

1 AN ACT relating to enforcement and shared enforcement of Department of Fish
2 and Wildlife Resources with Kentucky Department of Agriculture and making an
3 appropriation therefor.

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

5 ➔Section 1. KRS 61.365 is amended to read as follows:

6 The following persons who are employed by the federal government as law enforcement
7 or investigative officers who have the power of arrest and who are residents of the
8 Commonwealth of Kentucky shall be deemed peace officers and shall have the same
9 powers and duties of any other peace officer in the Commonwealth, except that they shall
10 not be required to serve process unless permitted to do so by their respective agencies:

- 11 (1) Federal Bureau of Investigation special agents;
- 12 (2) United States Secret Service special agents;
- 13 (3) United States Marshal's service deputies;
- 14 (4) Drug Enforcement Administration special agents;
- 15 (5) Bureau of Alcohol, Tobacco, and Firearms special agents;
- 16 (6) United States Forest Service special agents and law enforcement officers;
- 17 (7) Special agents and law enforcement officers of the Office of the Inspector General
18 of the United States Department of Agriculture;
- 19 (8) United States Customs Service special agents;
- 20 (9) United States National Park Service law enforcement rangers;~~and~~
- 21 (10) ***Special agents and other law enforcement officers of the United States Fish and***

22 ***Wildlife Service; and***

23 **(11)** United States Mint Police of the United States Department of the Treasury:

- 24 (a) On the portion of United States Highway 31W that is located within the
25 borders of the Fort Knox Military Reservation;
- 26 (b) Within a local jurisdiction, upon the written request of the head of the local
27 law enforcement agency identifying a specific event and time frame for which

1 assistance is requested; and

2 (c) Within the Commonwealth, upon the written request of the commissioner of
3 the Department of Kentucky State Police identifying a specific event and time
4 frame for which assistance is requested.

5 ➔Section 2. KRS 150.175 is amended to read as follows:

6 The kinds of licenses and tags authorized by this chapter, and the acts authorized to be
7 performed under the licenses and tags, subject to the other provisions of this chapter and
8 subject to administrative regulations promulgated under this chapter, shall be as follows:

9 (1) Statewide resident sport fishing license, which authorizes the holder to take fishes
10 by angling, or take crayfish by a minnow seine, or by hand, to take minnows by the
11 use of a minnow seine, minnow trap, or dip net, or to take fishes by grabbing,
12 gigging, snagging, snaring, jugging, and bow and arrow, and to take frogs and
13 turtles from any waters in any county of this state open for such purposes and
14 subject to the limitations in this chapter and additional limitations that the
15 department may from time to time prescribe. This license shall not authorize the
16 holder to sell fish;

17 (2) A short-term sport fishing license, which authorizes the holder to perform all acts
18 authorized by a statewide sport fishing license and subject to the same limitations or
19 prescribed administrative regulations. This license shall not authorize the holder to
20 sell fish;

21 (3) A resident commercial fishing license and a nonresident commercial fishing license,
22 which authorize a holder to perform any act authorized by a sport fishing license
23 and to take rough fishes from the waters of the state by the use of commercial
24 fishing gear as prescribed by administrative regulation. The license shall also
25 authorize the holder to sell rough fishes, other than those protected by
26 administrative regulation;

27 (4) A commercial fishing gear tag, which shall be attached to each piece of commercial

