

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) Except as provided in subsection (3) of this section, no person shall destroy or*  
6 *abandon the usable meat from the hind ham or front shoulders of a deer or elk*  
7 *that is taken and killed within the Commonwealth.*

8 *(2) No person shall place, leave, dump, or abandon a deer or elk carcass or parts of it*  
9 *along or upon a public right-of-way or highway or on public or private property,*  
10 *including a waterway or stream, except that on private property, he or she may do*  
11 *so with the permission of the owner or tenant.*

12 *(3) The prohibition on destroying or abandoning usable meat in subsection (1) of*  
13 *this section shall not apply to meat:*

14 *(a) Taken from deer or elk as permitted under KRS 150.275 for nuisance*  
15 *wildlife control, or scientific or educational purposes;*

16 *(b) Taken from depredating deer or elk as permitted under KRS 150.390(5);*

17 *(c) Taken from deer or elk causing damage to lands or personal property by a*  
18 *person who is exempt from any hunting license requirements under KRS*  
19 *150.170(7); or*

20 *(d) That is unfit for human consumption at the time it is taken.*

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

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

27 (2) (a) Any person who fails to appear pursuant to a citation or summons issued by a

1 conservation officer or peace officer of this Commonwealth for violation of  
2 this chapter or any administrative regulation promulgated thereunder shall  
3 forfeit his or her license or, if that person is license-exempt, shall forfeit the  
4 privilege to perform the acts authorized by the license. The individual shall  
5 not be permitted to purchase another license or exercise the privileges granted  
6 by a license until the citation or summons is resolved. The court shall notify  
7 the department whenever a person has failed to appear pursuant to a citation  
8 or summons for a violation of this chapter or any administrative regulation  
9 promulgated thereunder.

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

23 (3) Any person who violates any of the provisions of KRS 150.120, 150.170,  
24 150.235(1), 150.280, 150.320, 150.330(2), 150.355, 150.362, 150.400, 150.410,  
25 150.415, 150.416, 150.445, 150.450, 150.470, 150.603, or 150.722(2), or any of the  
26 provisions of this chapter or any administrative regulation promulgated by the  
27 commission for which no definite fine or imprisonment is fixed shall be fined not

- 1 less than fifty dollars (\$50) nor more than five hundred dollars (\$500).
- 2 (4) Any person who violates any of the provisions of KRS 150.290, 150.300, 150.340,  
3 150.360, 150.362(1), 150.485, 150.600, 150.630, 150.660, the provisions of KRS  
4 150.195(5) to (8), or KRS 150.660(3) shall be fined not less than fifty dollars (\$50)  
5 nor more than five hundred dollars (\$500) or be imprisoned for not more than six  
6 (6) months, or both. Also, any person violating the provisions of KRS 150.300 shall  
7 be assessed treble damages as provided in KRS 150.690 or 150.700. Damages  
8 assessed under this subsection shall be ordered to be paid directly to the department.  
9 The court shall not direct that the damages be paid through the circuit clerk.
- 10 (5) Any person who violates any of the provisions of KRS 150.411, 150.412, or  
11 150.417 shall be fined not less than one hundred dollars (\$100) nor more than five  
12 hundred dollars (\$500).
- 13 (6) Any person who violates any of the provisions of KRS 150.183, 150.305, 150.365,  
14 150.370, 150.330(1), 150.235(2), (3), or (4), or 150.363 shall be fined not less than  
15 one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned  
16 for not more than six (6) months, or both.
- 17 (7) Any person who violates any of the provisions of KRS 150.460 shall be fined not  
18 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or  
19 imprisoned for not more than six (6) months, or both, and in addition to these  
20 penalties shall be liable to the department in an amount not to exceed the  
21 replacement value of the fish and wildlife which has been killed or destroyed. Costs  
22 assessed for the restoration of wildlife under this subsection shall be ordered to be  
23 paid directly to the department. The court shall not direct that the costs be paid  
24 through the circuit clerk.
- 25 (8) Any person who violates the provisions of KRS 150.180, 150.520, 150.525, or  
26 administrative regulations issued thereunder shall for the first offense be fined not  
27 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000);

1 and shall for a second offense be fined not less than five hundred dollars (\$500) nor  
2 more than one thousand five hundred dollars (\$1,500); and for any subsequent  
3 offense, be fined two thousand dollars (\$2,000).

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

11 (10) Any person who violates any of the provisions of KRS 150.4111, 150.640, or KRS  
12 150.450(2) or (3) shall be fined not less than one hundred dollars (\$100) nor more  
13 than one thousand dollars (\$1,000).

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

1 elk in violation of KRS 150.390 or administrative regulations promulgated under  
2 authority of that section shall be fined not less than one thousand dollars (\$1,000)  
3 nor more than five thousand dollars (\$5,000) or imprisoned for up to six (6) months,  
4 or both. In addition to these penalties, the person shall pay to the department an  
5 amount not to exceed the greater of the replacement cost of the wild elk or double  
6 any monetary gain realized from the illegal activity and shall forfeit his or her  
7 license or, if license-exempt, the privilege to perform the acts authorized by the  
8 license for a period of one (1) to three (3) years.

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

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

17 (14) A person shall be guilty of a Class B misdemeanor upon the first conviction for a  
18 violation of KRS 150.710. A subsequent conviction shall be a Class A  
19 misdemeanor.

20 (15) Any person who violates the provisions of KRS 150.092 or the administrative  
21 regulations promulgated thereunder for which no other penalty is specified  
22 elsewhere in this section shall for the first offense be fined not less than one  
23 hundred dollars (\$100) nor more than three hundred dollars (\$300); for the second  
24 offense, be fined not less than three hundred dollars (\$300) nor more than one  
25 thousand dollars (\$1,000); and for subsequent offenses, shall forfeit the license or, if  
26 license-exempt, the privilege to perform the acts authorized by the license, for one  
27 (1) year and shall be fined not less than one thousand dollars (\$1,000) or be

1 imprisoned in the county jail for up to one (1) year, or both. In addition to the  
2 penalties prescribed in this subsection, the violator shall be liable to the landowner  
3 or tenant for the replacement cost of any property which was damaged or destroyed  
4 by his actions. Damages assessed under this subsection shall be ordered to be paid  
5 directly to the landowner or the tenant. The court shall not direct that the damages  
6 be paid through the circuit clerk.

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

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

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

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

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

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

5 *(18) Any person who violates the provisions of Section 1 of this Act shall pay a fine of*  
6 *two hundred dollars (\$200) and shall forfeit his or her hunting license, or if*  
7 *license-exempt, the privilege to perform the acts authorized by the license, for a*  
8 *period of one (1) year.*