

1 AN ACT relating to the Department of Fish and Wildlife Resources.

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

3 ➔Section 1. KRS 15.460 is amended to read as follows:

- 4 (1) (a) Except as provided in subsection (4)(a) of this section, an eligible unit of
5 government shall be entitled to receive an annual supplement of three
6 thousand dollars (\$3,000) for each qualified police officer it employs. The
7 supplement amount shall be increased to four thousand dollars (\$4,000)
8 beginning July 1, 2018.
- 9 (b) 1. In addition to the supplement, the unit of government shall receive an
10 amount equal to the required employer's contribution on the supplement
11 to the retirement plan and duty category to which the officer belongs. In
12 the case of County Employees Retirement System membership, the
13 retirement plan contribution on the supplement shall be paid whether the
14 officer enters the system under hazardous duty coverage or
15 nonhazardous coverage.
- 16 2. The unit of government shall pay the amount received for retirement
17 plan coverage to the appropriate retirement system to cover the required
18 employer contribution on the pay supplement.
- 19 3. If the foundation program funds are insufficient to pay employer
20 contributions to the system, then the total amount available for
21 retirement plan payments shall be prorated to each eligible government
22 so that each receives the same percentage of required retirement plan
23 costs attributable to the cash salary supplement.
- 24 (c) 1. In addition to the payments received under paragraphs (a) and (b) of this
25 subsection, but only if sufficient funds are available to make all
26 payments required under paragraph (b) of this subsection, each unit of
27 government shall receive an administrative expense reimbursement in an

- 1 amount equal to seven and sixty-five one-hundredths percent (7.65%) of
2 the total annual supplement received greater than three thousand one
3 hundred dollars (\$3,100) for each qualified police officer that is a local
4 officer as defined in KRS 15.420(2)(a)1. that it employs, subject to the
5 cap established by subparagraph 3. of this paragraph.
- 6 2. The unit of government may use the moneys received under this
7 paragraph in any manner it deems necessary to partially cover the costs
8 of administering the payments received under paragraph (a) of this
9 subsection.
- 10 3. The total amount distributed under this paragraph shall not exceed the
11 total sum of five hundred twenty-five thousand dollars (\$525,000) for
12 each fiscal year. If there are insufficient funds to provide for full
13 reimbursement as provided in subparagraph 1. of this paragraph, then
14 the amount shall be distributed pro rata to each eligible unit of
15 government so that each receives the same percentage attributable to its
16 total receipt of the cash salary supplement.
- 17 (d) In addition to the payments received under paragraphs (a) and (b) of this
18 subsection, each unit of government shall receive the associated fringe
19 benefits costs for the total supplement of four thousand dollars (\$4,000) for
20 each qualified police officer that is a state officer as defined in KRS
21 15.420(2)(a)2. that it employs. Fringe benefits shall be limited to retirement
22 plan contributions and the federal insurance contributions act tax.
- 23 (e) Notwithstanding paragraphs (a) to (d) of this subsection, a Kentucky
24 Department of Fish and Wildlife Resources game warden appointed pursuant
25 to KRS 150.090(2) and listed in KRS 15.420(2)(a)2.n. shall be a participant in
26 the Kentucky Law Enforcement Foundation Program fund~~], but shall not~~
27 ~~receive an annual supplement from that fund].~~ A game warden shall receive

1 an annual training stipend commensurate to the annual supplement paid to the
2 police officer as defined in KRS 15.420. ~~The annual training stipend~~
3 ~~disbursed to a game warden shall be paid from the game and fish fund~~
4 ~~pursuant to KRS 150.150.~~

5 (f) Any peace officer sanctioned by the Tourism, Arts and Heritage Cabinet shall
6 be deemed a police officer solely for the purpose of inclusion in the Law
7 Enforcement Foundation Program fund.

8 (2) The supplement provided in subsection (1) of this section shall be paid by the unit
9 of government to each police officer whose qualifications resulted in receipt of a
10 supplemental payment. The payment shall be in addition to the police officer's
11 regular salary and, except as provided in subsection (4)(b) of this section, shall
12 continue to be paid to a police officer who is a member of:

13 (a) The Kentucky National Guard during any period of activation under Title 10
14 or 32 of the United States Code or KRS 38.030; or

15 (b) Any reserve component of the United States Armed Forces during any period
16 of activation with the United States Armed Forces.

17 (3) (a) A qualified sheriff who receives the maximum salary allowed by Section 246
18 of the Kentucky Constitution and KRS 64.527 shall not receive a supplement.

19 (b) A qualified sheriff who does not receive the maximum salary allowed by
20 Section 246 of the Kentucky Constitution and KRS 64.527, excluding the
21 expense allowance provided by KRS 70.170, shall upon annual settlement
22 with the fiscal court under KRS 134.192, receive that portion of the
23 supplement that will not cause his or her compensation to exceed the
24 maximum salary.

25 (c) A qualified sheriff who seeks to participate in the fund shall forward a copy of
26 the annual settlement prepared under KRS 134.192 to the fund. The sheriff
27 shall reimburse the fund if an audit of the annual settlement conducted

1 pursuant to KRS 134.192 reflects that the sheriff received all or a portion of
2 the supplement in violation of this section. A sheriff who fails to provide a
3 copy of the annual settlement to the fund or to reimburse the fund after
4 correction by audit, if required, shall not be qualified to participate in the fund
5 for a period of two (2) years.

6 (d) A qualified deputy sheriff shall receive the supplement from the sheriff if the
7 sheriff administers his or her own budget or from the county treasurer if the
8 sheriff pools his or her fees. The failure of a sheriff to comply with the
9 provisions of this section shall not affect the qualification of his or her
10 deputies to participate in the fund.

11 (4) (a) Eligible units of government shall receive the salary supplement, excluding
12 funds applicable to the employer's retirement plan contribution, provided in
13 subsection (1) of this section for distribution to a police officer who is eligible
14 under subsection (2) of this section.

15 (b) A qualified police officer receiving a salary supplement during any period of
16 military activation, as provided in subsection (2) of this section, shall not be
17 entitled to receive the employer's retirement plan contribution, and the salary
18 supplement shall not be subjected to an employee's contribution to a
19 retirement plan. The salary supplement shall otherwise be taxable for all
20 purposes.

21 (5) A unit of government receiving disbursements under this section shall follow all
22 laws applicable to it that may govern due process disciplinary procedures for its
23 officers, but this subsection shall not be interpreted to:

24 (a) Authorize the department, the cabinet, or the council to investigate, judge, or
25 exercise any control or jurisdiction regarding the compliance of a unit of
26 government with laws that may govern due process disciplinary procedures
27 for its officers, except as otherwise provided by laws;

- 1 (b) Create a private right of action for any police officer regarding an agency's
2 participation in this section;
- 3 (c) Authorize a termination of an agency's participation as a result of a judgment
4 that the unit of government failed to follow its procedures in any independent
5 cause of action brought by the police officer against the unit of government;
6 or
- 7 (d) Prevent the adoption, amendment, or repeal of any laws that may govern the
8 due process disciplinary procedures of a unit of government's police officers.