- 1 fishing gear including hoop nets, slat traps, trotline, wing nets, and to each one
2 hundred (100) feet of linear gear or portion thereof in use, including commercial
3 seines, gill nets, or trammel nets. Commercial gear tags may be issued only to a
4 person holding a resident or nonresident commercial fishing license;
- 5 (5) Live fish and bait dealer's licenses, resident and nonresident, which authorize the
6 holder to sell bait and live fish as may be prescribed by administrative regulation;
- 7 (6) Musseling licenses, resident and nonresident, which authorize the holder to take
8 mussels for commercial purposes as may be prescribed by administrative regulation;
- 9 (7) A statewide resident hunting license, which authorizes the holder to take or pursue
10 wild animals, wild birds, frogs, and turtles with gun, bow and arrow, dog, or falcon,
11 or to participate in a fox-hunting party engaged in the hunting or pursuing of foxes
12 with dogs for sport, according to the provisions of the laws and administrative
13 regulations of the department;
- 14 (8) A junior statewide hunting license, which may be issued to a person before he or
15 she has reached his or her sixteenth birthday, and which authorizes the holder to
16 exercise all the privileges authorized by a statewide hunting license. No junior
17 hunting license shall be issued without the written permission of parent, guardian,
18 or person having custody of the person under sixteen (16) years of age;
- 19 (9) Trapping licenses, resident and nonresident, which authorize the holder to take wild
20 animals by trapping upon his or her own lands or upon the lands of another person,
21 if the holder of the license has first obtained oral or written consent as provided in
22 KRS 150.092 and administrative regulation;
- 23 (10) A taxidermist license, which authorizes the holder to engage in the act of preparing,
24 stuffing, and mounting the skins, **bones, and other remains** of wildlife;
- 25 (11) A commercial guide's license, which authorizes the holder to guide hunting and
26 fishing parties according to the provisions of the laws and administrative
27 regulations of the department;

- 1 (12) Fur buyer's licenses, resident and nonresident, which authorize the holder to buy
2 raw furs from licensed trappers and hunters and to sell raw furs so purchased.
3 Applicants for the license shall state the number of premises to be used and shall
4 display at each a copy of the license as furnished by the department, except that the
5 commissioner may limit the number of copies furnished and may revoke the license
6 for violation;
- 7 (13) A fur processor's license, which may be issued only to a resident, a partnership,
8 firm, or corporation of this state and which authorizes the holder to buy raw furs
9 when in legal possession for processing, manufacture, or retention in cold storage or
10 for resale;
- 11 (14) A nonresident sport fishing license, which authorizes the holder to perform any act
12 authorized by a resident statewide sport fishing license. This license shall not
13 authorize the holder to sell fish;
- 14 (15) A nonresident annual hunting license, which authorizes the holder to perform any
15 act authorized by a resident statewide hunting license;
- 16 (16) Shoot-to-retrieve field trial permits, four (4) day and single day, which authorize a
17 permit holder to conduct a shoot-to-retrieve field trial on private or government-
18 owned lands. With a four (4) day permit, all participants, whether residents or
19 nonresidents, shall not be required to possess any other license to participate in the
20 permitted field trial, and the permit shall expire four (4) days after the date on which
21 the field trial began. With the single day permit, the permit is valid for one (1) day
22 and all participants shall have a valid resident or nonresident annual Kentucky
23 hunting license. A permit is not required to conduct a shoot-to-retrieve field trial on
24 a licensed shooting preserve; however, all participants that take or attempt to take
25 game shall have in their possession a resident or nonresident annual Kentucky
26 hunting license;
- 27 (17) Game permits and junior game permits, which, in combination with a valid

- 1 statewide hunting license or a valid junior statewide hunting license, authorize the
2 holder to take or pursue the specified game species in any designated open area of
3 this state, during the open season and according to the provisions of the laws and
4 administrative regulations governing the hunting;
- 5 (18) A combination hunting and fishing license, which authorizes only resident holders
6 to perform all acts valid under either a sport fishing or hunting license;
- 7 (19) A trout permit, which in combination with a valid statewide fishing license,
8 authorizes the holder to take trout by angling or as may be prescribed by
9 administrative regulation;
- 10 (20) A commercial waterfowl permit, which authorizes the holder to establish and
11 operate a commercial waterfowl hunting preserve;
- 12 (21) A short-term hunting license, which authorizes the holder to perform all acts
13 authorized by a statewide hunting license according to the provisions of the laws
14 and administrative regulations of the department;
- 15 (22) A joint statewide resident sport fishing license issued to a husband and wife which
16 authorizes them to take fish as provided in subsection (1) of this section. The
17 license fee for this joint license shall be ten percent (10%) less than the license fee
18 set by the commission for two (2) statewide resident sport fishing licenses;
- 19 (23) A Kentucky migratory bird permit, which in combination with a valid statewide
20 hunting license and compliance with applicable federal law, authorizes the holder to
21 take or pursue waterfowl and migratory shore or upland game birds;
- 22 (24) A pay lake license which authorizes the holder to operate privately owned
23 impounded waters for fishing purposes for which a fee is charged;
- 24 (25) A senior combination hunting and fishing license, which authorizes the holder to
25 perform all acts valid under a sport fishing license, a sport hunting license, or a state
26 permit to take deer, turkey, trout, waterfowl, or migratory shore or upland game
27 birds, and which shall be available to a Kentucky resident who is sixty-five (65)

1 years of age or older.

