

1 AN ACT relating to real property rights.

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

3 ➔Section 1. KRS 511.010 is amended to read as follows:

4 **As used in this chapter**~~The following definitions apply in this chapter unless the context~~
5 ~~otherwise requires~~:

6 (1) "Building," in addition to its ordinary meaning, means any structure, vehicle,
7 watercraft, or aircraft:

8 (a) Where any person lives; or

9 (b) Where people assemble for purposes of business, government, education,
10 religion, entertainment, or public transportation.

11 Each unit of a building consisting of two (2) or more units separately secured or
12 occupied is a separate building;~~[-]~~

13 (2) "Dwelling" means a building which is usually occupied by a person lodging
14 therein;~~[-]~~

15 (3) "Premises" includes the term "building" as defined **in this section**~~herein~~ and any
16 real property; ~~and~~~~[-]~~

17 **(4) "Squatter" means a person who enters or remains unlawfully in a dwelling or**
18 **commercial building when he or she is not privileged or licensed to do so,**
19 **including a person who takes up residence in a property he or she does not own,**
20 **provided he or she is not a current or former tenant at the premises, did not have**
21 **an agreement to occupy the premises at any time, and is not an immediate family**
22 **member of the property owner.**

23 ➔Section 2. KRS 511.090 is amended to read as follows:

24 (1) A person "enters or remains unlawfully" in or upon premises when he **or she** is not
25 privileged or licensed to do so.

26 (2) A person who, regardless of his **or her** intent, enters or remains in or upon premises
27 which are at the time open to the public does so with license or privilege unless he

1 **or she** defies a lawful order not to enter or remain personally communicated to him
2 **or her** by the owner of ~~the~~ premises or other authorized person.

3 (3) A license or privilege to enter or remain in or upon premises which are only partly
4 open to the public is not a license or privilege to enter or remain in or upon a part of
5 the premises which is not open to the public.

6 (4) A person who enters or remains upon unimproved and apparently unused land
7 which is neither fenced nor otherwise enclosed does not commit criminal trespass
8 unless notice against trespass is personally communicated to him **or her** by the
9 owner of the land or some other authorized person or unless notice is given by
10 posting in a conspicuous manner.

11 (5) Private land adjoining a railtrail that is neither fenced nor otherwise enclosed shall
12 be presumed to be land where notice against trespassing has been given by the
13 owner of the land, and a person utilizing the railtrail shall be presumed to lack
14 privilege or license to enter upon that land unless the person has permission from an
15 adjoining landowner to do so.

16 **(6) A person may request a peace officer to immediately remove any squatter**
17 **occupying a dwelling or commercial building, provided:**

18 **(a) The requesting person is the property owner of the dwelling or commercial**
19 **building or his or her authorized agent;**

20 **(b) The property owner has directed the squatter to leave; and**

21 **(c) The property owner or his or her authorized agent submits a recorded**
22 **statement to the peace officer at the time of the request directing that the**
23 **squatter be removed and that no pending forcible detainer action exists**
24 **between the property owner and the squatter.**

25 **(7) A peace officer acting in good faith under subsection (6) of this section shall be**
26 **immune from criminal and civil liability.**

27 ➔Section 3. KRS 512.010 is amended to read as follows:

1 **As used in this chapter**~~The following definitions apply in this chapter unless the context~~
2 ~~otherwise requires~~};

3 (1) "Lease or rental agreement" means all agreements, written or oral, embodying the
4 terms and conditions concerning the use and occupancy of a dwelling unit or
5 premises;

6 (2) "Litter" means rubbish, refuse, waste material, offal, paper, glass, cans, bottles,
7 trash, debris, or any foreign substance of whatever kind or description and whether
8 or not it is of value;

9 (3) "Noxious substance" means any substance capable of generating offensive,
10 noxious, or suffocating fumes, gases, or vapors;

11 (4) "Property" includes livestock as defined in KRS 150.010 and poultry as defined in
12 KRS 246.010;

13 (5) "Residential rental property" means any residential premises or property contained
14 therein leased or otherwise rented to a tenant solely for residential purposes under a
15 lease or rental agreement to which the tenant is a party;~~and~~

16 (6) **"Squatter" has the same meaning as in Section 1 of this Act; and**

17 **(7)** "Tenant" means a person entitled under a lease or rental agreement to occupy a
18 residential rental property to the exclusion of others.