9 ➔Section 2. KRS 150.010 is amended to read as follows:

10 As used in this chapter, unless the context otherwise requires:

11 ~~(1) "Administrative regulation" means a written regulation promulgated, pursuant to~~
12 ~~KRS Chapter 13A, by the commissioner with the approval of the commission;~~

13 ~~(2)~~ "Angling" means the taking or attempting to take fish by hook and line in hand, rod
14 in hand, jugging, setline, or sport fishing trotline;

15 ~~(2)~~~~(3)~~ "Buy" includes offering to buy, acquiring, or possessing through purchase,
16 barter, exchange, or trade;

17 ~~(3)~~~~(4)~~ "Cervid" means a hoofed mammal from the family Cervidae, including but
18 not limited to white-tailed deer, mule deer, elk, moose, and caribou;

19 ~~(4)~~~~(5)~~ "Commercial trotline" means a line to which are attached more than fifty (50)
20 single or multibarbed baited hooks, which shall not be placed closer than eighteen
21 (18) inches;

22 ~~(5)~~~~(6)~~ "Commission" means the Department of Fish and Wildlife Resources
23 Commission;

24 ~~(6)~~~~(7)~~ "Commissioner" means the commissioner of the Department of Fish and
25 Wildlife Resources;

26 ~~(7)~~~~(8)~~ "Daylight hours" means the period from one-half (1/2) hour before sunrise to
27 one-half (1/2) hour after sunset;

1 ~~(8)~~~~(9)~~ "Device" means any article, instrument, or equipment of whatever nature or
2 kind which may be used to take wild animals, wild birds, or fishes;

3 ~~(9)~~~~(10)~~ "Department" means the Department of Fish and Wildlife Resources;

4 ~~(10)~~~~(11)~~ "Dependent child" means any of the following:

5 (a) A permanent resident, or a part-time resident pursuant to a shared custody
6 agreement under KRS Chapter 403, who is:

- 7 1. A natural or legally adopted child of the landowner of the property;
- 8 2. A stepchild of at least one (1) landowner of the property; or
- 9 3. A child under the care of the landowner who is fictive kin, as defined in
10 KRS 199.011, to the child; or

11 (b) A child, regardless of age, who has been determined to be eligible for federal
12 Social Security disability benefits or is being claimed as a qualifying child for
13 tax purposes due to the child's total and permanent disability;

14 **(11) "Exotic wildlife" means any wildlife species that has never naturally existed in**
15 **the wild in Kentucky, including any species introduced by humans that has**
16 **become naturalized;**

17 (12) "Fishing" means to take or attempt to take in any manner, whether the fisherman
18 has fish in possession or not;

19 (13) "Game warden" means any member of the Kentucky Department of Fish and
20 Wildlife Resources Law Enforcement Division appointed pursuant to KRS 150.090,
21 who possesses the powers of a peace officer;

22 (14) "Gigging" means the taking of fish by spearing or impaling on any pronged or
23 barbed instrument attached to the end of any rigid object;

24 (15) "Grabbing" means the taking of fish, frogs, or turtles directly by hand or with the
25 aid of a handled hook;

26 (16) "Guide" means a person who holds a guide's license issued according to the
27 requirements of this chapter and the administrative regulations promulgated

- 1 hereunder;
- 2 (17) "Hunting" means to take or attempt to take in any manner, whether the hunter has
3 game in possession or not;
- 4 (18) "Identification tag" means a marker made of specified material upon which a name
5 and address or number is placed and attached to unattended gear to designate
6 ownership or responsible operator;
- 7 (19) "Impounded waters" means any public waters backed up behind a dam and includes
8 all water upstream from the dam to the first riffle or shoal;
- 9 (20) "Jugging" means a means of fishing by which a single baited line is attached to any
10 floating object;
- 11 (21) "License" means any document issued by the department authorizing its holder to
12 perform acts authorized by the license and includes any other form of authorization
13 in addition to or in lieu of an actual document which may be authorized by the
14 department by administrative regulation;
- 15 (22) "Light geese" means snow geese and Ross's geese;
- 16 (23) "Light geese conservation order" means a wildlife management action needed to
17 control populations of light geese for a period of time established pursuant to 50
18 C.F.R. sec. 21.60;
- 19 (24) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, American
20 bison~~[buffaloes]~~, and any other animals of the bovine, ovine, porcine, caprine,
21 equine, or camelid species;
- 22 (25) "Migratory shore or upland game birds" means all species of migratory game birds
23 except waterfowl;
- 24 (26) "Minnows" means all fish under six (6) inches in length, except basses, either
25 largemouth, smallmouth or Kentucky; rock bass or goggle-eye; trout; crappie;
26 walleye; sauger; pike; members of the striped bass family; and muskellunge;
- 27 (27) "Native wildlife" means any wildlife species, regardless of the origin or location

1 *of an individual animal or whether the animal is captive-bred or taken from the*
2 *wild, that has historically existed, currently exists, or has naturally expanded its*
3 *range into the wild of Kentucky without having been introduced by*
4 *humans*~~["Navigable waters" means any waters within this state under lock and~~
5 ~~dam];~~

6 (28) "Nonresident" means a person who has not established a permanent domicile in this
7 state and has not resided in this state for thirty (30) days immediately prior to his or
8 her application for a license;

9 (29) "Outfitter" means a person who holds a resident or nonresident outfitter license
10 issued according to the requirements of this chapter and the administrative
11 regulations promulgated hereunder;

12 (30) "Permit" means any document issued by the department authorizing its holder to
13 perform acts authorized by the permit and includes tags or devices as evidence of
14 holding a permit and includes any other form of authorization in addition to or in
15 lieu of an actual document authorized by the department by administrative
16 regulation;

17 (31) "Possess" means the act of having or taking into control;

18 (32) "Prescribed by the department" means established by an administrative regulation;

19 (33) "Processed wildlife" means any wildlife specimen or parts thereof that have been
20 rendered into a permanently preserved state;

21 (34) "Protected wildlife" means all wildlife except those species declared unprotected by
22 administrative regulations promulgated by the department;

23 ~~(35) ["Public roadway" includes rural roads, highways, bridges, bridge approaches, city~~
24 ~~streets, viaducts, and bridges which are normally traveled by the general public and~~
25 ~~are under the jurisdiction of a state, federal, county, or municipal agency;~~

26 ~~(36)~~ "Public waters" means all waters within the state flowing in a natural stream
27 channel or impounded on a natural stream;

1 ~~(36)~~~~(37)~~ "Raw fur" means a hide, fur, or pelt of a fur-bearing animal which has not
2 been processed. Skinning, stretching, oiling, or coloring of the pelt of the animal
3 shall not be considered processing;

4 ~~(37)~~~~(38)~~ "Resident" means any person who has established permanent domicile and
5 legal residence and has resided in this state for thirty (30) days immediately prior to
6 his or her application for a license. All other persons shall be classed as
7 nonresidents, except students enrolled for at least six (6) months in an educational
8 institution as full-time students and military personnel of the United States who are
9 under permanent assignment, shall be classified as residents while so enrolled or
10 assigned in this state;