2 The senior combination license shall not be valid unless the holder carries proof of
3 residency and proof of age, as the department may require by administrative
4 regulation, on his or her person while performing an act authorized by the license;

5 (26) A senior lifetime combination hunting and fishing license, which remains valid
6 until the death of the holder and authorizes the holder to perform all acts valid under
7 a sport fishing license, a sport hunting license, and a state permit to take deer,
8 turkey, trout, waterfowl, and migratory shore and upland game birds, and which
9 shall be available to a Kentucky resident who is sixty-five (65) years of age or older;

10 (27) A disabled combination hunting and fishing license, which authorizes the holder to
11 perform all acts valid under a sport fishing license, a sport hunting license, and a
12 state permit to take deer, turkey, trout, waterfowl, and migratory shore and upland
13 game birds, and which shall be available to a Kentucky resident who is:

14 (a) An American veteran at least fifty percent (50%) disabled as a result of a
15 service-connected disability; or

16 (b) Declared permanently and totally disabled by the federal Social Security
17 Administration, the United States Office of Personnel Management, the
18 Kentucky Teachers' Retirement System, the Department of Workers' Claims
19 or its equivalent from another state, or the United States Railroad Retirement
20 Board.

21 The disabled combination license shall not be valid unless the holder carries proof
22 of residency and proof of disability, as the department may require by
23 administrative regulation, on his or her person while performing an act authorized
24 by the license;

25 (28) A sportsman's license for residents that includes an annual hunting and fishing
26 license and such permits as allowed by administrative regulations promulgated by
27 the department; and

1 (29) A special license for residents and nonresidents for the purpose of hunting on
2 licensed shooting areas. This license shall be valid only for the shooting areas for
3 which it was issued and shall remain in effect for one (1) year. If the hunter holds
4 either a nonresident or resident statewide hunting license for the current year, the
5 special license shall not be required.

6 The department may offer multiyear licenses or permits for any of the annual licenses or
7 permits authorized in subsections (1), (7), (9), (14), (15), (17), (18), (19), (23), and (28) of
8 this section. A multiyear license or permit shall authorize the holder to perform all acts
9 authorized by the same license or permit if purchased annually and shall be issued in
10 accordance with the provisions of this chapter and the administrative regulations
11 promulgated hereunder. Any multiyear licenses or permits offered by the department
12 relating to the annual licenses or permits authorized in subsections (1), (7), (9), (14), (15),
13 (17), (18), (19), (23), and (28) of this section shall be implemented by administrative
14 regulation and may be discontinued at any time.

15 ➔Section 3. KRS 150.460 is amended to read as follows:

16 (1) No person, firm or corporation, whether acting in a private or public capacity, shall
17 place or cause to be placed in any public waters any substance that might injure,
18 interfere with, or cause the waters to be unfit for the support of wildlife. When any
19 employee of a person, firm or corporation, in the course of his employment, places
20 or causes to be placed any such substance in any public waters, his act shall be
21 prima facie evidence of the guilt of both the employee and the employer, and either
22 one (1) or both may be punished as provided in subsection (7) of KRS 150.990.
23 Each day that this section is violated shall constitute a separate offense. This section
24 does not apply to employees or agents of the department acting in an official
25 capacity.

26 (2) No person shall use, or attempt to use any electrical device, fish-finding devices
27 excepted, of any type, such as telephone, or electrical leads from a magneto, or

1 battery, or motor, or any other type of electrical equipment, in any stream or body of
2 water. This does not prevent the authorized employees or agents of the department
3 from using this or any devices in research or investigational work.

4 (3) No person, except employees or agents of the department, shall willfully place or
5 attempt to place in any of the public waters of the state any substance which has a
6 poisonous or intoxicating effect upon wildlife.

