

1 AN ACT relating to hunting on state historic battlefield sites.

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, "state historic battlefield site" means any public property*
6 *owned or managed by the Department of Parks that contains a battlefield site*
7 *recognized by the Kentucky Military Heritage Commission in its latest Kentucky*
8 *Military Sites Report.*

9 *(2) A person shall not hunt on any property that is part of a state historic battlefield*
10 *site unless the commission, with prior written approval of the Department of*
11 *Parks, authorizes a quota or other limited hunt on the property that is tailored to*
12 *meet specific goals of a wildlife management plan for the area.*

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

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

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

1 promulgated thereunder.

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

15 (3) Any person who violates any of the provisions of KRS 150.120, 150.170,
16 150.235(1), 150.280, 150.320, 150.330(2), 150.355, 150.362, 150.400, 150.410,
17 150.415, 150.416, 150.445, 150.450, 150.470, 150.603, or 150.722(2), or any of the
18 provisions of this chapter or any administrative regulation promulgated by the
19 commission for which no definite fine or imprisonment is fixed shall be fined not
20 less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

21 (4) Any person who violates any of the provisions of KRS 150.195(5) to (8), 150.290,
22 150.300, 150.340, 150.360, 150.362(1), 150.485, 150.600, 150.630, or 150.660
23 shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars
24 (\$500) or be imprisoned for not more than six (6) months, or both. Also, any person
25 violating the provisions of KRS 150.300 shall be assessed treble damages as
26 provided in KRS 150.690 or 150.700. Damages assessed under this subsection shall
27 be ordered to be paid directly to the department. The court shall not direct that the

1 damages be paid through the circuit clerk.

2 (5) Any person who violates any of the provisions of KRS 150.411, 150.412, or
3 150.417 shall be fined not less than one hundred dollars (\$100) nor more than five
4 hundred dollars (\$500).

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

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

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

23 (9) Any person who violates the provisions of KRS 150.520 or administrative
24 regulations issued thereunder shall, if the violation relates to methods of taking
25 mussels, for a first offense be imprisoned in the county jail for no more than thirty
26 (30) days; for a second offense be imprisoned in the county jail for no more than six
27 (6) months; and for any subsequent offense be imprisoned in the county jail for no

1 more than one (1) year. The penalties for violation of this subsection shall be in
2 addition to the penalties for violation of subsection (8).

3 (10) Any person who violates any of the provisions of KRS 150.4111, 150.640, or KRS
4 150.450(2) or (3) shall be fined not less than one hundred dollars (\$100) nor more
5 than one thousand dollars (\$1,000).

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

1 years.

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

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

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

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

27 (16) (a) Any person who knowingly violates KRS 150.361 shall for a first offense be

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