11 ~~(38)~~~~(39)~~ "Resist" means to leave the scene, intimidate or attempt to intimidate in any
12 manner, or further interfere in any manner with any officer in the discharge of his or
13 her duties;

14 **(39) "Roadway" has the same meaning as in KRS 189.010;**

15 (40) "Rough fish" means all species of fishes other than those species designated by
16 administrative regulation as sport fishes;

17 (41) "Sell" includes offering to sell, having or possessing for sale, barter, exchange, or
18 trade;

19 (42) "Setline" means a line to which is attached one (1) single or multibarbed hook. This
20 line may be attached to a tree limb, tree trunk, bank pole, or other stationary object,
21 on the bank of a stream or impoundment;

22 (43) "Shooting range" or "range" means a public facility on lands owned or managed by
23 the department or a facility owned or managed by an affiliated partner of the
24 department that is designated for the shooting of firearms or archery equipment;

25 (44) "Snagging" means the taking of fish or other aquatic animals through the use of a
26 hand-held pole and attached line with single or multiple fish hooks in which the fish
27 is hooked by a rapid drawing motion rather than enticement by bait;

1 (45) "Sports fishing trotline" means a line to which are attached no more than fifty (50)
2 single or multibarbed baited hooks which shall not be placed closer together than
3 eighteen (18) inches;

4 (46) "Take" includes pursue, shoot, hunt, wound, catch, kill, trap, snare, or capture
5 wildlife in any way and any lesser act designed to lure, attract, or entice for these
6 purposes; and to place, set, aim, or use any device, animal, substance, or agency
7 which may reasonably be expected to accomplish these acts; or to attempt to do
8 these acts or to assist any other person in the doing of or the attempt to do these
9 acts;

10 (47) "Tenant" means any resident sharecropper, lessee, or any other person actually
11 engaged in work upon a farm or lands and residing in a dwelling on the farms or
12 lands including noncontiguous lands, but shall not include any other employee or
13 tenant unless actually residing on the property and engaged or employed as above
14 mentioned;

15 (48) "Transport" means to carry, move, or ship wildlife from one (1) place to another;

16 (49) "Waterfowl" means all species of wild ducks, geese, swans, mergansers, and coots;
17 and

18 (50) "Wildlife" means any normally undomesticated animal, alive or dead, including
19 without limitations any wild mammal, bird, fish, reptile, amphibian, or other
20 terrestrial or aquatic life, whether or not possessed in controlled environment, bred,
21 hatched, or born in captivity and including any part, product, egg, or offspring
22 thereof, protected or unprotected by this chapter.

23 ➔Section 3. KRS 150.021 is amended to read as follows:

24 (1) The Department of Fish and Wildlife Resources shall constitute an independent
25 department of state government within the meaning of KRS Chapter 12, and shall
26 be administratively attached to the Tourism, Arts and Heritage Cabinet only for
27 those limited functions and purposes expressly requested by the department to be

1 performed by the Tourism, Arts and Heritage Cabinet. The department shall have
 2 sole discretion as to which functions shall be deemed necessary for the efficient
 3 operation of the department and the properties in its custody and control.

4 **(2)** The department shall consist of a commissioner, a Fish and Wildlife Resources
 5 Commission, the Division of Law Enforcement, and other agents and employees
 6 provided for in this chapter.

7 **(3)** The department shall enforce the laws and ***administrative*** regulations
 8 ***promulgated***~~[adopted]~~ under this chapter relating to wildlife and shall exercise all
 9 powers necessarily incident thereto.}

10 ~~(2) (a) The Finance and Administration Cabinet shall assess the Department of Fish
 11 and Wildlife Resources each fiscal year a fee in an amount equal to five
 12 percent (5%) of the debt service associated with all phases and
 13 implementation of the capital project to replace, repair, or maintain the two
 14 (2) way radio system utilized by the Department of Kentucky State Police.~~

15 ~~(b) The fee shall be assessed on each phase of the implementation of the two (2)
 16 way radio system and shall continue to be assessed until all debt for the
 17 system has been retired.~~

18 ~~(3) On April 13, 2022, copies of any records, files, or documents, including any legal
 19 documents or memoranda, associated with functions of the Department of Fish and
 20 Wildlife Resources that were previously performed by the Tourism, Arts and
 21 Heritage Cabinet but for which it is no longer deemed responsible, shall be
 22 transmitted to the department.]~~

23 (4) The department shall not be subject to reorganization under KRS Chapter 12.

24 ➔Section 4. KRS 150.025 is amended to read as follows:

25 (1) In carrying out the provisions of this chapter, the department ***or commissioner*** may,
 26 ***with the approval of the commission, promulgate***~~[by]~~ administrative regulations ***in***
 27 ***accordance with***~~[promulgated under the provisions of]~~ KRS Chapter 13A ***to***:

- 1 (a) Fix, close, terminate, shorten, or divide open season, or make open seasons
2 conditional;
- 3 (b) Regulate bag or creel limits and possession limits;
- 4 (c) Regulate buying, selling, or transporting;
- 5 (d) Regulate the size or type of any device used for taking, and regulate any
6 method of taking;
- 7 (e) Regulate or restrict the places where taking is permitted;
- 8 (f) Regulate taking, or the opening or closing of seasons, in waters in which the
9 department is conducting experiments or making improvements for the
10 purpose of promoting the conservation of wildlife and increasing the supply
11 thereof;
- 12 (g) Regulate water safety enforcement as provided in KRS Chapter 235;
- 13 (h) Make administrative regulations apply to a limited area or to the entire state;
14 and
- 15 (i) Promulgate any other administrative regulations reasonably necessary to
16 implement or carry out the purposes of this chapter.
- 17 (2) The commissioner shall cause the text of every administrative regulation to be made
18 available electronically on the department's website within five (5) working days of
19 filing. The commissioner shall also cause to be prepared news releases concerning
20 all new or amended administrative regulations for distribution to radio, television,
21 and newspaper media.
- 22 (3) This section shall apply to KRS Chapter 150 and no other KRS chapter pertaining
23 to this subject shall apply to KRS Chapter 150.
- 24 ➔Section 5. KRS 150.027 is amended to read as follows:
- 25 (1) Not less than sixty (60) days nor more than ninety (90) days prior to the submission
26 of a proposed administrative regulation, proposed amendment to an administrative
27 regulation, or proposed repeal of an administrative regulation to the Administrative

1 Regulation Review Subcommittee which affects property owners or occupants of
2 property adjacent to any lake or other real property owned or controlled by the
3 department, the department shall:

4 (a) Hold a public hearing at a time and location most convenient to the public at a
5 location within ten (10) miles of the boundary of the lake so that the public
6 can make comments about the proposed administrative regulation, proposed
7 amendment to an administrative regulation, or proposed repeal of an
8 administrative regulation. Copies of the proposed administrative regulation,
9 proposed amendment to an administrative regulation, or proposed repeal of an
10 administrative regulation shall be distributed to members of the public
11 attending the meeting without cost;

12 (b) Advertise the hearing in accordance with KRS Chapter 424;

13 (c) Electronically record the hearing and the comments made at the hearing; and

14 (d) At the time of filing the proposed administrative regulation, proposed
15 amendment to an administrative regulation, or proposed repeal of an
16 administration regulation that is the subject of the hearing~~Within thirty~~
17 ~~(30) days of the close of the hearing~~, file a statement of consideration with
18 the Administrative Regulation Review Subcommittee summarizing the
19 comments made at the hearing and the department's response thereto
20 containing the information required by KRS 13A.010.

