

1 AN ACT relating to protected species.

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

3 ➔Section 1. KRS 150.330 is amended to read as follows:

- 4 (1) No person shall take, pursue, possess, transport, purchase or sell or attempt to do so,  
5 any migratory birds, except as authorized by the Migratory Bird Treaty Act (40  
6 Stat. 755), as amended, and regulations under it.
- 7 (2) No person sixteen (16) years of age or older shall hunt any waterfowl unless, at the  
8 time, in addition to the appropriate state hunting license and current migratory  
9 bird/waterfowl permit, he or she has on his or her person a valid migratory bird  
10 hunting stamp of current issue as required by the Migratory Bird Hunting Stamp  
11 Act (48 Stat. 451), as amended.

12 **(3) *Notwithstanding any provision of law to the contrary, the department shall not***  
13 ***impose or collect fines or penalties for taking, pursuit, or possession of Cooper's***  
14 ***Hawk (*Accipiter cooperii*) or Red-tailed Hawk (*Buteo jamaicensis*).***

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 or her license or, if that person is license-exempt,  
8 may forfeit the privilege to perform the acts authorized by the license and  
9 shall not be permitted to purchase another license or exercise the privileges  
10 granted by a license during the same license year. No fines, penalty, or  
11 judgment assessed or rendered under this chapter shall be suspended, reduced,  
12 or remitted otherwise than expressly provided by law. Any person who  
13 violates any administrative regulation which has been or may be promulgated  
14 by the commission under any provisions of this chapter shall be subject to the  
15 same penalty as is provided for the violation of any provisions of this chapter  
16 under 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 150.195(5) to (8), 150.290,  
24 150.300, 150.340, 150.360, 150.362(1), 150.485, 150.600, 150.630, or 150.660  
25 shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars  
26 (\$500) or be imprisoned for not more than six (6) months, or both. Also, any person  
27 violating the provisions of KRS 150.300 shall be assessed treble damages as

- 1 provided in KRS 150.690 or 150.700. Damages assessed under this subsection shall  
2 be ordered to be paid directly to the department. The court shall not direct that the  
3 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) for any species other than Red-tailed Hawk or Cooper's  
9 Hawk, 150.235(2), (3), or (4), or 150.363 shall be fined not less than one hundred  
10 dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned for not  
11 more than six (6) months, or both.
- 12 (7) Any person who violates any of the provisions of KRS 150.460 shall be fined not  
13 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or  
14 imprisoned for not more than six (6) months, or both, and in addition to these  
15 penalties shall be liable to the department in an amount not to exceed the  
16 replacement value of the fish and wildlife which has been killed or destroyed. Costs  
17 assessed for the restoration of wildlife under this subsection shall be ordered to be  
18 paid directly to the department. The court shall not direct that the costs be paid  
19 through the circuit clerk.
- 20 (8) Any person who violates the provisions of KRS 150.180, 150.520, 150.525, or  
21 administrative regulations issued thereunder shall for the first offense be fined not  
22 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000);  
23 and shall for a second offense be fined not less than five hundred dollars (\$500) nor  
24 more than one thousand five hundred dollars (\$1,500); and for any subsequent  
25 offense, be fined two thousand dollars (\$2,000).
- 26 (9) Any person who violates the provisions of KRS 150.520 or administrative  
27 regulations issued thereunder shall, if the violation relates to methods of taking

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

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

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

1 replacement cost of the wild elk or double any monetary gain realized from the  
2 illegal activity and shall forfeit his or her license or, if license-exempt, the privilege  
3 to perform the acts authorized by the license for a period of one (1) to three (3)  
4 years.

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

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

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

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

1           paid directly to the landowner or the tenant. The court shall not direct that the  
2           damages be paid through the circuit clerk.

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

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

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

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

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

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