

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, if the case is dismissed, the court shall order the record expunged upon**
7 **the expiration of five (5) days. The order expunging the records shall not require**
8 **any action by the respondent.**

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

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

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

25 The clerk of the court shall carefully preserve all papers, records, and proceedings[,]
26 relating to the cause[; and shall deliver, to any person requiring it, a transcript thereof].

27 **The files and records of the court shall not be open to inspection by persons other than**

- 1 parties to such proceedings and their attorneys except under order of the court
- 2 expressly permitting inspection. Upon the entry of the final order in the case, the clerk
- 3 shall place all papers and records in the case in a suitable envelope which shall be
- 4 sealed and shall not be open for inspection without a written order of the court.