enforcement*
14 *agency, any governmental entity, or any person who gathers, records,*
15 *compiles, or disseminates criminal history information solely for*
16 *journalistic, academic, governmental, or legal research purposes;*

17 *(b) "Eligible conviction" means any:*

18 *1. Felony conviction meeting the requirements of KRS 431.073(1); or*

19 *2. Criminal conviction meeting the requirements of KRS 431.078(1) and*
20 *(4)(a) and (d), which was not a violation of KRS 403.763, 456.180, or*
21 *511.085; and*

22 *(c) "Expungeable conviction" means any eligible conviction if:*

23 *1. Five (5) years have passed since the completion of the person's*
24 *sentence, or since the successful completion of the person's probation*
25 *or parole, whichever occurs later;*

26 *2. The person has not in the previous five (5) years been convicted of a*
27 *felony or misdemeanor; and*

1 3. No proceeding concerning a felony or misdemeanor is pending or
2 being instituted against the person.

3 (2) On August 1, 2027, and on the first day of each month thereafter, the
4 Administrative Office of the Courts shall identify eligible convictions that have
5 not been expunged.

6 (3) On August 15, 2027, and on the fifteenth day of each month thereafter, the
7 Administrative Office of the Courts shall produce a list of eligible convictions that
8 are expungeable convictions, and shall communicate each expungeable
9 conviction to the court of original jurisdiction.

10 (4) Within thirty (30) days of receipt of a notice of an expungeable conviction, the
11 court shall:

12 (a) For an offense eligible for expungement pursuant to KRS 431.078, order
13 the judgment vacated, dismiss with prejudice any charges that are eligible
14 for expungement under this section, and order expunged all records in the
15 custody of the court and any records in the custody of any other agency or
16 official, including law enforcement records. The court shall notify the office
17 of the Commonwealth's attorney or county attorney that prosecuted the case
18 of the expungement. The court may order any criminal history provider to
19 expunge its records. The order expunging the records shall not require any
20 action by the person with the expungeable conviction. Upon entry of an
21 order expunging a conviction pursuant to this section, the court shall notify
22 the person of the expungement; or

23 (b) For an offense eligible for expungement pursuant to KRS 431.073(1)(a) or
24 (b), notify the office of the Commonwealth's attorney or county attorney
25 that prosecuted the case and the county attorney of the county where the
26 judgment was entered and:

27 1. If no objection to the expungement is made by the office of the

- 1 Commonwealth's attorney or county attorney within sixty (60) days,
2 the court shall order the judgment vacated, dismiss with prejudice any
3 charges that are eligible for expungement under this section, and
4 order expunged all records in the custody of the court and any records
5 in the custody of any other agency or official, including law
6 enforcement records. The court shall notify the office of the
7 Commonwealth's attorney or county attorney that prosecuted the case
8 of the expungement. The court may order any criminal history
9 provider to expunge its records. The order expunging the records shall
10 not require any action by the person with the expungeable conviction.
11 Upon entry of an order expunging a conviction pursuant to this
12 section, the court shall notify the person of the expungement; or
13 2. If an objection is made within sixty (60) days by the office of the
14 Commonwealth's attorney or county attorney, the court shall notify
15 the person that the offense is not eligible for expungement pursuant to
16 this section, but that it is eligible for expungement by application
17 pursuant to KRS 431.073.
18 (5) During any period of delay between issuance of the order and actual
19 expungement of the records, a circuit clerk shall not release, to anyone other
20 than the person who is the subject of the records, any documents or information
21 regarding the records which have been ordered expunged.
22 (6) Nothing in this section precludes an individual from filing an application for
23 expungement pursuant to KRS 431.073 or a petition for expungement pursuant
24 to KRS 431.078 for any charges that have not been expunged.
25 (7) Within thirty (30) days of receipt of a court order pursuant to this section to
26 expunge its records of a case, a criminal history provider shall cause the record to
27 be deleted or removed from their computer systems so that the matter shall not

1 appear in any public search of their system, or in any subsequent criminal history
2 report.

3 (8) In order to give notice to a person of proceedings pursuant to this section, the
4 court shall be authorized to obtain, without payment of any fee, information from
5 the Transportation Cabinet regarding the person's address on file regarding any
6 vehicle operator's license issued to that person.

7 ➔Section 2. KRS 431.074 is amended to read as follows:

- 8 (1) The Administrative Office of the Courts shall retain an index of expungement
9 orders entered under KRS 431.073 or 431.078.
- 10 (2) The index shall only be accessible to persons preparing a certification of eligibility
11 for expungement pursuant to KRS 431.079 or the Kentucky Law Enforcement
12 Council for the purpose of verifying qualifications under KRS 15.382.
- 13 (3) If the index indicates that the person applying for expungement has had a prior
14 felony expunged under KRS 431.073, the person preparing the report may,
15 notwithstanding the provisions of KRS 431.073, access the expunged record and
16 include information from the expunged record in the certification.

17 (4) The Administrative Office of the Courts shall, by July 1, 2027, create and
18 implement a public portal allowing a person to confidentially determine whether
19 his or her conviction has been expunged pursuant to Section 1 of this Act.

20 ➔Section 3. KRS 27A.300 is amended to read as follows:

- 21 (1) The Administrative Office of the Courts shall, in cooperation with the Department
22 of Kentucky State Police, the Department of Juvenile Justice, the Cabinet for Health
23 and Family Services, and the Department of Corrections, be responsible for the
24 recording of those data elements that are needed for development of the centralized
25 criminal history record information system.
- 26 (2) The database shall at a minimum contain the information contained in KRS
27 27A.310 to 27A.440.

1 (3) The Administrative Office of the Courts shall provide access to the Department of
2 Kentucky State Police, the Department of Juvenile Justice, the Cabinet for Health
3 and Family Services, and the Department of Corrections to its database.

4 (4) The Administrative Office of the Courts shall, where the number is known, assign
5 the same identification number or other variable to each person whose name
6 appears in the database.

7 **(5) The centralized criminal history record information system developed and**
8 **maintained pursuant to KRS 27A.310 to 27A.440 shall be the official record of**
9 **any criminal proceeding.**

10 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO
11 READ AS FOLLOWS:

12 **(1) A criminal history provider who receives an order to expunge a criminal record**
13 **pursuant to Section 1 of this Act and who does not comply with the order shall be**
14 **liable for actual and punitive damages, court costs, and reasonable attorney's fees**
15 **in a civil cause of action brought by the person whose record was not expunged.**

16 **(2) The action may be filed in the Circuit Court for the county where the alleged**
17 **violation occurred or the county where the person resides.**

18 ➔Section 5. This Act may be cited as the Clean Slate Act.