

1       AN ACT relating to the removal of persons unlawfully occupying real property.

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

3           ➔Section 1. KRS 383.290 is amended to read as follows:

4       (1) As used in this section:

5           (a) "Immediate family member" means a spouse, parent, sibling, child, mother-

6           in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild;

7           and

8           (b) "Law enforcement officer" means a:

9           1. Person who is employed as a sworn law enforcement officer by a city,

10           county, urban-county government, **consolidated local government**, or

11           charter county government law enforcement agency;

12           2. Sheriff or full-time deputy sheriff; or

13           3. Constable granted police powers.

14       (2) A property owner or his or her authorized agent may request a law enforcement

15           **agency****[officer]** to immediately remove a person or persons unlawfully occupying

16           real property pursuant to this section if:

17           (a) The unauthorized person is not and never has been a tenant of the premises,

18           and never had a written or oral agreement authorized by the property owner to

19           occupy the premises;

20           (b) The real property was not open to members of the public at the time the

21           unauthorized person or persons entered;

22           (c) The property owner has directed the unauthorized person to leave the

23           property;

24           (d) The unauthorized person or persons are not immediate family members of the

25           property owner; and

26           (e) There is no pending litigation related to the real property between the property

27           owner and any known unauthorized person.

1 (3) The request for immediate removal of an unlawful occupant of real property under  
2 subsection (2) of this section shall be made by presenting a completed Petition to  
3 Remove Persons Unlawfully Occupying Real Property to the **responding** law  
4 enforcement officer. The submitted petition shall be in substantially the following  
5 form:

"PETITION TO REMOVE PERSONS UNLAWFULLY OCCUPYING REAL  
PROPERTY

8 I, the owner or authorized agent of the owner of the real property located at ....  
9 declare that (initial each box):

1. .... I am the owner of the real property or the authorized agent of the owner of  
the real property.
  2. .... I obtained title to the property on or about.....
  3. .... An unauthorized person or persons have unlawfully entered and are  
remaining or residing unlawfully on the real property.
  4. .... The real property was not open to members of the public at the time the  
unauthorized person or persons entered.
  5. .... I have directed the unauthorized person or persons to leave the real  
property, but they have not done so.
  6. .... The unauthorized person or persons sought to be removed are not an owner  
or a co-owner of the property and have not been listed on the title to the property  
unless the person or persons have engaged in title fraud.
  7. .... The unauthorized person or persons are not immediate family members of  
the property owner.
  8. .... There is no litigation related to the real property pending between the  
property owner and any person sought to be removed.
  9. .... I understand that a person or persons removed from the property pursuant  
to this procedure may bring a cause of action against me for any false statements

1 made in this petition, or for wrongfully using this procedure, and that as a result of  
2 such action I may be held liable for actual damages, penalties, costs, and reasonable  
3 attorney's fees.

4 10. .... I am requesting the law enforcement officer to immediately remove the  
5 unauthorized person or persons from the property.

6 11. .... A copy of my valid government-issued identification is attached, or I am  
7 an agent of the property owner, and documents evidencing my authority to act on  
8 the property owner's behalf are attached.

9 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH  
10 STATEMENT IS TRUE AND CORRECT.["]

11 ..... (signature of property owner or agent of owner)"

12 (4) (a) Upon receipt of a petition in accordance with subsection (3) of this section,  
13 the responding law enforcement officer shall verify the identity of the  
14 petitioner. The petitioner's identity may be verified by presentation of a  
15 government-issued photo identification.

16 (b) If the identity of the petitioner is verified, the responding law enforcement  
17 officer shall, without unnecessary delay, serve a notice to immediately vacate  
18 the property on all the unlawful occupants and shall put the owner in  
19 possession of the real property.

20 (c) The service required in paragraph (b) of this subsection may be accomplished  
21 by hand delivery of the notice to an unlawful occupant or by posting the  
22 notice in a conspicuous location on the real property.

23 (d) The law enforcement officer serving the notice shall attempt to verify the  
24 identity of all persons occupying the real property and note the identities on  
25 the return of service. If appropriate, the law enforcement officer may arrest  
26 any person found on the real property for trespass, outstanding warrants, or  
27 any other legal cause.



- 1       it on its website.~~{; provided,}~~ However,~~{that}~~ an owner's petition is not required to  
2       appear on the Department of Kentucky State Police form to be valid.
- 3       (9) The procedures established in this section are not applicable to, and shall not be  
4       enforced against, a person who is a current or former tenant of the premises or who  
5       once had an agreement with the property owner that permitted the person to occupy  
6       the premises.