

1 AN ACT relating to trespass.

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

3 ➔Section 1. KRS 381.230 is amended to read as follows:

4 **(1)** The owner of land may maintain the appropriate action to recover damages for any
5 trespass or injury committed thereon, or to prevent or restrain any trespass or other
6 injury thereto or thereon, notwithstanding the owner may not have the actual
7 possession of the land at the time of the commission of the trespass.

8 **(2) (a) An owner or lessee of residential real property, including a condominium,**
9 **who actually resides on that property and who is either fifty-five (55) years**
10 **of age or older or qualifies as an adult as defined in KRS 209.020, may**
11 **maintain an action to prevent or restrain any trespass on the property**
12 **without the payment of court costs or fees or the posting of any bond.**

13 **(b) Upon a showing of a verified petition that a trespass is occurring or is likely**
14 **to occur, the court may issue an ex parte order to prevent or restrain the**
15 **trespass, which may be enforced by any peace officer.**

16 **(c) The Court of Justice is requested to issue rules implementing this**
17 **subsection that are designed to maximize access to the courts for persons**
18 **who are fifty-five (55) years of age or older or qualify as adults defined in**
19 **KRS 209.020. The Administrative Office of the Courts shall develop and**
20 **distribute to each circuit clerk's office a set of forms allowing these persons**
21 **to petition for the relief allowed under this subsection.**