

#### **17.142 Segregation of criminal records.**

- (1) Each law enforcement or other public agency in possession of arrest records, fingerprints, photographs, or other data whether in documentary or electronic form shall upon written request of the arrestee as provided herein segregate all records relating to the arrestee in its files in a file separate and apart from those of convicted persons, if the person who is the subject of the records:
  - (a) Is found innocent of the offense for which the records were made; or
  - (b) Has had all charges relating to the offense dismissed; or
  - (c) Has had all charges relating to the offense withdrawn.
- (2) A person who has been arrested and then has come within the purview of subsection (1) of this section may apply to the court in which the case was tried, or in which it would have been tried in the event of a dismissal or withdrawal of charges, for segregation of the records in the case. Upon receipt of such application the court shall forthwith issue an order to all law enforcement agencies in possession of such records to segregate the records in accordance with the provisions of this section.
- (3) Each law enforcement agency receiving an order to segregate records shall forthwith:
  - (a) Segregate the records in its possession in a file separate and apart from records of convicted persons;
  - (b) Notify all agencies with which it has shared the records or to which it has provided copies of the records to segregate records; and
  - (c) All records segregated pursuant to this section shall show disposition of the case.
- (4) Records subject to the provisions of KRS 431.076 or 431.078 shall be sealed as provided in those statutes.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 374, sec. 2, effective July 15, 1996. -- Created 1980 Ky. Acts ch. 127, sec. 1, effective July 15, 1980.