

70.180 Breaking and entering for purpose of executing writs.

- (1) A sheriff or other officer may, in the execution of a writ of habere facias possessionem, or writ of seizin, break open either the outer or inner door of a dwelling or any other house on the premises, during the daytime.
- (2) If the outer door of the dwelling house in which the defendant's property is located is fastened, the sheriff or other officer levying a fieri facias shall not break open the outer door to seize the property. But if the outer door is open, the officer may enter and may break open any inner door to enable him to reach the property. He may break open the outer door of any building other than the dwelling house of the defendant in the execution, to enable him to seize the defendant's property during the daytime.
- (3) The sheriff or other officer may break open the outer or any other door of the dwelling or any other house of a third person in which the property of the defendant in the execution is fraudulently concealed or kept.
- (4) In executing any other civil process, the sheriff or other officer has the same power to break and enter the dwelling or other house of any person, as he has to seize property under execution.
- (5) In executing a writ of habeas corpus or any criminal or penal process requiring an actual arrest, the sheriff or other officer may break open any door of the dwelling or other house of the defendant, or any other person, if it is necessary to enable him to make the arrest.
- (6) But if the process does not require an arrest, then the officer has only the powers given him in the execution of civil process.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4579 to 4584.