

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, if the case is dismissed, the court shall expunge  
6    the record upon the expiration of fourteen (14) days. The order expunging the  
7    records shall not require any action by the defendant.

8    (2) After the expungement, proceedings in the matter shall be deemed never to have  
9    occurred. The court and consumer reporting agencies, as defined in KRS 15.800,  
10   shall delete or remove the records from their computer systems so that any  
11   official state background check or consumer report will indicate that the records  
12   do not exist. The court and other agencies shall reply to any inquiry that no  
13   record exists on the matter. The person whose record is expunged shall not have  
14   to disclose the fact of the record or any matter relating to it on an application for  
15   employment, credit, or other type of application.

16           ➔SECTION 2. A NEW SECTION OF KRS 383.200 TO 383.285 IS CREATED  
17 TO READ AS FOLLOWS:

18    (1) A minor shall not be named as a defendant in an action for forcible detainer  
19    unless the minor is a leaseholder.

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

22      (a) The minor;

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

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

25    may petition the court at any time to expunge the name of the minor from the  
26    order.

27    (3) If the court finds that a minor was improperly named as a defendant in violation

1        *of this section at the time the order was entered, the court shall:*

2        *(a) Dismiss the action without prejudice; and*

3        *(b) Expunge the name of the minor.*

4        *(4) An expungement pursuant to this section shall be effective immediately.*

5        ➔Section 3. KRS 383.250 is amended to read as follows:

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

9        *(2) The papers, records, files, and proceedings of the court shall not be open to*  
10        *inspection by persons other than parties to the proceedings and their attorneys*  
11        *except under order of the court expressly permitting inspection.*

12        *(3) Upon entry of the final order in the case, the clerk shall place all papers, records,*  
13        *files, and proceedings from the case in a suitable envelope which shall be sealed*  
14        *and shall not be open for inspection without a written order of the court.*

15        ➔Section 4. KRS 367.310 is amended to read as follows:

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

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

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

21        ➔Section 5. Section 1 of this Act applies to actions for forcible detainer brought  
22        on or after the effective date of this Act.