21 (2) The Administrative Regulation Review Subcommittee shall find deficient any
22 proposed administrative regulation, proposed amendment to an administrative
23 regulation, or proposed repeal of an administrative regulation covered by this
24 section which does not comply with the provisions of this section.

25 ➔Section 6. KRS 150.061 is amended to read as follows:

26 (1) Notwithstanding any provisions of KRS Chapter 18A, 42, 45, 45A, 56, or 64 to the
27 contrary, the commission shall have the sole authority to appoint a commissioner of

1 the Department of Fish and Wildlife Resources, who shall be a person with
2 knowledge of and experience in the requirements for the protection, conservation
3 and restoration of the wildlife resources of the state. The commission shall be the
4 sole contracting body for the purposes of KRS Chapter 45A and shall submit any
5 proposed personal service contract with a commissioner to the Government Contact
6 Review Committee for its review pursuant to KRS 45A.690 to 45A.725. The
7 commissioner shall serve for a defined employment contract term not to exceed
8 four (4) years and shall be subject to:

- 9 (a) Annual review by the commission in closed, executive session;
- 10 (b) Removal by the commission for the same cause and in the same manner in
11 which the Governor may remove a member of the commission; and
- 12 (c) Reappointment by the commission.

13 (2) The commissioner shall receive such compensation as the commission may solely
14 determine, and shall be reimbursed for all actual and necessary travel and other
15 expenses incurred by him or her in the performance of his or her official duties.

16 (3) Before entering upon the duties of his or her office, the commissioner shall take and
17 subscribe to the constitutional oath of office, and shall, in addition thereto, swear or
18 affirm that he or she holds no other public office, nor any position upon or under
19 any political committee or party. Upon appointment by the commission, the
20 commissioner shall execute a bond of five thousand dollars (\$5,000) in favor of the
21 Department of Fish and Wildlife Resources, the premium on said bond to be paid
22 out of department funds.

23 (4) Notwithstanding any provision of law to the contrary, the commissioner shall be the
24 sole appointing authority for the department for the purposes of KRS Chapter 18A
25 and shall have general supervision and control of all activities, functions,
26 appointments, and employees of the department. He or she shall enforce all
27 provisions of the laws of the state relating to wild animals, birds, fish and

1 amphibians, and shall exercise all powers necessarily incident thereto not
2 specifically conferred on the commission. The commissioner shall make an annual
3 report of all receipts and disbursements and file same with the Secretary of State of
4 the Commonwealth of Kentucky.

5 (5) (a) Notwithstanding any provision of KRS Chapter 18A to the contrary, the
6 commissioner shall establish a salary structure for the sworn employees of
7 the department's Division of Law Enforcement that is competitive with the
8 pay structures for other state and local law enforcement personnel in the
9 Commonwealth and is adequate to meet the department's recruitment and
10 retention goals.

11 (b) The secretary of the Personnel Cabinet established under KRS Chapter 18A
12 shall take every action necessary to implement the requirements of
13 paragraph (a) of this subsection and to ensure that the sworn employees of
14 the department's Division of Law Enforcement are otherwise subject to the
15 requirements and benefits of KRS Chapter 18A.

16 (6) If federal or other grant funds become available to pay their salaries, the
17 commissioner may appoint and employ other persons that he or she may deem
18 necessary or desirable to accomplish the purposes of this chapter. The
19 commissioner shall determine the compensation, duties, and terms of employment
20 of these employees, and grant funded, time-limited positions shall be approved by
21 the commission as needed. Employees whose salaries are funded through federal or
22 other grant funds shall not be counted in any tally of permanent employees made
23 for employee cap or budgetary purposes.

24 ➔Section 7. KRS 150.090 is amended to read as follows:

25 (1) The commissioner shall appoint, promote, or take other employment actions to the
26 ranks, grades, and positions of the department game wardens who are considered by
27 the commissioner to be necessary for the efficient administration of the department.

- 1 (2) Game wardens appointed by the commissioner shall have full powers as peace
2 officers for the enforcement of all of the laws of the Commonwealth, including the
3 administrative regulations promulgated pursuant to KRS Chapters 150 and 235 and
4 to serve process.
- 5 (3) Each game warden is individually vested with the powers of a peace officer and
6 shall have in all parts of the state, including on waters bordering the
7 Commonwealth, the same powers with respect to criminal matters and enforcement
8 of the laws relating thereto as sheriffs, constables, and police officers in their
9 respective jurisdictions, and shall possess all the immunities and matters of defense
10 now available or hereafter made available to sheriffs, constables, and police officers
11 in any suit brought against them in consequence of acts done in the course of their
12 employment and within the scope of their duties. Any warrant of arrest may be
13 executed by any officer of the department.
- 14 (4) Game wardens charged with the enforcement of this chapter and the administrative
15 regulations issued thereunder shall have the right to go upon the land of any person
16 or persons whether private or public for the purpose of the enforcement of laws or
17 orders of the department relating to game or fish, while in the normal, lawful and
18 peaceful pursuit of such investigation or work or enforcement, may enter upon,
19 cross over, be upon, and remain upon privately owned lands for such purposes, and
20 shall not be subject to arrest for trespass while so engaged or for such cause
21 thereafter. They may arrest on sight, without warrant, any person detected by them
22 in the act of violating any of the provisions of this chapter. They shall have the
23 same rights as sheriffs to require aid in arresting with or without process any person
24 found by them violating any of the provisions of this chapter and may seize without
25 process anything declared by this chapter to be contraband. No liability shall be
26 incurred by any person charged or directed in the enforcement of this chapter.
- 27 (5) Game wardens and other officers charged with the enforcement of this chapter,

1 shall have the authority to call for and inspect the license or tag, bag or creel of any
2 person engaged in any activity for the performance of which a license is required
3 under this chapter, and shall also have the authority to take proper identification of
4 any person, or hunter, or fisherman who is actually engaged in any of these
5 activities, and to call for and inspect any and all firearms and any other device that
6 may be used in taking wildlife and is in the possession of any person so engaged.

7 (6) No person shall resist, obstruct, interfere with or threaten or attempt to intimidate or
8 in any other manner interfere with any officer in the discharge of his *or her* duties
9 under the provisions of this chapter. This subsection shall not apply to a criminal
10 homicide or an assault upon such officer. An assault upon such officer shall be
11 deemed an offense under KRS Chapter 507 or 508, as appropriate.

12 (7) The commissioner may, as a condition of employment, require a newly appointed
13 department game warden to enter into an employment contract for a period of no
14 longer than five (5) years from the date of appointment. If a department game
15 warden who entered into a contract authorized under this subsection accepts
16 employment as a peace officer with another law enforcement agency, that law
17 enforcement agency shall reimburse the department for the actual costs incurred
18 and expended by the department that are associated with the initial hiring of that
19 department game warden, including but not limited to the application process,
20 training costs, equipment costs, salary, and fringe benefits. The department shall be
21 reimbursed for the costs from the time of department game warden initial
22 application until appointment.

