

1 AN ACT relating to fishing in public waters of the Commonwealth.

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) "Lawfully fishing" means a person has complied with all state and federal  
7 laws and regulations pertaining to fishing in the Commonwealth and has  
8 not committed a trespass under KRS Chapter 511; and

9 (b) "Public waterway or waterbody" has the same meaning as "public waters"  
10 as defined in KRS 150.010 and includes "navigable waters" as defined in  
11 KRS 150.010.

12 (2) No person shall be prohibited or otherwise obstructed from lawfully fishing in or  
13 along public waterways or waterbodies of the Commonwealth, including areas  
14 under lease by private marinas, unless the department determines that:

15 (a) The health and safety of the general public is placed at risk by fishing in  
16 the area;

17 (b) The habitat for wildlife or aquatic life is placed at risk by fishing in the  
18 area; or

19 (c) Access to the public waterway or waterbody cannot be obtained except by  
20 trespassing on private property without the landowner's consent.

21 (3) For areas determined by the department to be unsuitable for fishing under  
22 subsection (1) of this section, the department shall:

23 (a) Promulgate an administrative regulation pursuant to KRS Chapter 13A  
24 specifying the public waterway or waterbody and the area closed to fishing;  
25 and

26 (b) Require in any lease or other contract between the department and a private  
27 marina entered into after the effective date of this Act, a provision stating

1           that the marina shall not prohibit fishing within leased areas except as  
2           specifically identified in the contract and in conformance with subsection  
3           (1) of this section.

4   (4) Ingress and egress to a public waterway or waterbody, including its shoreline, by  
5           a person shall not be construed to provide a public right-of-entry through private  
6           property. Access to a public waterway or waterbody through private property shall  
7           require consent from the landowner. Nothing in this section shall prevent  
8           criminal prosecution of a person for an offense under KRS Chapter 511.

9   (5) This section shall not apply to a peace officer, law enforcement officer, or  
10           employee of the department or of the United States Fish and Wildlife Service  
11           during the time that the officer or employee is in the actual discharge of his or  
12           her duties.

13   (6) The penalty for prohibiting or interfering with a person lawfully fishing in a  
14           public waterway or waterbody shall be the same as that prescribed for a violation  
15           of KRS 150.170.