

1 AN ACT relating to vacant and abandoned property.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO
4 READ AS FOLLOWS:

- 5 (1) As used in this section, "law enforcement officer" means a member of a lawfully
6 organized police unit or police force of city, county, urban-county, consolidated
7 local, or charter county government who is responsible for the detection of crime
8 and the enforcement of the general criminal laws of the Commonwealth, as well
9 as a sheriff and a sworn deputy sheriff.
- 10 (2) A law enforcement officer may, without delay or advance notice, enter in or upon
11 vacant and abandoned property to secure the property and arrest or remove any
12 person unlawfully occupying the property.
- 13 (3) Real property shall be presumed vacant and abandoned under this section if a
14 legal resident or other person legally entitled to occupy the property has not
15 resided at the property for a period of forty-five (45) or more consecutive days and
16 two (2) or more of the following or similar circumstances which would lead a
17 reasonable person to believe that the property is vacant exist:
- 18 (a) Overgrown or dead vegetation;
19 (b) Accumulation of flyers, mail, or trash;
20 (c) Disconnected utilities;
21 (d) The absence of window coverings or furniture;
22 (e) Uncorrected hazardous conditions or vandalism; or
23 (f) Statements of neighbors, delivery persons, or government employees that
24 the property is vacant.
- 25 (4) A law enforcement officer acting in good faith under this section shall be
26 immune from criminal and civil liability.