

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.