

1 AN ACT relating to criminal trespass.

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~~[The following definitions apply]~~ in this chapter, unless the context otherwise
5 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) "Employee" has the same meaning as in KRS 338.015;

16 (4) "Employer" has the same meaning as in KRS 338.015;

17 (5)~~(3)~~ "Premises" includes the term "~~building~~" as defined in this section,~~[herein]~~
18 and any real property.~~[.]~~

19 (6) "Threatening behavior" means behavior intentionally engaged in by a person
20 that places another person in reasonable apprehension of imminent physical
21 injury; and

22 (7) "Workplace" means any property that is owned, leased, or controlled by an
23 employer where the employer's official business is conducted and where one (1)
24 or more of the employer's employees perform employment duties.

25 ➔Section 2. KRS 511.070 is amended to read as follows:

26 (1) A person is guilty of criminal trespass in the second degree when he or she
27 knowingly enters or remains:

1 (a) Unlawfully in a building or upon premises as to which notice against trespass
2 is given by fencing or other enclosure; or

3 (b) *In a workplace, while engaging in disruptive or threatening behavior, as to*
4 *which notice against trespass is given verbally or in writing by the*
5 *applicable employer, an employee with the employer's authorization, or an*
6 *authorized agent of the employer.*

7 (2) For the purposes of this section, notice against trespass includes the placement of
8 identifying purple paint marks on trees or posts on the property if the marks are:

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

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

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

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

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

17 (3) Criminal trespass in the second degree is a Class B misdemeanor, unless:

18 (a) The offense occurs during a declared emergency as defined by KRS 39A.020
19 arising from a natural or man-made disaster, within the area covered by the
20 emergency declaration, and within the area impacted by the disaster~~, in~~
21 ~~which case it is a Class A misdemeanor~~; or

22 (b) *A person commits a second or subsequent offense within three (3) years of*
23 *the prior offense;*
24 *in which case it is a Class A misdemeanor.*

25 ➔ Section 3. KRS 511.080 is amended to read as follows:

26 (1) A person is guilty of criminal trespass in the third degree when he or she knowingly
27 enters or remains unlawfully in or upon premises.

1 (2) Criminal trespass in the third degree is a violation, unless:

2 (a) The offense occurs during a declared emergency as defined by KRS 39A.020

3 arising from a natural or man-made disaster, within the area covered by the

4 emergency declaration, and within the area impacted by the disaster{, ~~in~~

5 ~~which case it is a Class B misdemeanor}; or~~

6 (b) A person commits a second or subsequent offense within three (3) years of

7 the prior offense;

8 in which case it is a Class B misdemeanor.