Local Government Mandate Statement Kentucky Legislative Research Commission 2024 Regular Session

Part I: Measure Information

Bill Request #: 1238
Bill #: HB 71
Document ID #: 2027
Bill Title: AN ACT relating to actions for forcible entry and detainer.
Sponsor: _ Representative Nima Kulkarni
Unit of Government:XCityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment
Office(s) Impacted: Courts
Requirement: <u>X</u> Mandatory Optional
Effect on Powers & Duties: X Modifies Existing X Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 71 creates a new section of KRS Chapter 383 and amends KRS 383.250 to require proceedings for forcible entry or detainer to be expunged under certain circumstances.

Section 1 requires that the court expunge records relating to the forced entry or detainer within 60 days if the case is dismissed, and after three years if otherwise. After they are expunged, the proceedings in the matter are deemed never to have occurred and the court and other agencies must delete or remove the records from their computer systems. Unemancipated minors shall not be named as a defendant in a forcible detainer action and if they are, that person, a parent or guardian, or any other defendant may petition the court to expunge the name from the order. If the person is an unemancipated minor, then the court must expunge the name of the minor.

Section 2 requires that no persons other than the parties to such proceedings and their attorneys have access to these records without the permission of the court.

The fiscal impact of HB 71 is indeterminable but likely minimally negative. Court personnel would need to be informed of the new requirements and may process slightly more expungements and petitions for expungements as a result of the bill. Courts and local law enforcement agencies may realize a minimal negative impact as manual expungements take less than 30 minutes, and computerized records take not more than five minutes to delete.

Data Source(s): <u>LRC Staff</u>

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