23 ➔Section 8. KRS 150.120 is amended to read as follows:

24 (1) The commissioner, all game wardens, persons appointed by the commissioner, and
25 all peace officers and their deputies shall seize and take possession of any and all
26 furs, *native, exotic, or other* wildlife, guns, dogs, instruments, boats, or devices
27 which have been taken, used, transported, or possessed contrary to any law or

1 regulation adopted under this chapter. Upon complaint showing probable cause for
2 believing that any of the wildlife protected by any law or regulation are illegally
3 kept in any building, car, or receptacle, any court having jurisdiction may issue a
4 search warrant and cause the same to be searched. Any wildlife, furs, guns, dogs,
5 instruments, or devices seized in accordance with this section shall be impounded
6 by the arresting officer and shall be taken before the court trying the person
7 arrested.

8 (2) **(a) Upon seizure, any native wildlife or hybrid thereof possessed without a valid**
9 **permit issued by the department shall be declared and treated as contraband**
10 **without any order of the court. Any native wildlife or hybrid thereof**
11 **declared to be contraband under this paragraph shall be disposed of by the**
12 **department pursuant to the wildlife management objectives of this chapter**
13 **as determined by the commissioner.**

14 **(b)** Upon conviction, the court trying the case shall have the discretion of
15 determining whether or not any of the things seized under the provisions of
16 subsection (1) of this section, **other than native wildlife or hybrids thereof,**
17 shall be declared contraband. Any **exotic wildlife,** wildlife, fur, or dog taken,
18 and any device used or possessed contrary to the provisions of this chapter, or
19 any regulations adopted hereunder, is subject to being declared contraband.
20 When any ~~such~~ item is declared contraband, the court shall enter an order
21 accordingly. A copy of the order shall be forwarded to the commissioner and
22 the contraband shall be placed in the custody of the arresting officer, to be
23 delivered to the commissioner.

24 (3) The commissioner may sell to the residents of this state, at the highest market price
25 obtainable, with the approval of the commission all contraband which comes to his
26 or her possession under the order of any court, or which has been seized under this
27 chapter and declared to be contraband under any law relating to fish or wildlife. All

1 proceeds arising from the sale of contraband articles shall be paid into the game and
 2 fish fund, and shall be subject to audit by the Auditor of Public Accounts under
 3 KRS 150.152. A record of the sale, including the name of the purchaser and the
 4 price paid, shall be kept by the commissioner.

5 (4) Any device or contrivance, the use of which is not expressly recognized and
 6 sanctioned by the provisions of this chapter for the taking of wildlife, is hereby
 7 declared to be an illegal device. No person shall have in his or her possession any
 8 illegal device or other thing prohibited by law or by any regulation adopted under
 9 this chapter for the taking of wildlife.

10 ➔Section 9. KRS 150.150 is amended to read as follows:

11 (1) (a) Except as provided in this chapter, all moneys derived from the sale of
 12 licenses or from any other source connected with the administration of this
 13 chapter shall be promptly paid over to the State Treasurer, who shall deposit
 14 such moneys in a special fund, known as the game and fish fund, except that
 15 the moneys shall be entered under separate restricted fund accounts, not
 16 commingled, and maintained according to generally accepted accounting
 17 principles.

18 (b) Moneys derived from the sale of licenses issued under this chapter shall be
 19 under separate restricted fund account from any other proceeds derived from
 20 this chapter or from proceeds obtained under any other chapter.

21 (c) The game and fish fund:

22 1. Shall be used to ~~;~~

23 ~~a. —~~ carry out the purposes of this chapter and any law or regulation
 24 for the protection of wildlife; and~~;~~

25 ~~b. — Pay the annual supplement provided in KRS 15.460(1)(e); and~~

26 2. Shall not be used for any other purpose.

27 (2) All funds received under KRS 150.110 and 150.520 shall be used by the department

1 for the purpose of enforcing those sections and for the protection and propagation
2 of mussel beds. Any surplus remaining in the fund at the close of each calendar year
3 shall be turned into the general fund of the department.

4 (3) In addition to the funds derived pursuant to KRS 186.050(15), the department shall
5 ~~by~~~~, beginning~~ August 1 ~~of~~~~, 2006, and~~ each fiscal year ~~thereafter,~~ set aside not
6 less than twenty-five thousand dollars (\$25,000) ~~from the game and fish fund~~ for
7 the purpose of promoting hunger relief through specific wildlife management and
8 conservation efforts. The department shall provide for a separate accounting of
9 these funds and shall, by October 1, 2007, and annually thereafter, report on the
10 expenditures made pursuant to this subsection to the Governor and the Legislative
11 Research Commission.

12 (4) The department shall prescribe a method to allow any applicant for a license
13 required under KRS 150.175 to make, at the time of application, a voluntary
14 contribution in the amount of two dollars (\$2) for the Becoming an Outdoors-
15 Woman Program or other hunter and angler recruitment and retention program. The
16 voluntary contribution shall be deposited into a separate, restricted account within
17 the game and fish fund. The Becoming an Outdoors-Woman Program shall
18 encourage women in developing skills for outdoor recreational activities including
19 but not limited to hunting and angling. The voluntary contribution shall be
20 automatically added to the cost of the license at the time of sale.

21 ➔Section 10. KRS 150.170 is amended to read as follows:

22 (1) Except as provided in the following subsections of this section, and subject to
23 administrative regulations promulgated under this chapter, no person, resident, or
24 nonresident shall do any act authorized by any kind of license or permit or assist in
25 any way any person in doing any act provided for in this chapter with respect to
26 wildlife unless he or she holds the kind of license or permit, resident or nonresident,
27 that authorizes the act. It shall be the specific purpose of this chapter to prohibit the

- 1 taking or pursuing of any wildlife, protected or unprotected, or the fishing in any
2 stream or body of water whether public or private, without first procuring the
3 license provided for in KRS 150.175, except to the extent as may be otherwise
4 provided in this section.
- 5 (2) A person under sixteen (16) years of age may, without a sport fishing license, take
6 fish by angling, or take minnows by the use of a minnow seine, minnow trap, or dip
7 net.
- 8 (3) A person under twelve (12) years of age shall be exempt from being required to
9 obtain a sport hunting or sport trapping license as required by this chapter.
- 10 (4) The resident owner of farmlands or his or her spouse or dependent children shall,
11 without procuring any sport hunting or sport fishing licenses, have the right to take
12 fish or hunt during the open season, except trapping, on farmlands of which they are
13 bona fide owners. Tenants or their dependent children residing upon these
14 farmlands shall have the same privilege.
- 15 (5) Residents or nonresidents observing and participating in field trials, training
16 exercises, or other competitions as authorized by the department may observe and
17 participate without obtaining a hunting or guide's license so long as game is not
18 taken.
- 19 (6) Any resident serviceman on furlough of more than three (3) days in this state may,
20 without any Kentucky sport hunting or sport fishing licenses, do any act authorized
21 by the licenses, but while so doing he or she shall carry on his or her person proper
22 identification and papers showing his or her furlough status.
- 23 (7) Landowners, their spouses or dependent children, or their designee who must be
24 approved by the commissioner, who kill or trap on their lands any wildlife causing
25 damage to the lands or any personal property situated thereon shall not be required
26 to have a hunting or trapping license and may do so during periods other than the
27 open season for the particular species without a tag and dispose of the carcass on-

1 site. Tenants, their spouses, their dependent children, or other persons approved by
2 the commissioner, shall also have the same privilege. Upon destruction of any
3 wildlife by the above-specified individuals, the act shall be reported to a game
4 warden within twenty-four (24) hours of the kill. Individuals wishing to transport
5 the carcass from the property upon which it was killed shall contact personnel of the
6 department to request a carcass disposal tag or other authorization. Inedible parts
7 from wildlife taken under the authorization of this section shall not be utilized for
8 any purpose and shall be destroyed or left afield. The department shall promulgate
9 administrative regulations establishing procedures for the designee appointment
10 process, including request and approval deadlines.

