

1 AN ACT relating to trophy catfish.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 150 IS CREATED TO
4 READ AS FOLLOWS:

5 **(1) As used in this section:**

6 **(a) "Lower Ohio River trophy catfish" means, for the area downstream of**
7 **Cannelton Lock and Dam in the Ohio River and its tributaries open to**
8 **commercial fishing, a:**

9 **1. Blue or flathead catfish that is a minimum of forty (40) inches in**
10 **length; or**

11 **2. Channel catfish that is a minimum of thirty (30) inches in length; and**

12 **(b) "Trophy catfish" means a:**

13 **1. Blue or flathead catfish that is a minimum of thirty-five (35) inches in**
14 **length; or**

15 **2. Channel catfish that is a minimum of twenty-eight (28) inches in**
16 **length.**

17 **(2) Notwithstanding any provision of law to the contrary:**

18 **(a) Any permit issued by the department to take lower Ohio River trophy catfish**
19 **shall expire on February 28, 2027, and the department shall not issue or**
20 **reissue any new lower Ohio River trophy catfish permits after that date; and**

21 **(b) After the effective date of this Act, a permit to take lower Ohio River trophy**
22 **catfish shall not be transferred or reissued if surrendered.**

23 **(3) A person engaged in commercial fishing shall not transport live trophy catfish**
24 **except by boat while in the course of legally fishing with all of the necessary**
25 **permits and licenses required by the department.**

26 ➔Section 2. KRS 150.990 is amended to read as follows:

27 (1) Each bird, fish, or animal taken, possessed, bought, sold, or transported and each

1 device used or possessed contrary to the provisions of this chapter or any
2 administrative regulation promulgated by the commission thereunder shall
3 constitute a separate offense. The penalties prescribed in this section shall be for
4 each offense.

5 (2) (a) Any person who fails to appear pursuant to a citation or summons issued by a
6 game warden or peace officer of this Commonwealth for violation of this
7 chapter or any administrative regulation promulgated thereunder shall forfeit
8 his or her license or, if that person is license-exempt, shall forfeit the privilege
9 to perform the acts authorized by the license. The individual shall not be
10 permitted to purchase another license or exercise the privileges granted by a
11 license until the citation or summons is resolved. The court shall notify the
12 department whenever a person has failed to appear pursuant to a citation or
13 summons for a violation of this chapter or any administrative regulation
14 promulgated thereunder.

15 (b) Any person who violates any of the provisions of this chapter or any
16 administrative regulations promulgated by the commission thereunder may, in
17 addition to the penalties provided in subsections (3), (4), (5), (6), (7), and (8)
18 of this section, forfeit his or her license or, if that person is license-exempt,
19 may forfeit the privilege to perform the acts authorized by the license and
20 shall not be permitted to purchase another license or exercise the privileges
21 granted by a license during the same license year. No fines, penalty, or
22 judgment assessed or rendered under this chapter shall be suspended, reduced,
23 or remitted otherwise than expressly provided by law. Any person who
24 violates any administrative regulation which has been or may be promulgated
25 by the commission under any provisions of this chapter shall be subject to the
26 same penalty as is provided for the violation of any provisions of this chapter
27 under which the administrative regulation is promulgated.