19 ➔Section 4. KRS 512.020 is amended to read as follows:

20 (1) A person is guilty of criminal mischief in the first degree when, having no right to
21 do so or any reasonable ground to believe that he or she has such right, he or she
22 intentionally or wantonly:

23 (a) Defaces, destroys, or damages any property causing pecuniary loss of five
24 hundred dollars (\$500) or more;

25 (b) Tampers with the operations of a key infrastructure asset, as defined in KRS
26 511.100, in a manner that renders the operations harmful or dangerous;~~or~~

27 (c) As a tenant, intentionally or wantonly defaces, destroys, or damages

1 residential rental property causing pecuniary loss of five hundred dollars
2 (\$500) or more; or

3 (d) As a squatter, intentionally or wantonly defaces, destroys, or damages
4 residential or commercial property causing pecuniary loss of five hundred
5 dollars (\$500) or more.

- 6 (2) Criminal mischief in the first degree is a Class D felony, unless:
- 7 (a) The offense occurs during a declared emergency as defined by KRS 39A.020
8 arising from a natural or man-made disaster, within the area covered by the
9 emergency declaration, and within the area impacted by the disaster, in which
10 case it is a Class C felony;
- 11 (b) For the first offense, if the defendant at any time prior to trial effects repair or
12 replacement of the defaced, destroyed, or damaged property, makes complete
13 restitution in the amount of the damage, or performs community service as
14 required by the court, in which case it is a Class B misdemeanor. The court
15 shall determine the number of hours of community service commensurate
16 with the total amount of monetary damage caused by or incidental to the
17 commission of the crime, of not less than sixty (60) hours; or
- 18 (c) For the second or subsequent offense, if the defendant at any time prior to trial
19 effects repair or replacement of the defaced, destroyed, or damaged property,
20 makes complete restitution in the amount of the damage, or performs
21 community service as required by the court, in which case it is a Class A
22 misdemeanor. The court shall determine the number of hours of community
23 service commensurate with the total amount of monetary damage caused by
24 or incidental to the commission of the crime, of not less than sixty (60) hours.

25 ➔Section 5. KRS 512.030 is amended to read as follows:

- 26 (1) A person is guilty of criminal mischief in the second degree when, having no right
27 to do so or any reasonable ground to believe that he or she has such right, he or she:

- 1 (a) Intentionally or wantonly defaces, destroys, or damages any property causing
2 pecuniary loss of less than five hundred dollars (\$500);~~or~~
- 3 (b) As a tenant, intentionally or wantonly defaces, destroys, or damages
4 residential rental property causing pecuniary loss of less than five hundred
5 dollars (\$500); or
- 6 (c) As a squatter, intentionally or wantonly defaces, destroys, or damages
7 residential or commercial property causing a pecuniary loss of less than five
8 hundred dollars (\$500).

- 9 (2) Criminal mischief in the second degree is a Class A misdemeanor, unless:
- 10 (a) The offense occurs during a declared emergency as defined by KRS 39A.020
11 arising from a natural or man-made disaster, within the area covered by the
12 emergency declaration, and within the area impacted by the disaster, in which
13 case it is a Class D felony; or
- 14 (b) The defendant at any time prior to trial effects repair or replacement of the
15 defaced, destroyed, or damaged property, makes complete restitution in the
16 amount of the damage, or performs community service as required by the
17 court, in which case it is a Class B misdemeanor. The court shall determine
18 the number of hours of community service commensurate with the total
19 amount of monetary damage caused by or incidental to the commission of the
20 crime, of not less than fifteen (15) hours.

21 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 514 IS CREATED TO
22 READ AS FOLLOWS:

- 23 (1) A person is guilty of fraudulent sale or lease of real property located within this
24 Commonwealth when he or she knowingly lists or advertises, either within or
25 outside this Commonwealth, residential real property or a commercial building
26 for sale, lease, or rent without legal title or authority that results in any pecuniary
27 loss to an individual in this Commonwealth.

- 1 (2) *Fraudulent sale or lease of real property is a Class D felony for the first offense,*
- 2 *and a Class C felony for each subsequent offense.*