

1 AN ACT relating to crimes and punishments.

2 WHEREAS, the Commonwealth of Kentucky recognizes the right of its citizens to  
3 travel freely and safely on public roadways without obstruction or intimidation; and

4 WHEREAS, incidents in which individuals intentionally block roadways have  
5 caused fear, injury, and interference with emergency services and lawful transit; and

6 WHEREAS, the presence of individuals obstructing public roadways creates  
7 situations of heightened tension and perceived threat, particularly when motorists are  
8 surrounded by a crowd; and

9 WHEREAS, individuals who block roadways voluntarily assume the risk inherent  
10 in unlawfully entering or obstructing a public roadway when they have clear alternatives  
11 for lawful actions that do not jeopardize their own safety or that of others;

12 NOW, THEREFORE,

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

14 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 503 IS CREATED TO  
15 READ AS FOLLOWS:

16 *(1) The use of physical force by a defendant operating a motor vehicle that comes*  
17 *into contact with another person is justifiable when:*

18 *(a) The other person was obstructing a highway or other public passage;*

19 *(b) The obstruction of the highway or other public passage was unauthorized*  
20 *and in violation of state law or a local ordinance;*

21 *(c) The defendant was operating a motor vehicle in a lawful manner to flee*  
22 *from the immediate area of an obstruction of a highway or other public*  
23 *passage; and*

24 *(d) A reasonable person in the same circumstances would believe that the*  
25 *obstruction of the highway or other public passage;*

26 *1. Created an imminent threat to personal safety; or*

27 *2. Prevented escape from a dangerous situation.*

1 (2) The use of deadly physical force by a defendant operating a motor vehicle that  
2 comes into contact with another person is justifiable under subsection (1) of this  
3 section only when a reasonable person in the same circumstances as the  
4 defendant would believe that the obstruction of the highway or other public  
5 passage posed an imminent risk of serious physical injury or death.

6 (3) As used in this section, "obstructing a highway or other public passage" means  
7 any conduct that is prohibited under Section 3 of this Act.

8 ➔Section 2. KRS 525.015 is amended to read as follows:

9 (1) As used in this section, "emergency responder" means state or local law  
10 enforcement personnel, fire department personnel, corrections officers, ~~and~~  
11 ~~emergency medical personnel,~~ and those contracted for official use by emergency  
12 responders.

13 (2) ~~A [No]~~ person shall not:

14 (a) Intentionally obstruct or disrupt;

15 (b) Conspire to obstruct or disrupt; or

16 (c) Facilitate another person obstructing or disrupting;

17 an emergency responder from performing his or her official duties.

18 (3) Obstructing an emergency responder is:

19 (a) A Class B misdemeanor~~[A violation]~~ for the~~[a]~~ first offense;~~[-, and]~~

20 (b) A Class A[B] misdemeanor for the~~[a]~~ second ~~[or subsequent]~~ offense; and

21 (c) A Class D felony for a third or subsequent offense.

22 (4) The court, in imposing a sentence on a defendant who has been convicted of  
23 obstructing an emergency responder:

24 (a) Shall:

25 1. Notwithstanding KRS 534.040, impose a fine of one thousand dollars  
26 (\$1,000); or

27 2. If the defendant is indigent pursuant to KRS Chapter 31, require the

defendant to perform community service commensurate with the  
amount of the fine imposed under subparagraph 1. of this paragraph;  
and

(b) May order restitution to any agency or organization for the reasonable costs  
of the emergency response incurred by that agency or organization for the  
obstruction of an emergency responder.

➔Section 3. KRS 525.140 is amended to read as follows:

(1) A person is guilty of obstructing a highway or other public passage when having no legal privilege to do so he or she, alone or with other persons:~~;~~

(a) Intentionally or wantonly renders;

(b) Conspires to render; or

(c) Facilitates another person rendering;

any highway or public passage impassable without unreasonable inconvenience or hazard.