- 1 (3) Any person who violates any of the provisions of KRS 150.120, 150.170,
2 150.235(1), 150.280, 150.320, 150.330(2), 150.355, 150.362, 150.400, 150.410,
3 150.415, 150.416, 150.445, 150.450, 150.470, 150.603, or 150.722(2), or any of the
4 provisions of this chapter or any administrative regulation promulgated by the
5 commission for which no definite fine or imprisonment is fixed shall be fined not
6 less than fifty dollars (\$50) nor more than five hundred dollars (\$500).
- 7 (4) Any person who violates any of the provisions of KRS 150.195(5) to (8), 150.290,
8 150.300, 150.340, 150.360, 150.362(1), 150.485, 150.600, 150.630, or 150.660
9 shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars
10 (\$500) or be imprisoned for not more than six (6) months, or both. Also, any person
11 violating the provisions of KRS 150.300 shall be assessed treble damages as
12 provided in KRS 150.690 or 150.700. Damages assessed under this subsection shall
13 be ordered to be paid directly to the department. The court shall not direct that the
14 damages be paid through the circuit clerk.
- 15 (5) Any person who violates any of the provisions of KRS 150.411, 150.412, or
16 150.417 shall be fined not less than one hundred dollars (\$100) nor more than five
17 hundred dollars (\$500).
- 18 (6) Any person who violates any of the provisions of KRS 150.183, 150.305, 150.365,
19 150.370, 150.330(1), 150.235(2), (3), or (4), or 150.363 shall be fined not less than
20 one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
21 imprisoned for not more than six (6) months, or both.
- 22 (7) Any person who violates any of the provisions of KRS 150.460 shall be fined not
23 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
24 imprisoned for not more than six (6) months, or both, and in addition to these
25 penalties shall be liable to the department in an amount not to exceed the
26 replacement value of the fish and wildlife which has been killed or destroyed. Costs
27 assessed for the restoration of wildlife under this subsection shall be ordered to be

1 paid directly to the department. The court shall not direct that the costs be paid
2 through the circuit clerk.

3 (8) Any person who violates the provisions of KRS 150.180, 150.520, 150.525, or
4 administrative regulations issued thereunder shall for the first offense be fined not
5 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000);
6 and shall for a second offense be fined not less than five hundred dollars (\$500) nor
7 more than one thousand five hundred dollars (\$1,500); and for any subsequent
8 offense, be fined two thousand dollars (\$2,000).

9 (9) Any person who violates the provisions of KRS 150.520 or administrative
10 regulations issued thereunder shall, if the violation relates to methods of taking
11 mussels, for a first offense be imprisoned in the county jail for no more than thirty
12 (30) days; for a second offense be imprisoned in the county jail for no more than six
13 (6) months; and for any subsequent offense be imprisoned in the county jail for no
14 more than one (1) year. The penalties for violation of this subsection shall be in
15 addition to the penalties for violation of subsection (8).

16 (10) Any person who violates any of the provisions of KRS 150.4111, 150.640, or KRS
17 150.450(2) or (3) shall be fined not less than one hundred dollars (\$100) nor more
18 than one thousand dollars (\$1,000).

19 (11) Any person who violates any of the provisions of KRS 150.390 or KRS 150.092(4)
20 shall be fined not less than one hundred dollars (\$100) nor more than one thousand
21 dollars (\$1,000) or imprisoned for not less than thirty (30) days nor more than one
22 (1) year, or both. In addition to the penalties prescribed above, he or she shall forfeit
23 his or her license or, if license-exempt, the privilege to perform the acts authorized
24 by the license for a period of one (1) to three (3) years and shall be liable to the
25 department in an amount reasonably necessary to replace any deer, wild turkey, or
26 bear taken in violation of KRS 150.390 and for violations of KRS 150.092(4) shall
27 be liable to the landowner or occupant for reasonable compensation for damages.

1 Wildlife replacement costs assessed under this subsection shall be ordered to be
2 paid directly to the department. The court shall not direct that the damages be paid
3 through the circuit clerk. Damages assessed under this subsection shall be ordered
4 to be paid directly to the landowner or occupant. The court shall not direct that the
5 damages be paid through the circuit clerk. Any person who possesses, takes, or
6 molests a wild elk in violation of KRS 150.390 or administrative regulations
7 promulgated under authority of that section shall be fined not less than one
8 thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or
9 imprisoned for up to six (6) months, or both. In addition to these penalties, the
10 person shall pay to the department an amount not to exceed the greater of the
11 replacement cost of the wild elk or double any monetary gain realized from the
12 illegal activity and shall forfeit his or her license or, if license-exempt, the privilege
13 to perform the acts authorized by the license for a period of one (1) to three (3)
14 years.

