

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.