(2) ~~A~~~~No~~ person shall not be convicted under this section solely because he or she ~~is:~~~~of~~

(a) Attending a gathering of persons to hear another person~~[him]~~ speak or otherwise communicate; or~~[or solely because of]~~

(b) Speaking or otherwise communicating to a gathering of persons, if the  
speaker had the legal privilege or prior authorization to hold the  
gathering~~[Being a member of such a gathering].~~

(3) ~~[An order to disperse issued by]~~ A peace officer or other public servant engaged in executing or enforcing the law shall not issue an order to disperse~~[and]~~ addressed to a person whose speech or other lawful behavior attracts an obstructing audience ~~[shall not be deemed lawful]~~ if the obstruction can be readily remedied by police control of the ~~[size or]~~ location of the gathering.

(4) Obstructing a highway or other public passage is:

1        (a) A Class B misdemeanor *for the first offense;*

2        (b) A Class A misdemeanor for the second offense; and

3        (c) A Class D felony for a third or subsequent offense.

4        (5) The court, in imposing a sentence on a defendant who has been convicted of  
5        obstructing a highway or other public passage:

6        (a) Shall:

7                1. Notwithstanding KRS 534.040, impose a fine of one thousand dollars  
8                (\$1,000); or

9                2. If the defendant is indigent pursuant to KRS Chapter 31, require the  
10                defendant to perform community service commensurate with the  
11                amount of the fine imposed under subparagraph 1. of this paragraph;  
12                and

13        (b) May order restitution to any agency or organization for the reasonable costs  
14        of the emergency response incurred by that agency or organization for the  
15        obstruction of a highway or other public passage.

16        ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO  
17 READ AS FOLLOWS:

18        (1) Any person who violates Section 2 or 3 of this Act or any person, corporation,  
19        limited liability company, or other business entity who aids, abets, directs,  
20        promotes, or funds a violation of Section 2 or 3 of this Act shall be liable for  
21        actual and punitive damages, court costs, and reasonable attorney's fees in a civil  
22        cause of action brought by any person, corporation, limited liability company, or  
23        other business entity who was injured by the violation of Section 2 or 3 of this  
24        Act.

25        (2) The action may be filed in the Circuit Court for the county where the alleged  
26        violation occurred or the county where the victim resides.

27        (3) Any person, corporation, limited liability company, or other business entity found

1        liable under this section shall be jointly and severally liable with each other  
2        person, if any, found liable for the damages arising from the same violation of  
3        Section 2 or 3 of this Act.

4        (4) A conviction under Section 2 or 3 of this Act shall be admissible in a civil action  
5        brought under this section as prima facie evidence of liability.

6        ➔Section 5. KRS 413.140 is amended to read as follows:

- 7        (1) The following actions shall be commenced within one (1) year after the cause of  
8        action accrued:
- 9            (a) An action for an injury to the person of the plaintiff, or of his or her  
10           spouse~~[her husband, his wife]~~, child, ward, apprentice, or servant;
  - 11           (b) An action for injuries to persons, cattle, or other livestock by railroads or  
12           other corporations, with the exception of hospitals licensed pursuant to KRS  
13           Chapter 216;
  - 14           (c) An action for malicious prosecution, conspiracy, arrest, seduction, criminal  
15           conversation, or breach of promise of marriage;
  - 16           (d) An action for libel or slander;
  - 17           (e) An action against a physician, surgeon, dentist, or hospital licensed pursuant  
18           to KRS Chapter 216, for negligence or malpractice;
  - 19           (f) A civil action~~[,]~~ arising out of any act or omission in rendering~~[,]~~ or failing to  
20           render~~[,]~~ professional services for others, whether brought in tort or contract,  
21           against a real estate appraiser holding a certificate or license issued under  
22           KRS Chapter 324A or a real estate broker or sales associate holding a license  
23           issued under KRS Chapter 324;
  - 24           (g) An action for the escape of a prisoner~~[,]~~ arrested or imprisoned on civil  
25           process;
  - 26           (h) An action for the recovery of usury paid for the loan or forbearance of money  
27           or other thing~~[,]~~ against the loaner or forbearer or assignee of either;

