AN ACT relating to forcible entry and detainer.

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

➔SECTION 1. A NEW SECTION OF KRS 383.200 TO 383.285 IS CREATED TO READ AS FOLLOWS:

(1) In an action for forcible detainer, the case shall be eligible for expungement if:

(a) The case has a final disposition of dismissal or judgment was entered for all defendants on or after the effective date of this Act; and

(b) Either:

1. The time for appeal has expired with no appeal being filed; or

2. Any appeal has become final and the trial court's order of dismissal or judgment in favor of the defendants was upheld.

(2) (a) Within seven (7) days of being eligible for expungement under this section, the clerk of the court shall provide the record to the court of original jurisdiction.

(b) The court shall review the record within seven (7) days of receipt of the record. If the record is eligible for expungement under this section, the court shall order expunged all records of the forcible detainer case in the custody of the court. The order expunging the records shall not require any action by the defendants or the plaintiff.

(3) (a) Following the entry of an order of expungement, proceedings in the matter shall be deemed never to have occurred, and the clerk of the court shall not accept any subsequent pleadings, motions, or other documents for filing in the matter.

(b) The court and consumer reporting agencies, as defined in KRS 15.800, shall delete or remove the records from their computer systems so that any electronic records management system or consumer report will indicate that the records do not exist.

(c) The court and other agencies shall reply to any inquiry that no record exists on the matter.

(d) The person whose record is expunged shall not have to disclose the fact of the record or any matter relating to it on an application for employment, credit, or other type of application.

(4) An order of expungement under this section shall be on a form provided by the Administrative Office of the Courts and include language directing any consumer reporting agency in possession of information related to the person and the expunged record to destroy or otherwise cease disclosure of the information upon written notice and demand.

(5) If a motion or other document is submitted to the clerk of the court for filing in a case that is eligible for expungement under this section and the record has not been ordered expunged, the clerk of the court shall:

(a) Accept the filing;

(b) Notify the court; and

(c) Suspend any further performance of the duties outlined in this section until resolution of the motion or further order of the court.

(6) Within forty-five (45) days of entry of an order of expungement, the clerk of the court shall cause to be deleted or removed any records necessary to comply with this section.

(7) Any data or information remaining after a record has been expunged under this section shall not contain any personally identifiable information of the parties.

(8) For purposes of this section, "expunge" and "expungement" mean the removal or deletion of records or portions thereof by the court and other agencies which prevents the matter from appearing in a search of court records that would have otherwise disclosed the matter had it not been ordered expunged.

➔SECTION 2. A NEW SECTION OF KRS 383.200 TO 383.285 IS CREATED

TO READ AS FOLLOWS:

(1) A minor shall not be named as a defendant in an action for forcible detainer unless the minor is the primary leaseholder and the lease is not otherwise void.

(2) If a minor is named as a defendant in an action for forcible detainer in violation of this section:

(a) The minor;

(b) The minor's parent or guardian; or

(c) Any other defendant named in the order;

may petition the court at any time to expunge the name of the minor from the action.

(3) (a) If the court finds that a minor was named as a defendant in violation of this section, the court shall dismiss the minor as a party to the action. The court may direct the sealing of any documents within the record necessary to protect the privacy interests of the minor.

(b) An order dismissing a minor as a party to the action under this subsection shall not:

1. Require the reissuance of notice of a hearing for the remaining defendants;

2. Dismiss the action unless the minor was the only named defendant; or

3. Alter the time for proceedings relating to any other named defendants who have been properly served.

(4) This section shall not prevent an "all occupants" eviction or a minor from being evicted as part of an "all occupants" eviction.

➔Section 3. KRS 383.240 is amended to read as follows:

(1) Upon the return of the inquest**,** the court shall enter a judgment according to the inquisition ***as follows:***~~[, either]~~

(a) For the plaintiff, in substance, that he ***or she*** have restitution of the premises

aforesaid, and recover of the defendants his ***or her*** costs in this behalf expended;~~[or]~~

(b) For the defendants, in substance, that they recover of the plaintiff their costs in this behalf expended; or

(c) For the plaintiff against some of the defendants, and for the other defendants against the plaintiff, if some be found guilty and others not guilty.

(2) In an action for forcible detainer, if the court enters a judgment in accordance with subsection (1)(b) of this section or if the court enters an order dismissing the action, the court shall give notice to the parties that:

(a) The record will be expunged pursuant to Section 1 of this Act after the expiration of the appeal period if no appeal is filed or when any appeal is final if the appeal upholds the trial court's judgment for the defendants or order of dismissal; and

(b) Notice of entry of the order of expungement is waived unless a written request for notice is filed in the record prior to entry of the order of expungement.

➔Section 4. KRS 383.250 is amended to read as follows:

The clerk of the court shall carefully preserve all papers, records***, files,*** and proceedings~~[,]~~ relating to the cause~~[; and shall deliver, to any person requiring it, a transcript thereof]~~.

➔Section 5. KRS 367.310 is amended to read as follows:

A~~[No]~~ consumer reporting agency shall ***not*** maintain any information in its files relating to any***:***

(1) Charge in a criminal case~~[,]~~ in any court of this Commonwealth, unless the charge has resulted in a conviction***; or***

(2) Dismissed forcible detainer action in any court of this Commonwealth.