

1 AN ACT relating to forcible entry and detainer.

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

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

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

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

8 *(b) Either:*

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

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

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

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

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

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

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

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

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

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

14 (a) Accept the filing;

15 (b) Notify the court; and

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

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

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

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

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

1 TO READ AS FOLLOWS:

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

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

6 (a) The minor;

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

8 (c) Any other defendant named in the order;

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

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

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

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

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

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

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

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

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

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

1 aforesaid, and recover of the defendants his or her costs in this behalf
 2 expended;~~or~~

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

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

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

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

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

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

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

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

21 ~~A~~~~No~~ consumer reporting agency shall not maintain any information in its files relating
 22 to any:

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

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