

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) If a forcible detainer action is dismissed, the court shall order the record*
6 *expunged upon the expiration of five (5) days. The order expunging the records*
7 *shall not require any action by the defendant.*

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

16 *(3) (a) If an unemancipated minor is improperly named as a defendant in a*
17 *forcible detainer action:*

18 *1. The minor;*
19 *2. The minor's parent or guardian; or*
20 *3. Any other defendant named in the order;*
21 *may petition the court at any time to expunge the name of the minor from*
22 *the order.*

23 *(b) If the court finds that the person was an unemancipated minor at the time*
24 *the order was entered, the court shall expunge the name of the minor. An*
25 *expungement under this subsection shall be effective immediately.*

26 *(c) The Administrative Office of the Courts shall establish a form for a petition*
27 *for expungement pursuant to this subsection.*

1 ➔Section 2. KRS 383.250 is amended to read as follows:

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

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

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

11 ➔Section 3. Section 1 of this Act shall apply to actions for forcible detainer
12 brought on or after the effective date of this Act.