

CHAPTER 164

(SB 11)

AN ACT relating to criminal damage to rental property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 512.010 is amended to read as follows:

The following definitions apply in this chapter unless the context otherwise requires:

- (1) ***"Lease or rental agreement" means all agreements, written or oral, embodying the terms and conditions concerning the use and occupancy of a dwelling unit or premises;***
- (2) "Litter" means rubbish, refuse, waste material, offal, paper, glass, cans, bottles, trash, debris or any foreign substance of whatever kind or description and whether or not it is of value;~~;~~
- (3)~~(2)~~ "Noxious substance" means any substance capable of generating offensive, noxious or suffocating fumes, gases or vapors;~~;~~
- (4)~~(3)~~ "Property" includes cattle;~~;~~
- (5) ***"Residential rental property" means any residential premises or property contained therein leased or otherwise rented to a tenant solely for residential purposes under a lease or rental agreement to which the tenant is a party; and***
- (6) ***"Tenant" means a person entitled under a lease or rental agreement to occupy a residential rental property to the exclusion of others.***

➔Section 2. KRS 512.020 is amended to read as follows:

- (1) A person is guilty of criminal mischief in the first degree when, having no right to do so or any reasonable ground to believe that he or she has such right, he or she intentionally or wantonly:
 - (a) Defaces, destroys, or damages any property causing pecuniary loss of ***one thousand dollars*** (\$1,000) or more;~~;~~
 - (b) Tamper with the operations of a key infrastructure asset, as defined in KRS 511.100, in a manner that renders the operations harmful or dangerous; ***or***
 - (c) ***As a tenant, intentionally or wantonly defaces, destroys, or damages residential rental property causing pecuniary loss of one thousand dollars (\$1,000) or more.***
- (2) Criminal mischief in the first degree is a Class D felony.

➔Section 3. KRS 512.030 is amended to read as follows:

- (1) A person is guilty of criminal mischief in the second degree when, having no right to do so or any reasonable ground to believe that he ***or she*** has such right, he ***or she***:
 - (a) Intentionally or wantonly defaces, destroys or damages any property causing pecuniary loss of ***five hundred dollars*** (\$500) or more ***but less than one thousand dollars (\$1,000); or***
 - (b) ***As a tenant, intentionally or wantonly defaces, destroys, or damages residential rental property causing pecuniary loss of five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000).***
- (2) Criminal mischief in the second degree is a Class A misdemeanor.

➔Section 4. KRS 512.040 is amended to read as follows:

- (1) A person is guilty of criminal mischief in the third degree when:
 - (a) Having no right to do so or any reasonable ground to believe that he ***or she*** has such right, he ***or she*** intentionally or wantonly defaces, destroys or damages any property ***causing pecuniary loss of less than five hundred dollars (\$500);***~~;~~
 - (b) He ***or she*** tampers with property so as knowingly to endanger the person or property of another; ***or***

- (c) *He or she as a tenant, and having no right to do so or any reasonable grounds to believe that he or she has such right, intentionally or wantonly defaces, destroys, or damages residential rental property causing pecuniary loss of less than five hundred dollars (\$500).*
- (2) Criminal mischief in the third degree is a Class B misdemeanor.

Veto overridden March 29, 2021.