

1 AN ACT relating to actions for 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 CHAPTER 383 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) On or after the effective date of this Act, in proceedings for forcible entry or*
6 *detainer:*

7 *(a) If the case is dismissed, the court shall order the record expunged upon the*
8 *expiration of sixty (60) days; or*

9 *(b) If the forcible detainer is entered, the court shall order the record expunged*
10 *upon the expiration of three (3) years.*

11 *The order expunging the records shall not require any action by the person.*

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

20 *(3) If an unemancipated minor is improperly named as a defendant in a forcible*
21 *detainer action, that person, his or her parent or guardian, or any other*
22 *defendant named in the order may, at any time, petition the court to expunge the*
23 *name of the minor from the order. If the court finds that the person was an*
24 *unemancipated minor at the time the order was entered, the court shall expunge*
25 *the name of the minor. An expungement pursuant to this subsection shall be*
26 *effective immediately.*

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

1 The clerk of the court shall carefully preserve all papers, records, and proceedings[,]
2 relating to the cause[; and shall deliver, to any person requiring it, a transcript thereof].
3 **The files and records of the court shall not be open to inspection by persons other than**
4 **parties to such proceedings and their attorneys except under order of the court**
5 **expressly permitting inspection. Upon the entry of the final order in the case, the clerk**
6 **shall place all papers and records in the case in a suitable envelope which shall be**
7 **sealed and shall not be open for inspection without a written order of the court.**