11 (8) If a reciprocal agreement is entered into by the commissioner, with the approval of
12 the commission, and promulgated as an administrative regulation by the department
13 and similar action is taken by the appropriate authority in Missouri, Tennessee,
14 Virginia, West Virginia, Indiana, Ohio, or Illinois, persons holding a resident or
15 nonresident fishing or a resident or nonresident hunting license issued in these
16 states shall be permitted to perform the acts authorized by the license upon certain
17 contiguous waters and land areas adjacent to the common boundaries of the above-
18 mentioned states and the State of Kentucky. A resident of the State of Kentucky
19 shall purchase a proper Kentucky license to conform with the reciprocal agreement.

20 (9) Any member of the Kentucky Army or Air National Guard, active duty or Reserve
21 Component, in any branch in the United States Armed Forces that is based in the
22 Commonwealth of Kentucky, shall have the right to take fish or hunt on any
23 military property belonging to the Commonwealth without procuring any sport
24 hunting or sport fishing license.

25 (10) A person not otherwise exempted from hunter safety education or from procuring
26 any sport hunting or sport fishing license shall be exempt from the department-
27 sanctioned live-fire exercise component of the hunter education course requirement

1 if he or she:

- 2 (a) Is a current member of the Armed Forces of the United States;
- 3 (b) Has served in the Armed Forces of the United States and was discharged or
4 released therefrom under conditions other than dishonorable; or
- 5 (c) Is a peace officer certified pursuant to KRS 15.380 to 15.404.

6 ➔Section 11. KRS 150.172 is amended to read as follows:

7 (1) Any person who is not prohibited by state or federal law from possessing a firearm
8 may carry a firearm and ammunition for that firearm for purposes of self-defense
9 and defense of others while hunting, fishing, trapping, or engaging in any other
10 activity not constituting a crime under KRS Chapter 218A or Chapters 500 to 534,
11 and may do so on any public lands under the control of the department and on any
12 private land under the control of the department, unless the owner of the private
13 land has posted notice that concealed deadly weapons are not allowed in a building
14 where they may be prohibited pursuant to KRS 237.110 or 237.115.

15 (2) (a) A person may use a firearm, if he or she is not prohibited by state or federal
16 law from possessing a firearm, or may use any other deadly weapon, at any
17 time and during any season to:

- 18 1. Kill or attempt to kill an animal, whether protected or unprotected, in
19 self-defense or defense of another person; or
- 20 2. Kill or attempt to kill a mortally wounded~~[an injured]~~ animal for
21 humane purposes; and
- 22 in either event, reports the kill or attempted kill to a game warden before
23 midnight of the same day as the kill or attempted kill.

24 (b) An investigation by the department shall be authorized to substantiate and
25 provide evidence on whether the kill or attempted kill of the animal is in
26 violation of paragraph (a) of this subsection or if the animal presents a threat
27 to public health and safety. If no violation is shown to exist, and if there is no

- 1 threat to public health and safety, then the animal or parts thereof shall:
- 2 1. Remain the property and in the possession of the person taking the
- 3 animal; or
- 4 2. If the animal or parts thereof were surrendered to the department, be
- 5 immediately returned to the person.
- 6 (c) An arrest shall not be made, except upon a warrant issued by a judge of a
- 7 court of competent jurisdiction, and a citation shall not be issued by a peace
- 8 officer if an animal is killed under circumstances described in paragraph (a) of
- 9 this subsection.
- 10 (d) A citation may be issued by a peace officer who witnesses the killing of an
- 11 animal in violation of a statute or federal regulation under circumstances
- 12 different from those described in paragraph (a) of this subsection.
- 13 (e) An arrest warrant or a summons may be issued by a judge of a court of
- 14 competent jurisdiction, upon application of the appropriate county attorney, if
- 15 the court believes that there is sufficient cause to doubt the claim that the
- 16 animal was killed under circumstances described in paragraph (a) of this
- 17 subsection.
- 18 (3) In cases where an animal is killed and there is a claim that the animal was killed
- 19 under circumstances described in paragraph (a) of subsection (2) of this section, the
- 20 department shall provide competent evidence as to how the animal was killed and
- 21 the circumstances surrounding the event.
- 22 (4) The department shall not promulgate administrative regulations restricting any right
- 23 provided by this section or the spirit thereof.
- 24 (5) This section shall not apply to the killing, wounding, or other prohibited act relating
- 25 to specific wildlife which are protected by the federal Endangered Species Act, 16
- 26 U.S.C. secs. 1531 to 1544; federal Migratory Bird Treaty Act, 16 U.S.C. secs. 703
- 27 to 712; or federal Bald and Golden Eagle Protection Act, 16 U.S.C. secs. 668 to

1 668d.

2 (6) The principles contained in KRS Chapter 503 relating to the use of force and deadly
3 force against human beings shall apply to acts where wildlife is involved.

4 ➔Section 12. KRS 150.660 is amended to read as follows:

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

11 (2) When a pay lake is licensed by the department, the commissioner shall issue to the
12 licensee, consecutively numbered permits to be issued, without cost, to pay lake
13 patrons. The permits shall only be valid for fishing any licensed pay lake within the
14 state and shall be valid for one (1) year beginning January 1.

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

19 (4) Any pay lake licensee that fails to comply with the laws or regulations governing
20 the operation of a pay lake may have his or her operator's license revoked at all of
21 his or her licensed locations by the commissioner.

22 ➔Section 13. KRS 150.690 is amended to read as follows:

23 Any person who wrongfully breaks or enters a park or other enclosed grounds used for
24 keeping deer, elk, or American bison~~[buffalo]~~, or hunts, drives, chases, takes out, maims
25 or kills any deer, elk, or American bison~~[buffalo]~~ therein shall, in addition to any other
26 penalty, also pay to the person aggrieved treble the amount of damages sustained.