15 (12) Any person who violates any of the provisions of KRS 150.090 other than a
16 criminal homicide or an assault against an officer enforcing the provisions of this
17 chapter, KRS Chapter 235, or the administrative regulations issued thereunder shall
18 be guilty of a Class A misdemeanor.

19 (13) Any person who commits a criminal homicide or an assault against an officer
20 enforcing the provisions of this chapter, KRS Chapter 235, or the administrative
21 regulations issued thereunder shall be subject to the penalties specified for the
22 offense under KRS Chapter 507 or 508, as appropriate.

23 (14) A person shall be guilty of a Class B misdemeanor upon the first conviction for a
24 violation of KRS 150.710. A subsequent conviction shall be a Class A
25 misdemeanor.

26 (15) Any person who violates the provisions of KRS 150.092 or the administrative
27 regulations promulgated thereunder for which no other penalty is specified

1 elsewhere in this section shall for the first offense be fined not less than one
2 hundred dollars (\$100) nor more than three hundred dollars (\$300); for the second
3 offense, be fined not less than three hundred dollars (\$300) nor more than one
4 thousand dollars (\$1,000); and for subsequent offenses, shall forfeit the license or,
5 if license-exempt, the privilege to perform the acts authorized by the license, for
6 one (1) year and shall be fined not less than one thousand dollars (\$1,000) or be
7 imprisoned in the county jail for up to one (1) year, or both. In addition to the
8 penalties prescribed in this subsection, the violator shall be liable to the landowner
9 or tenant for the replacement cost of any property which was damaged or destroyed
10 by his or her actions. Damages assessed under this subsection shall be ordered to be
11 paid directly to the landowner or the tenant. The court shall not direct that the
12 damages be paid through the circuit clerk.

13 (16) (a) Any person who knowingly violates KRS 150.361 shall for a first offense be
14 fined not less than one hundred dollars (\$100) nor more than one thousand
15 dollars (\$1,000) or be imprisoned in the county jail for not more than six (6)
16 months, or both.

17 (b) Any person who knowingly violates KRS 150.361 shall for a second or
18 subsequent offense be fined not less than five hundred dollars (\$500) nor
19 more than one thousand five hundred dollars (\$1,500) or be imprisoned in the
20 county jail for not more than six (6) months, or both.

21 (c) In addition to the penalties specified in paragraphs (a), (b), and (d) of this
22 subsection, a person knowingly violating KRS 150.361 shall forfeit his or her
23 hunting license or, if license-exempt, the privilege to perform the acts
24 authorized by the license for a period of not less than one (1) nor more than
25 three (3) years.

26 (d) In addition to the penalties specified in paragraphs (a), (b), and (c) of this
27 subsection any person knowingly violating KRS 150.361 shall be liable to the

1 department in an amount not to exceed the greater of the replacement value of
2 any wildlife killed or wounded in violation of KRS 150.361 or double the
3 amount of the monetary gain from knowingly violating KRS 150.361.

4 (e) Wildlife replacement costs or other costs specified in paragraph (d) of this
5 subsection shall be ordered paid directly to the department. The court shall not
6 direct that the replacement costs be paid through the circuit clerk.

7 (17) Any person convicted of violating KRS 150.186 shall be guilty of a Class A
8 misdemeanor and shall, whether licensed or license-exempt, forfeit his or her right
9 to hunt, fish, trap, or be licensed as a guide for a period of ten (10) years.

10 **(18) Any person convicted of violating subsection (3) of Section 1 of this Act shall be**
11 **guilty of a Class A misdemeanor for each offense.**

12 **(19) (a) In addition to all other penalties that may apply, a person convicted of a**
13 **violation of any provision of this chapter or the administrative regulations**
14 **promulgated hereunder that results in the wounding or death of a trophy**
15 **catfish shall pay to the department five hundred dollars (\$500) for the**
16 **replacement cost of each trophy catfish.**

17 **(b) As used in this subsection, "trophy catfish" has the same meaning as in**
18 **Section 1 of this Act.**