

1 AN ACT relating to cervid meat processors.

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, "cervid meat processor" means any person or business*
6 *entity that:*

7 *(a) Only butchers or makes meat products from meat that is not amenable*
8 *under the Federal Meat Inspection Act, 21 U.S.C. secs. 601 et seq., and is*
9 *exempt from mandatory inspection by the United States Department of*
10 *Agriculture's Food Safety and Inspection Service;*

11 *(b) Has not been inspected and passed under voluntary Food Safety and*
12 *Inspection Service inspection; and*

13 *(c) Is paid to butcher or make meat products for human consumption from ten*
14 *(10) or more animals that are members of the animal family Cervidae per*
15 *calendar year.*

16 *(2) Cervid meat processors shall dispose of any unused carcass material or waste*
17 *produced as a result of butchering or making meat products from cervid meat by:*

18 *(a) Complete incineration of the entire carcass and all of its parts and products;*

19 *(b) Boiling the carcass and all of its parts and products in water or heating it*
20 *with steam at a temperature above boiling, continuously for two (2) hours*
21 *or more;*

22 *(c) Burying the carcass and all of its parts and products in the earth at a point*
23 *which is never covered with the overflow of ponds or streams and which is*
24 *not less than one hundred (100) feet distant from any watercourse,*
25 *sinkhole, well, spring, public highway, residence, or stable. The carcass*
26 *shall be placed in an opening in the earth at least four (4) feet deep, the*
27 *abdominal and thoracic cavities opened wide their entire length, and the*

- 1 entire carcass covered with two (2) inches of quicklime and at least three (3)
 2 feet of earth;
 3 (d) Removal of the carcass by a duly licensed rendering establishment;
 4 (e) Deposition of the carcass in a contained landfill approved pursuant to KRS
 5 Chapter 224;
 6 (f) Composting of the carcass in a facility according to the Board of
 7 Agriculture's administrative regulations and approved in accordance with
 8 KRS Chapter 224;
 9 (g) Any combination of the methods set forth in paragraphs (a) to (f) of this
 10 subsection; or
 11 (h) Any other scientifically proven method of disposal approved by the Board of
 12 Agriculture.

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

- 14 (1) Each bird, fish, or animal taken, possessed, bought, sold, or transported and each
 15 device used or possessed contrary to the provisions of this chapter or any
 16 administrative regulation promulgated by the commission thereunder shall
 17 constitute a separate offense. The penalties prescribed in this section shall be for
 18 each offense.
- 19 (2) (a) Any person who fails to appear pursuant to a citation or summons issued by a
 20 conservation officer or peace officer of this Commonwealth for violation of
 21 this chapter or any administrative regulation promulgated thereunder shall
 22 forfeit his or her license or, if that person is license-exempt, shall forfeit the
 23 privilege to perform the acts authorized by the license. The individual shall
 24 not be permitted to purchase another license or exercise the privileges granted
 25 by a license until the citation or summons is resolved. The court shall notify
 26 the department whenever a person has failed to appear pursuant to a citation
 27 or summons for a violation of this chapter or any administrative regulation

1 promulgated thereunder.

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

15 (3) Any person who violates any of the provisions of KRS 150.120, 150.170, 150.280,
16 150.320, 150.355, 150.362, 150.400, 150.410, 150.415, 150.416, 150.445, 150.450,
17 150.470, 150.603, 150.235(1), 150.330(2), subsection (2) of Section 1 of this Act,
18 or 150.470, or any of the provisions of this chapter or any administrative regulation
19 promulgated by the commission for which no definite fine or imprisonment is fixed
20 shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars
21 (\$500).

22 (4) Any person who violates any of the provisions of KRS 150.290, 150.300, 150.340,
23 150.360, 150.362(1), 150.485, 150.600, 150.630, 150.660, the provisions of KRS
24 150.195(5) to (8), or KRS 150.660(3) shall be fined not less than fifty dollars (\$50)
25 nor more than five hundred dollars (\$500) or be imprisoned for not more than six
26 (6) months, or both. Also, any person violating the provisions of KRS 150.300 shall
27 be assessed treble damages as provided in KRS 150.690 or 150.700. Damages

- 1 assessed under this subsection shall be ordered to be paid directly to the department.
- 2 The court shall not direct that the damages be paid through the circuit clerk.
- 3 (5) Any person who violates any of the provisions of KRS 150.411, 150.412, or
- 4 150.417 shall be fined not less than one hundred dollars (\$100) nor more than five
- 5 hundred dollars (\$500).
- 6 (6) Any person who violates any of the provisions of KRS 150.183, 150.305, 150.365,
- 7 150.370, 150.330(1), 150.235(2), (3), or (4), or 150.363 shall be fined not less than
- 8 one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned
- 9 for not more than six (6) months, or both.
- 10 (7) Any person who violates any of the provisions of KRS 150.460 shall be fined not
- 11 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
- 12 imprisoned for not more than six (6) months, or both, and in addition to these
- 13 penalties shall be liable to the department in an amount not to exceed the
- 14 replacement value of the fish and wildlife which has been killed or destroyed. Costs
- 15 assessed for the restoration of wildlife under this subsection shall be ordered to be
- 16 paid directly to the department. The court shall not direct that the costs be paid
- 17 through the circuit clerk.
- 18 (8) Any person who violates the provisions of KRS 150.180, 150.520, 150.525, or
- 19 administrative regulations issued thereunder shall for the first offense be fined not
- 20 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000);
- 21 and shall for a second offense be fined not less than five hundred dollars (\$500) nor
- 22 more than one thousand five hundred dollars (\$1,500); and for any subsequent
- 23 offense, be fined two thousand dollars (\$2,000).
- 24 (9) Any person who violates the provisions of KRS 150.520 or administrative
- 25 regulations issued thereunder shall, if the violation relates to methods of taking
- 26 mussels, for a first offense be imprisoned in the county jail for no more than thirty
- 27 (30) days; for a second offense be imprisoned in the county jail for no more than six

