

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.