

1 AN ACT relating to wild game carcasses.

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) No person shall place, leave, dump, or abandon a deer or elk carcass or parts of it*
6 *along or upon a public right-of-way or highway or on public or private property,*
7 *including a waterway or stream, except with the permission of the owner or*
8 *tenant or, with regard to public land, the responsible public entity.*

9 *(2) The prohibitions in this section shall not apply to a carcass or part of a carcass of*
10 *a deer or elk that has been struck by a motor vehicle, which includes any self-*
11 *propelled vehicle designed for use upon a highway or rail.*

12 *(3) The department may promulgate administrative regulations restricting or*
13 *prohibiting the abandonment, destruction, or wasting of usable game meat from*
14 *wildlife taken within the Commonwealth.*

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

16 (1) Each bird, fish, or animal taken, possessed, bought, sold, or transported and each
17 device used or possessed contrary to the provisions of this chapter or any
18 administrative regulation promulgated by the commission thereunder shall
19 constitute a separate offense. The penalties prescribed in this section shall be for
20 each offense.

21 (2) (a) Any person who fails to appear pursuant to a citation or summons issued by a
22 conservation officer or peace officer of this Commonwealth for violation of
23 this chapter or any administrative regulation promulgated thereunder shall
24 forfeit his or her license or, if that person is license-exempt, shall forfeit the
25 privilege to perform the acts authorized by the license. The individual shall
26 not be permitted to purchase another license or exercise the privileges granted
27 by a license until the citation or summons is resolved. The court shall notify

1 the department whenever a person has failed to appear pursuant to a citation
2 or summons for a violation of this chapter or any administrative regulation
3 promulgated thereunder.

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

17 (3) Any person who violates any of the provisions of KRS 150.120, 150.170,
18 150.235(1), 150.280, 150.320, 150.330(2), 150.355, 150.362, 150.400, 150.410,
19 150.415, 150.416, 150.445, 150.450, 150.470, 150.603, or 150.722(2), or any of the
20 provisions of this chapter or any administrative regulation promulgated by the
21 commission for which no definite fine or imprisonment is fixed shall be fined not
22 less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

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

1 be assessed treble damages as provided in KRS 150.690 or 150.700. Damages
2 assessed under this subsection shall be ordered to be paid directly to the department.

3 The court shall not direct that the damages be paid through the circuit clerk.

4 (5) Any person who violates any of the provisions of KRS 150.411, 150.412, or
5 150.417 shall be fined not less than one hundred dollars (\$100) nor more than five
6 hundred dollars (\$500).

7 (6) Any person who violates any of the provisions of KRS 150.183, 150.305, 150.365,
8 150.370, 150.330(1), 150.235(2), (3), or (4), or 150.363 shall be fined not less than
9 one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned
10 for not more than six (6) months, or both.

11 (7) Any person who violates any of the provisions of KRS 150.460 shall be fined not
12 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
13 imprisoned for not more than six (6) months, or both, and in addition to these
14 penalties shall be liable to the department in an amount not to exceed the
15 replacement value of the fish and wildlife which has been killed or destroyed. Costs
16 assessed for the restoration of wildlife under this subsection shall be ordered to be
17 paid directly to the department. The court shall not direct that the costs be paid
18 through the circuit clerk.

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

25 (9) Any person who violates the provisions of KRS 150.520 or administrative
26 regulations issued thereunder shall, if the violation relates to methods of taking
27 mussels, for a first offense be imprisoned in the county jail for no more than thirty

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

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

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

1 license or, if license-exempt, the privilege to perform the acts authorized by the
2 license for a period of one (1) to three (3) years.

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

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

11 (14) A person shall be guilty of a Class B misdemeanor upon the first conviction for a
12 violation of KRS 150.710. A subsequent conviction shall be a Class A
13 misdemeanor.

14 (15) Any person who violates the provisions of KRS 150.092 or the administrative
15 regulations promulgated thereunder for which no other penalty is specified
16 elsewhere in this section shall for the first offense be fined not less than one
17 hundred dollars (\$100) nor more than three hundred dollars (\$300); for the second
18 offense, be fined not less than three hundred dollars (\$300) nor more than one
19 thousand dollars (\$1,000); and for subsequent offenses, shall forfeit the license or, if
20 license-exempt, the privilege to perform the acts authorized by the license, for one
21 (1) year and shall be fined not less than one thousand dollars (\$1,000) or be
22 imprisoned in the county jail for up to one (1) year, or both. In addition to the
23 penalties prescribed in this subsection, the violator shall be liable to the landowner
24 or tenant for the replacement cost of any property which was damaged or destroyed
25 by his actions. Damages assessed under this subsection shall be ordered to be paid
26 directly to the landowner or the tenant. The court shall not direct that the damages
27 be paid through the circuit clerk.

- 1 (16) (a) Any person who knowingly violates KRS 150.361 shall for a first offense be
2 fined not less than one hundred dollars (\$100) nor more than one thousand
3 dollars (\$1,000) or be imprisoned in the county jail for not more than six (6)
4 months, or both.
- 5 (b) Any person who knowingly violates KRS 150.361 shall for a second or
6 subsequent offense be fined not less than five hundred dollars (\$500) nor more
7 than one thousand five hundred dollars (\$1,500) or be imprisoned in the
8 county jail for not more than six (6) months, or both.
- 9 (c) In addition to the penalties specified in paragraphs (a), (b), and (d) of this
10 subsection, a person knowingly violating KRS 150.361 shall forfeit his or her
11 hunting license or, if license-exempt, the privilege to perform the acts
12 authorized by the license for a period of not less than one (1) nor more than
13 three (3) years.
- 14 (d) In addition to the penalties specified in paragraphs (a), (b), and (c) of this
15 subsection any person knowingly violating KRS 150.361 shall be liable to the
16 department in an amount not to exceed the greater of the replacement value of
17 any wildlife killed or wounded in violation of KRS 150.361 or double the
18 amount of the monetary gain from knowingly violating KRS 150.361.
- 19 (e) Wildlife replacement costs or other costs specified in paragraph (d) of this
20 subsection shall be ordered paid directly to the department. The court shall not
21 direct that the replacement costs be paid through the circuit clerk.
- 22 (17) Any person convicted of violating KRS 150.186 shall be guilty of a Class A
23 misdemeanor and shall, whether licensed or license-exempt, forfeit his or her right
24 to hunt, fish, trap, or be licensed as a commercial guide for a period of ten (10)
25 years.
- 26 **(18) Any person who violates Section 1 of this Act or the administrative regulations**
27 **promulgated thereunder shall pay a fine of two hundred dollars (\$200) and shall**

1 *forfeit his or her hunting license, or if license-exempt, the privilege to perform*
2 *the acts authorized by the license, for a period of one (1) year.*