1 (6) months; and for any subsequent offense be imprisoned in the county jail for no
2 more than one (1) year. The penalties for violation of this subsection shall be in
3 addition to the penalties for violation of subsection (8).

4 (10) Any person who violates any of the provisions of KRS 150.4111, 150.640, or KRS
5 150.450(2) or (3) shall be fined not less than one hundred dollars (\$100) nor more
6 than one thousand dollars (\$1,000).

7 (11) Any person who violates any of the provisions of KRS 150.390 or KRS 150.092(4)
8 shall be fined not less than one hundred dollars (\$100) nor more than one thousand
9 dollars (\$1,000) or imprisoned for not less than thirty (30) days nor more than one
10 (1) year, or both. In addition to the penalties prescribed above, he or she shall forfeit
11 his license or, if license-exempt, the privilege to perform the acts authorized by the
12 license for a period of one (1) to three (3) years and shall be liable to the department
13 in an amount reasonably necessary to replace any deer, wild turkey, or bear taken in
14 violation of KRS 150.390 and for violations of KRS 150.092(4) shall be liable to
15 the landowner or occupant for reasonable compensation for damages. Wildlife
16 replacement costs assessed under this subsection shall be ordered to be paid directly
17 to the department. The court shall not direct that the damages be paid through the
18 circuit clerk. Damages assessed under this subsection shall be ordered to be paid
19 directly to the landowner or occupant. The court shall not direct that the damages be
20 paid through the circuit clerk. Any person who possesses, takes, or molests a wild
21 elk in violation of KRS 150.390 or administrative regulations promulgated under
22 authority of that section shall be fined not less than one thousand dollars (\$1,000)
23 nor more than five thousand dollars (\$5,000) or imprisoned for up to six (6) months,
24 or both. In addition to these penalties, the person shall pay to the department an
25 amount not to exceed the greater of the replacement cost of the wild elk or double
26 any monetary gain realized from the illegal activity and shall forfeit his or her
27 license or, if license-exempt, the privilege to perform the acts authorized by the

- 1 license for a period of one (1) to three (3) years.
- 2 (12) Any person who violates any of the provisions of KRS 150.090 other than a
3 criminal homicide or an assault against an officer enforcing the provisions of this
4 chapter, KRS Chapter 235, or the administrative regulations issued thereunder shall
5 be guilty of a Class A misdemeanor.
- 6 (13) Any person who commits a criminal homicide or an assault against an officer
7 enforcing the provisions of this chapter, KRS Chapter 235, or the administrative
8 regulations issued thereunder shall be subject to the penalties specified for the
9 offense under KRS Chapter 507 or 508, as appropriate.
- 10 (14) A person shall be guilty of a Class B misdemeanor upon the first conviction for a
11 violation of KRS 150.710. A subsequent conviction shall be a Class A
12 misdemeanor.
- 13 (15) Any person who violates the provisions of KRS 150.092 or the administrative
14 regulations promulgated thereunder for which no other penalty is specified
15 elsewhere in this section shall for the first offense be fined not less than one
16 hundred dollars (\$100) nor more than three hundred dollars (\$300); for the second
17 offense, be fined not less than three hundred dollars (\$300) nor more than one
18 thousand dollars (\$1,000); and for subsequent offenses, shall forfeit the license or, if
19 license-exempt, the privilege to perform the acts authorized by the license, for one
20 (1) year and shall be fined not less than one thousand dollars (\$1,000) or be
21 imprisoned in the county jail for up to one (1) year, or both. In addition to the
22 penalties prescribed in this subsection, the violator shall be liable to the landowner
23 or tenant for the replacement cost of any property which was damaged or destroyed
24 by his actions. Damages assessed under this subsection shall be ordered to be paid
25 directly to the landowner or the tenant. The court shall not direct that the damages
26 be paid through the circuit clerk.
- 27 (16) (a) Any person who knowingly violates KRS 150.361 shall for a first offense be

1 fined not less than one hundred dollars (\$100) nor more than one thousand
2 dollars (\$1,000) or be imprisoned in the county jail for not more than six (6)
3 months, or both.

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

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

13 (d) In addition to the penalties specified in paragraphs (a), (b), and (c) of this
14 subsection any person knowingly violating KRS 150.361 shall be liable to the
15 department in an amount not to exceed the greater of the replacement value of
16 any wildlife killed or wounded in violation of KRS 150.361 or double the
17 amount of the monetary gain from knowingly violating KRS 150.361.

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

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