

1 AN ACT relating to trophy catfish.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 150 IS CREATED TO  
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Lower Ohio River trophy catfish" means, for the area downstream of  
7 Cannelton Lock and Dam in the Ohio River and its tributaries open to  
8 commercial fishing, a:

9 1. Blue or flathead catfish that is a minimum of forty (40) inches in  
10 length; or

11 2. Channel catfish that is a minimum of thirty (30) inches in length; and

12 (b) "Trophy catfish" means a:

13 1. Blue or flathead catfish that is a minimum of thirty-five (35) inches in  
14 length; or

15 2. Channel catfish that is a minimum of twenty-eight (28) inches in  
16 length.

17 (2) Notwithstanding any provision of law to the contrary:

18 (a) Any permit issued by the department to take lower Ohio River trophy catfish  
19 shall expire on May 31, 2027, and the department shall not issue or reissue  
20 any new lower Ohio River trophy catfish permits after that date; and

21 (b) After the effective date of this Act, a permit to take lower Ohio River trophy  
22 catfish shall not be transferred or reissued if surrendered.

23 (3) A person shall not transport live trophy catfish except by boat while in the course  
24 of legally fishing, either commercially or recreationally, with all of the necessary  
25 permits and licenses required by the department.

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

27 (1) Each bird, fish, or animal taken, possessed, bought, sold, or transported and each

1 device used or possessed contrary to the provisions of this chapter or any  
2 administrative regulation promulgated by the commission thereunder shall  
3 constitute a separate offense. The penalties prescribed in this section shall be for  
4 each offense.

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

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

- 1 (3) Any person who violates any of the provisions of KRS 150.120, 150.170,  
2 150.235(1), 150.280, 150.320, 150.330(2), 150.355, 150.362, 150.400, 150.410,  
3 150.415, 150.416, 150.445, 150.450, 150.470, 150.603, or 150.722(2), or any of the  
4 provisions of this chapter or any administrative regulation promulgated by the  
5 commission for which no definite fine or imprisonment is fixed shall be fined not  
6 less than fifty dollars (\$50) nor more than five hundred dollars (\$500).
- 7 (4) Any person who violates any of the provisions of KRS 150.195(5) to (8), 150.290,  
8 150.300, 150.340, 150.360, 150.362(1), 150.485, 150.600, 150.630, or 150.660  
9 shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars  
10 (\$500) or be imprisoned for not more than six (6) months, or both. Also, any person  
11 violating the provisions of KRS 150.300 shall be assessed treble damages as  
12 provided in KRS 150.690 or 150.700. Damages assessed under this subsection shall  
13 be ordered to be paid directly to the department. The court shall not direct that the  
14 damages be paid through the circuit clerk.
- 15 (5) Any person who violates any of the provisions of KRS 150.411, 150.412, or  
16 150.417 shall be fined not less than one hundred dollars (\$100) nor more than five  
17 hundred dollars (\$500).
- 18 (6) Any person who violates any of the provisions of KRS 150.183, 150.305, 150.365,  
19 150.370, 150.330(1), 150.235(2), (3), or (4), or 150.363 shall be fined not less than  
20 one hundred dollars (\$100) nor more than five hundred dollars (\$500) or  
21 imprisoned for not more than six (6) months, or both.
- 22 (7) Any person who violates any of the provisions of KRS 150.460 shall be fined not  
23 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or  
24 imprisoned for not more than six (6) months, or both, and in addition to these  
25 penalties shall be liable to the department in an amount not to exceed the  
26 replacement value of the fish and wildlife which has been killed or destroyed. Costs  
27 assessed for the restoration of wildlife under this subsection shall be ordered to be

1        paid directly to the department. The court shall not direct that the costs be paid  
2        through the circuit clerk.

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

9        (9) Any person who violates the provisions of KRS 150.520 or administrative  
10       regulations issued thereunder shall, if the violation relates to methods of taking  
11       mussels, for a first offense be imprisoned in the county jail for no more than thirty  
12       (30) days; for a second offense be imprisoned in the county jail for no more than six  
13       (6) months; and for any subsequent offense be imprisoned in the county jail for no  
14       more than one (1) year. The penalties for violation of this subsection shall be in  
15       addition to the penalties for violation of subsection (8).

16       (10) Any person who violates any of the provisions of KRS 150.4111, 150.640, or KRS  
17       150.450(2) or (3) shall be fined not less than one hundred dollars (\$100) nor more  
18       than one thousand dollars (\$1,000).

19       (11) Any person who violates any of the provisions of KRS 150.390 or KRS 150.092(4)  
20       shall be fined not less than one hundred dollars (\$100) nor more than one thousand  
21       dollars (\$1,000) or imprisoned for not less than thirty (30) days nor more than one  
22       (1) year, or both. In addition to the penalties prescribed above, he or she shall forfeit  
23       his or her license or, if license-exempt, the privilege to perform the acts authorized  
24       by the license for a period of one (1) to three (3) years and shall be liable to the  
25       department in an amount reasonably necessary to replace any deer, wild turkey, or  
26       bear taken in violation of KRS 150.390 and for violations of KRS 150.092(4) shall  
27       be liable to the landowner or occupant for reasonable compensation for damages.

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

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

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

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

26 (15) Any person who violates the provisions of KRS 150.092 or the administrative  
27 regulations promulgated thereunder for which no other penalty is specified

1 elsewhere in this section shall for the first offense be fined not less than one  
2 hundred dollars (\$100) nor more than three hundred dollars (\$300); for the second  
3 offense, be fined not less than three hundred dollars (\$300) nor more than one  
4 thousand dollars (\$1,000); and for subsequent offenses, shall forfeit the license or,  
5 if license-exempt, the privilege to perform the acts authorized by the license, for  
6 one (1) year and shall be fined not less than one thousand dollars (\$1,000) or be  
7 imprisoned in the county jail for up to one (1) year, or both. In addition to the  
8 penalties prescribed in this subsection, the violator shall be liable to the landowner  
9 or tenant for the replacement cost of any property which was damaged or destroyed  
10 by his or her actions. Damages assessed under this subsection shall be ordered to be  
11 paid directly to the landowner or the tenant. The court shall not direct that the  
12 damages be paid through the circuit clerk.

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

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

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

26 (d) In addition to the penalties specified in paragraphs (a), (b), and (c) of this  
27 subsection any person knowingly violating KRS 150.361 shall be liable to the

1 department in an amount not to exceed the greater of the replacement value of  
2 any wildlife killed or wounded in violation of KRS 150.361 or double the  
3 amount of the monetary gain from knowingly violating KRS 150.361.

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

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

10 (18) Any person convicted of violating subsection (3) of Section 1 of this Act shall be  
11 guilty of a Class A misdemeanor for the first offense and a Class D felony for  
12 each subsequent offense.