

1 AN ACT relating to pay lakes.

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

3 ➔Section 1. KRS 150.660 is amended to read as follows:

4 **(1) The department shall have the authority to approve and regulate pay lakes.**

5 ~~(2)(1)~~ Any person may establish a pay lake subject to the approval of the
6 ~~[commissioner of the]~~department **and the administrative regulations promulgated**
7 **under this section**~~[of Fish and Wildlife Resources, who shall have the authority to~~
8 ~~approve or reject the establishment of pay lakes and issue to the owners or lessees~~
9 ~~of lakes a license for their operation]~~. All pay lakes shall be stocked at least twice
10 per calendar year with not less than five hundred (500) pounds of adult fish per
11 surface acre of water.

12 ~~(3)(2)~~ **Persons taking fish from a licensed pay lake shall carry the receipts for all**
13 **fish harvested each day and shall present the receipts to a conservation officer**
14 **upon request**~~[When a pay lake is licensed by the department, the commissioner~~
15 ~~shall issue to the licensee, consecutively numbered permits to be issued, without~~
16 ~~cost, to pay lake patrons. The permits shall only be valid for fishing any licensed~~
17 ~~pay lake within the state and shall be valid for one (1) year beginning January 1.~~

18 ~~(3) No person, except those exempted elsewhere in this chapter, shall fish in a licensed~~
19 ~~pay lake without possessing a valid special pay lake permit or a valid statewide~~
20 ~~fishing license. No owner or operator of a licensed pay lake shall allow any patron~~
21 ~~to fish who is not properly licensed or permitted].~~

22 (4) Any pay lake licensee that fails to comply with the laws or **administrative**
23 ~~regulations governing the operation of a pay lake may have his [operator's]~~license
24 ~~revoked by the commissioner.~~

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

26 (1) Each bird, fish, or animal taken, possessed, bought, sold, or transported and each
27 device used or possessed contrary to the provisions of this chapter or any

1 administrative regulation promulgated by the commission thereunder shall
2 constitute a separate offense. The penalties prescribed in this section shall be for
3 each offense.

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

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

27 (3) Any person who violates any of the provisions of KRS 150.120, 150.170,

1 150.235(1), 150.280, 150.320, 150.330(2), 150.355, 150.362, 150.400, 150.410,
2 150.415, 150.416, 150.445, 150.450, 150.470, 150.603, or 150.722(2), or any of the
3 provisions of this chapter or any administrative regulation promulgated by the
4 commission for which no definite fine or imprisonment is fixed shall be fined not
5 less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

6 (4) Any person who violates any of the provisions of KRS 150.290, 150.300, 150.340,
7 150.360, 150.362(1), 150.485, 150.600, 150.630, 150.660, or the provisions of KRS
8 150.195(5) to (8)~~], or KRS 150.660(3)]~~ shall be fined not less than fifty dollars
9 (\$50) nor more than five hundred dollars (\$500) or be imprisoned for not more than
10 six (6) months, or both. Also, any person violating the provisions of KRS 150.300
11 shall be assessed treble damages as provided in KRS 150.690 or 150.700. Damages
12 assessed under this subsection shall be ordered to be paid directly to the department.
13 The court shall not direct that the damages be paid through the circuit clerk.

14 (5) Any person who violates any of the provisions of KRS 150.411, 150.412, or
15 150.417 shall be fined not less than one hundred dollars (\$100) nor more than five
16 hundred dollars (\$500).

17 (6) Any person who violates any of the provisions of KRS 150.183, 150.305, 150.365,
18 150.370, 150.330(1), 150.235(2), (3), or (4), or 150.363 shall be fined not less than
19 one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned
20 for not more than six (6) months, or both.

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

- 1 through the circuit clerk.
- 2 (8) Any person who violates the provisions of KRS 150.180, 150.520, 150.525, or
3 administrative regulations issued thereunder shall for the first offense be fined not
4 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000);
5 and shall for a second offense be fined not less than five hundred dollars (\$500) nor
6 more than one thousand five hundred dollars (\$1,500); and for any subsequent
7 offense, be fined two thousand dollars (\$2,000).
- 8 (9) Any person who violates the provisions of KRS 150.520 or administrative
9 regulations issued thereunder shall, if the violation relates to methods of taking
10 mussels, for a first offense be imprisoned in the county jail for no more than thirty
11 (30) days; for a second offense be imprisoned in the county jail for no more than six
12 (6) months; and for any subsequent offense be imprisoned in the county jail for no
13 more than one (1) year. The penalties for violation of this subsection shall be in
14 addition to the penalties for violation of subsection (8).
- 15 (10) Any person who violates any of the provisions of KRS 150.4111, 150.640, or KRS
16 150.450(2) or (3) shall be fined not less than one hundred dollars (\$100) nor more
17 than one thousand dollars (\$1,000).
- 18 (11) Any person who violates any of the provisions of KRS 150.390 or KRS 150.092(4)
19 shall be fined not less than one hundred dollars (\$100) nor more than one thousand
20 dollars (\$1,000) or imprisoned for not less than thirty (30) days nor more than one
21 (1) year, or both. In addition to the penalties prescribed above, he or she shall forfeit
22 his license or, if license-exempt, the privilege to perform the acts authorized by the
23 license for a period of one (1) to three (3) years and shall be liable to the department
24 in an amount reasonably necessary to replace any deer, wild turkey, or bear taken in
25 violation of KRS 150.390 and for violations of KRS 150.092(4) shall be liable to
26 the landowner or occupant for reasonable compensation for damages. Wildlife
27 replacement costs assessed under this subsection shall be ordered to be paid directly

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

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

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

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

24 (15) Any person who violates the provisions of KRS 150.092 or the administrative
25 regulations promulgated thereunder for which no other penalty is specified
26 elsewhere in this section shall for the first offense be fined not less than one
27 hundred dollars (\$100) nor more than three hundred dollars (\$300); for the second

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

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

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

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

24 (d) In addition to the penalties specified in paragraphs (a), (b), and (c) of this
25 subsection any person knowingly violating KRS 150.361 shall be liable to the
26 department in an amount not to exceed the greater of the replacement value of
27 any wildlife killed or wounded in violation of KRS 150.361 or double the

- 1 amount of the monetary gain from knowingly violating KRS 150.361.
- 2 (e) Wildlife replacement costs or other costs specified in paragraph (d) of this
- 3 subsection shall be ordered paid directly to the department. The court shall not
- 4 direct that the replacement costs be paid through the circuit clerk.
- 5 (17) Any person convicted of violating KRS 150.186 shall be guilty of a Class A
- 6 misdemeanor and shall, whether licensed or license-exempt, forfeit his or her right
- 7 to hunt, fish, trap, or be licensed as a commercial guide for a period of ten (10)
- 8 years.