

1 AN ACT relating to trespass.

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

3 ➔Section 1. KRS 511.070 is amended to read as follows:

4 (1) A person is guilty of criminal trespass in the second degree when he or she
5 knowingly enters or remains unlawfully in a building or upon premises as to which
6 notice against trespass is given by fencing or other enclosure.

7 **(2) Subject to the provisions of subsection (3) of this section, for the purposes of this**
8 **section, notice against trespass includes the placement of identifying purple paint**
9 **marks on trees or posts on the property, if the marks are:**

10 **(a) Vertical lines of not less than eight (8) inches in length and not less than**
11 **one (1) inch in width;**

12 **(b) Placed so that the bottom of the mark is not less than three (3) feet from the**
13 **ground nor more than five (5) feet from the ground; and**

14 **(c) Placed at locations that are readily visible to any person approaching the**
15 **property and no more than:**

16 **1. One hundred (100) feet apart on forest land; or**

17 **2. One thousand (1,000) feet apart on land other than forest land.**

18 **(3) Any owner or lessee who marks his or her real property using the method**
19 **described in subsection (2) of this section shall also provide clear written notice**
20 **forbidding entry.**

21 **(4)**~~(2)~~ Criminal trespass in the second degree is a Class B misdemeanor, unless the
22 offense occurs during a declared emergency as defined by KRS 39A.020 arising
23 from a natural or man-made disaster, within the area covered by the emergency
24 declaration, and within the area impacted by the disaster, in which case it is a Class
25 A misdemeanor.