27 ➔Section 14. KRS 150.990 is amended to read as follows:

- 1 (1) Each bird, fish, or animal taken, possessed, bought, sold, or transported and each
2 device used or possessed contrary to the provisions of this chapter or any
3 administrative regulation promulgated by the commission thereunder shall
4 constitute a separate offense. The penalties prescribed in this section shall be for
5 each offense.
- 6 (2) (a) Any person who fails to appear pursuant to a citation or summons issued by a
7 game warden or peace officer of this Commonwealth for violation of this
8 chapter or any administrative regulation promulgated thereunder shall forfeit
9 his or her license or, if that person is license-exempt, shall forfeit the privilege
10 to perform the acts authorized by the license. The individual shall not be
11 permitted to purchase another license or exercise the privileges granted by a
12 license until the citation or summons is resolved. The court shall notify the
13 department whenever a person has failed to appear pursuant to a citation or
14 summons for a violation of this chapter or any administrative regulation
15 promulgated thereunder.
- 16 (b) Any person who violates any of the provisions of this chapter or any
17 administrative regulations promulgated by the commission thereunder may, in
18 addition to the penalties provided in subsections (3), (4), (5), (6), (7), and (8)
19 of this section, forfeit his or her license or, if that person is license-exempt,
20 may forfeit the privilege to perform the acts authorized by the license and
21 shall not be permitted to purchase another license or exercise the privileges
22 granted by a license during the same license year. No fines, penalty, or
23 judgment assessed or rendered under this chapter shall be suspended, reduced,
24 or remitted otherwise than expressly provided by law. Any person who
25 violates any administrative regulation which has been or may be promulgated
26 by the commission under any provisions of this chapter shall be subject to the
27 same penalty as is provided for the violation of any provisions of this chapter

1 under which the administrative regulation is promulgated.

- 2 (3) Any person who violates any of the provisions of KRS 150.120, 150.170,
3 150.235(1), 150.280, 150.320, 150.330(2), 150.355, 150.362, 150.400, 150.410,
4 150.415, 150.416, 150.445, 150.450, 150.470, 150.603, or 150.722(2), or any of the
5 provisions of this chapter or any administrative regulation promulgated by the
6 commission for which no definite fine or imprisonment is fixed shall be fined not
7 less than one hundred dollars (\$100)~~fifty dollars (\$50)~~ nor more than one
8 thousand dollars (\$1,000)~~five hundred dollars (\$500)~~.
- 9 (4) Any person who violates any of the provisions of KRS 150.195(5) to (8), 150.290,
10 150.300, 150.340, 150.360, 150.362(1), 150.485, 150.600, 150.630, or 150.660
11 shall be fined not less than one hundred dollars (\$100)~~fifty dollars (\$50)~~ nor
12 more than one thousand dollars (\$1,000)~~five hundred dollars (\$500)~~ or be
13 imprisoned for not more than six (6) months, or both. Also, any person violating the
14 provisions of KRS 150.300 shall be assessed treble damages as provided in KRS
15 150.690 or 150.700. Damages 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.
- 18 (5) Any person who violates any of the provisions of KRS 150.411, 150.412, or
19 150.417 shall be fined not less than two hundred dollars (\$200)~~one hundred~~
20 ~~dollars (\$100)~~ nor more than one thousand dollars (\$1,000)~~five hundred dollars~~
21 ~~(\$500)~~.
- 22 (6) Any person who violates any of the provisions of KRS 150.183, 150.305, 150.365,
23 150.370, 150.330(1), 150.235(2), (3), or (4), or 150.363 shall be fined not less than
24 two hundred dollars (\$200)~~one hundred dollars (\$100)~~ nor more than one
25 thousand dollars (\$1,000)~~five hundred dollars (\$500)~~ or imprisoned for not more
26 than six (6) months, or both.
- 27 (7) Any person who violates any of the provisions of KRS 150.460 shall be fined not

- 1 less than **two hundred dollars (\$200)**~~[one hundred dollars (\$100)]~~ nor more than
2 **one thousand dollars (\$1,000)**~~[five hundred dollars (\$500)]~~ or imprisoned for not
3 more than six (6) months, or both, and in addition to these penalties shall be liable
4 to the department in an amount not to exceed the replacement value of the fish and
5 wildlife which has been killed or destroyed. Costs assessed for the restoration of
6 wildlife under this subsection shall be ordered to be paid directly to the department.
7 The court shall not direct that the costs be paid through the circuit clerk.
- 8 (8) Any person who violates the provisions of KRS 150.180, 150.520, 150.525, or
9 administrative regulations issued thereunder shall for the first offense be fined not
10 less than **two hundred dollars (\$200)**~~[one hundred dollars (\$100)]~~ nor more than
11 **two thousand dollars (\$2,000)**~~[one thousand dollars (\$1,000)]~~; and shall for a
12 second offense be fined not less than **one thousand dollars (\$1,000)**~~[five hundred
13 dollars (\$500)]~~ nor more than **three thousand dollars (\$3,000)**~~[one thousand five
14 hundred dollars (\$1,500)]~~; and for any subsequent offense, be fined **four thousand
15 dollars (\$4,000)**~~[two thousand dollars (\$2,000)]~~.
- 16 (9) Any person who violates the provisions of KRS 150.520 or administrative
17 regulations issued thereunder shall, if the violation relates to methods of taking
18 mussels, for a first offense be imprisoned in the county jail for no more than thirty
19 (30) days; for a second offense be imprisoned in the county jail for no more than six
20 (6) months; and for any subsequent offense be imprisoned in the county jail for no
21 more than one (1) year. The penalties for violation of this subsection shall be in
22 addition to the penalties for violation of subsection (8).
- 23 (10) Any person who violates any of the provisions of KRS 150.4111, 150.640, or KRS
24 150.450(2) or (3) shall be fined not less than **two hundred dollars (\$200)**~~[one
25 hundred dollars (\$100)]~~ nor more than **two thousand dollars (\$2,000)**~~[one thousand
26 dollars (\$1,000)]~~.
- 27 (11) Any person who violates any of the provisions of KRS 150.390 or KRS 150.092(4)

1 shall be fined not less than **two hundred dollars (\$200)**~~one hundred dollars (\$100)]~~
2 nor more than **two thousand dollars (\$2,000)**~~one thousand dollars (\$1,000)]~~ or
3 imprisoned for not less than thirty (30) days nor more than one (1) year, or both. In
4 addition to the penalties prescribed above, he or she shall forfeit his or her license
5 or, if license-exempt, the privilege to perform the acts authorized by the license for
6 a period of one (1) to three (3) years and shall be liable to the department in an
7 amount reasonably necessary to replace any deer, wild turkey, or bear taken in
8 violation of KRS 150.390 and for violations of KRS 150.092(4) shall be liable to
9 the landowner or occupant for reasonable compensation for damages. Wildlife
10 replacement costs assessed under this subsection shall be ordered to be paid directly
11 to the department. The court shall not direct that the damages be paid through the
12 circuit clerk. Damages assessed under this subsection shall be ordered to be paid
13 directly to the landowner or occupant. The court shall not direct that the damages be
14 paid through the circuit clerk. Any person who possesses, takes, or molests a wild
15 elk in violation of KRS 150.390 or administrative regulations promulgated under
16 authority of that section shall be fined not less than **two thousand dollars**
17 **(\$2,000)**~~one thousand dollars (\$1,000)]~~ nor more than **ten thousand dollars**
18 **(\$10,000)**~~five thousand dollars (\$5,000)]~~ or imprisoned for up to six (6) months, or
19 both. In addition to these penalties, the person shall pay to the department an
20 amount not to exceed the greater of the replacement cost of the wild elk or double
21 any monetary gain realized from the illegal activity and shall forfeit his or her
22 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.