- 1 (i) An action for the recovery of stolen property~~[,]~~ by the property owner ~~[thereof~~  
2 ~~]against any person having the property~~[same]~~ in his or her possession;~~  
3 (j) An action for the recovery of damages or the value of stolen property, against  
4 the thief or any accessory;
- 5 (k) An action arising out of a detention facility disciplinary proceeding, whether  
6 based upon state or federal law;
- 7 (l) An action for damages arising out of a deficiency, defect, omission, error, or  
8 miscalculation in any survey or plat, whether brought in tort or contract,  
9 against a licensed professional land surveyor holding a license under KRS  
10 Chapter 322;
- 11 (m) An action for violating KRS 311.782;~~[and]~~  
12 (n) An action for violating KRS 311.731;and  
13 (o) An action under Section 4 of this Act.
- 14 (2) A cause of action under~~[In respect to the action referred to in paragraph (e) of]~~  
15 ~~subsection (1)(e) of this section[, the cause of action]~~ shall be deemed to accrue at  
16 the time the injury is first discovered or in the exercise of reasonable care should  
17 have been discovered,~~[,]~~ provided that the~~[such]~~ action shall be commenced within  
18 five (5) years from the date on which the alleged negligent act or omission is said to  
19 have occurred.
- 20 (3) A cause of action under~~[In respect to the action referred to in paragraph (f) or (l)~~  
21 ~~of] subsection (1)(f) or (l) of this section[, the cause of action]~~ shall be deemed to  
22 accrue within one (1) year from the date of the occurrence or from the date when  
23 the cause of action was, or reasonably should have been, discovered by the party  
24 injured.
- 25 (4) A cause of action under~~[In respect to the action referred to in paragraph (h) of]~~  
26 ~~subsection (1)(h) of this section[, the cause of action]~~ shall be deemed to accrue at  
27 the time of payment. This limitation shall apply to all payments made on all

1 demands, whether evidenced by writing or existing only in parol.

2 (5) **A cause of action under**~~[In respect to the action referred to in paragraph (i) of]~~  
3 subsection (1)(i) of this section~~[, the cause of action]~~ shall be deemed to accrue at  
4 the time the property is found by its owner.

5 (6) **A cause of action under**~~[In respect to the action referred to in paragraph (j) of]~~  
6 subsection (1)(j) of this section~~[, the cause of action]~~ shall be deemed to accrue at  
7 the time of discovery of the liability.

8 (7) **A cause of action under**~~[In respect to the action referred to in paragraph (k) of]~~  
9 subsection (1)(k) of this section~~[, the cause of action]~~ shall be deemed to accrue on  
10 the date an appeal of the disciplinary proceeding is decided by the institutional  
11 warden.

12 (8) **A cause of action under**~~[In respect to the action referred to in]~~ subsection (1)(m)  
13 and (n) of this section~~[, the cause of action]~~ shall be deemed to accrue after the  
14 performance or inducement or attempt to perform or induce the abortion.

15 ➔Section 6. KRS 503.085 is amended to read as follows:

16 (1) A person who uses force as permitted in KRS 503.050, 503.055, 503.070,~~[and]~~  
17 503.080, **and Section 1 of this Act** is justified in using such force and is immune  
18 from criminal prosecution and civil action for the use of such force, unless the  
19 person against whom the force was used is a peace officer, as defined in KRS  
20 446.010, who was acting in the performance of his or her official duties and the  
21 officer identified himself or herself in accordance with any applicable law, or the  
22 person using force knew or reasonably should have known that the person was a  
23 peace officer. As used in this subsection, the term "criminal prosecution" includes  
24 arresting, detaining in custody, and charging or prosecuting the defendant.

25 (2) A law enforcement agency may use standard procedures for investigating the use of  
26 force as described in subsection (1) of this section, but the agency **shall**~~[may]~~ not  
27 arrest the person for using force unless it determines that there is probable cause

- 1        that the force ~~that was~~ used was unlawful.
- 2        (3) The court shall award reasonable attorney's fees, court costs, compensation for loss
- 3        of income, and all expenses incurred by the defendant in defense of any civil action
- 4        brought by a plaintiff, if the court finds that the defendant is immune from
- 5        prosecution as provided in subsection (1) of this section.