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

- 1 (13) Any person who commits a criminal homicide or an assault against an officer
2 enforcing the provisions of this chapter, KRS Chapter 235, or the administrative
3 regulations issued thereunder shall be subject to the penalties specified for the
4 offense under KRS Chapter 507 or 508, as appropriate.
- 5 (14) A person shall be guilty of a Class B misdemeanor upon the first conviction for a
6 violation of KRS 150.710. A subsequent conviction shall be a Class A
7 misdemeanor.
- 8 (15) Any person who violates the provisions of KRS 150.092 or the administrative
9 regulations promulgated thereunder for which no other penalty is specified
10 elsewhere in this section shall for the first offense be fined not less than **two**
11 **hundred dollars (\$200)**~~one hundred dollars (\$100)~~ nor more than **six hundred**
12 **dollars (\$600)**~~three hundred dollars (\$300)~~; for the second offense, be fined not
13 less than **six hundred dollars (\$600)**~~three hundred dollars (\$300)~~ nor more than
14 **two thousand dollars (\$2,000)**~~one thousand dollars (\$1,000)~~; and for subsequent
15 offenses, shall forfeit the license or, if license-exempt, the privilege to perform the
16 acts authorized by the license, for one (1) year and shall be fined not less than **two**
17 **thousand dollars (\$2,000)**~~one thousand dollars (\$1,000)~~ or be imprisoned in the
18 county jail for up to one (1) year, or both. In addition to the penalties prescribed in
19 this subsection, the violator shall be liable to the landowner or tenant for the
20 replacement cost of any property which was damaged or destroyed by his or her
21 actions. Damages assessed under this subsection shall be ordered to be paid directly
22 to the landowner or the tenant. The court shall not direct that the damages be paid
23 through the circuit clerk.
- 24 (16) (a) Any person who knowingly violates KRS 150.361 shall for a first offense be
25 fined not less than **two hundred dollars (\$200)**~~one hundred dollars (\$100)~~
26 nor more than **two thousand dollars (\$2,000)**~~one thousand dollars (\$1,000)~~
27 or be imprisoned in the county jail for not more than six (6) months, or both.

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

1 (c) One thousand dollars (\$1,000) for each bear;

2 (d) Five hundred dollars (\$500) for each turkey;

3 (e) Five hundred dollars (\$500) for each bobcat; and

4 (f) Twenty-five dollars (\$25) for each fish.

5 ➔Section 15. KRS 150.995 is amended to read as follows:

- 6 (1) As used in this section, "gross score" means the Boone and Crockett score derived
7 by calculating the measurements of the antlers of a white-tailed deer or elk in
8 accordance with subsection (2) of this section.
- 9 (2) The gross score of an antlered white-tailed deer or elk shall be calculated in
10 accordance with the latest published version of Boone and Crockett Club's
11 "Measuring and Scoring North American Big Game Trophies~~, Third Edition,~~
12 ~~2009]~~" and shall be taken by an official Boone and Crockett Club scorer. Any
13 restitution amount that would exceed ten thousand dollars (\$10,000) shall be
14 panel scored by two (2) official Boone and Crockett Club scorers. Measurements
15 taken for the purpose of calculating the gross score may be taken at any time, with
16 no drying time being required.
- 17 (3) A person found guilty of a violation of the provisions of this chapter regarding the
18 taking, buying, selling, transporting, or possessing of an antlered white-tailed deer
19 with a gross score of more than one hundred twenty-five (125) inches shall pay to
20 the department an additional restitution value calculated by squaring the difference
21 between the gross score and one hundred (100) and multiplying the resulting
22 number by one dollar and sixty-five cents (\$1.65).
- 23 (4) A person found guilty of a violation of the provisions of this chapter regarding the
24 taking, buying, selling, transporting, or possessing of an antlered elk with a gross
25 score of more than two hundred eighty (280) inches shall pay to the department an
26 additional restitution value calculated by squaring the difference between the gross
27 score and two hundred fifty-five (255) and multiplying the resulting number by one

1 dollar and sixty-five cents (\$1.65).

2 (5) A person found guilty of a violation of the provisions of this chapter regarding the
3 taking, buying, selling, transporting, or possessing of a bear shall pay to the
4 department an additional restitution value of one thousand dollars (\$1,000).

5 (6) A person found guilty of a violation of the provisions of this chapter regarding the
6 taking, buying, selling, transporting, or possessing of a turkey shall pay to the
7 department an additional restitution value of five hundred dollars (\$500).

8 (7) A person found guilty of a violation of the provisions of this chapter regarding the
9 taking, buying, selling, transporting, or possessing of a bobcat shall pay to the
10 department an additional restitution value of five hundred dollars (\$500).

11 (8) **In any action in which a person is found guilty of a violation of this chapter for**
12 **which restitution is owed under subsection (3), (4), (5), (6), or (7) of this section,**
13 **the commissioner or designee may seek an order from the court that the person**
14 **found guilty pay the restitution owed under this section in addition to all other**
15 **penalties that may apply. If the court declines to award the additional restitution**
16 **owed under this section,** the commissioner or designee may bring a civil action to
17 recover the restitution value owed to the department under subsection (3), (4), (5),
18 (6), or (7) of this section. A person who owes restitution to the department under
19 subsection (3), (4), (5), (6), or (7) of this section shall forfeit his or her hunting
20 license or, if license-exempt, the privilege to perform the hunting acts authorized by
21 the license until the restitution owed has been paid.

22 (9) The restitution required by this section shall be in addition to all other restitution,
23 replacement costs, and civil or criminal penalties authorized by this chapter and the
24 administrative regulations promulgated hereunder.

25 ➔Section 16. KRS 235.250 is amended to read as follows:

26 (1) It shall be the duty of the operator of a vessel involved in a collision, accident, or
27 other casualty, so far as he **or she** can do so without serious danger to his **or her**

- 1 own vessel, crew, and passengers ~~{(if any)}~~, to render to other persons affected by
2 the collision, accident, or other casualty such assistance as may be practicable and
3 as may be necessary in order to save them from or minimize any danger caused by
4 the collision, accident, or other casualty, and also to give his ***or her*** name, address,
5 and identification of his ***or her*** vessel in writing to any person injured and to the
6 owner of any property damaged in the collision, accident, or other casualty.
- 7 (2) In the case of collision, accident, or other casualty involving a vessel, the operator
8 thereof, if the collision, accident, or other casualty results in death or injury to a
9 person or damage to property in excess of ***one thousand dollars (\$1,000)***~~{five
10 hundred dollars (\$500)}~~, shall file with the department a full description of the
11 collision, accident, or other casualty, including such information as said agency
12 may by regulation require. When the operator of a vessel, who is not the owner of
13 it, cannot submit the casualty or accident report required by subsection (1) of this
14 section, the owner shall submit the casualty or accident report.