7 (4) No person shall kill, injure, shock, or stun or attempt to kill, injure, shock, or stun
8 any fishes by any explosive agent, firearm, or other device. This provision shall not apply
9 to employees or agents of the department acting in an official capacity.

10 ➔Section 4. KRS 150.740 is amended to read as follows:

11 (1) There shall be a ban on the importation of live members of the animal family
12 Cervidae into the Commonwealth that have not been subject to a program of
13 surveillance and identification for cervid chronic wasting disease (CWD) that meets
14 or exceeds:

15 (a) The requirements of the Kentucky Cervid CWD Surveillance and
16 Identification (CCWDSI) Program set forth in this section and in
17 administrative regulations promulgated by the Kentucky Department of
18 Agriculture; and

19 (b) Any other health requirements as regulated by the Kentucky Department of
20 Agriculture or the United States Department of Agriculture for cervids.

21 (2) The Kentucky Department of Agriculture shall be responsible for authorizing
22 importation of the members of the animal family Cervidae into the Commonwealth
23 that have been subject to a program of surveillance and identification for cervid
24 CWD that meets or exceeds:

25 (a) The requirements of the Kentucky CCWDSI Program set forth in this section
26 and in administrative regulations promulgated by the Kentucky Department of
27 Agriculture; and

- 1 (b) Any other health requirements as regulated by the Kentucky Department of
2 Agriculture or the United States Department of Agriculture for cervids.
- 3 (3) Members of the animal family Cervidae shall not be eligible for importation into the
4 Commonwealth unless the program of surveillance and identification for cervid
5 CWD to which they have been subject:
- 6 (a) Has been certified by the exporting state's state veterinarian or agency having
7 jurisdiction over that state's surveillance and identification program;
- 8 (b) Has been approved by the Kentucky state veterinarian as meeting or exceeding
9 the standards imposed under the Kentucky CCWDSI Program; and
- 10 (c) Meets, at minimum, the following requirements:
- 11 1. The program shall require cervid owners to obtain identification and
12 laboratory diagnosis from brain tissue as directed by the exporting state's
13 state veterinarian or agency with jurisdiction for cervids ~~six (6) twelve~~
14 ~~(12)~~ months of age or greater that:
- 15 a. Display clinical signs of CWD;
- 16 b. Die, including deaths by slaughter or by hunting, including hunting
17 on hunting preserves; or
- 18 c. Are ill or injured regardless of whether the illness or injury results
19 in death; and
- 20 2. The program shall require cervid owners to obtain cervids from herds
21 that have been monitored for at least five (5) years and that have
22 complied with the standards contained in the Kentucky CCWDSI
23 Program.
- 24 (4) Cervids originating from a state that has reported a confirmed case of CWD in wild
25 or captive cervids shall not be imported into Kentucky until The United States
26 Department of Agriculture approves:
- 27 (a) Regulations that allow importation from those states; and

- 1 (b) A live test for CWD that is available for live testing of cervids.
- 2 (5) Importation of members of the animal family Cervidae into the Commonwealth
3 shall be consistent with this section and with administrative regulations
4 promulgated by the Kentucky Department of Agriculture in cooperation with the
5 Kentucky Department of Fish and Wildlife Resources.
- 6 (6) A person shall be guilty of a Class D felony upon conviction for violating this
7 section. Upon conviction of a second violation of this section and in addition to all
8 other penalties, a person shall be permanently ineligible for renewal of a captive
9 cervid permit. On or before November 1 of each year, the Department of Fish and
10 Wildlife Resources and the Department of Agriculture, Office of the State
11 Veterinarian, respectively shall issue reports to the Interim Joint Committee on
12 Agriculture and the Interim Joint Committee on Natural Resources and
13 Environment on the status of chronic wasting disease, and the reports may include
14 the status of other animal or wildlife diseases in Kentucky and the United States.
15 The reports shall be used for the purpose of determining the need for modifications
16 to the statutory ban on the importation of cervids into the Commonwealth.
- 17 (7) The Department of Fish and Wildlife Resources shall have the authority to
18 immediately, and without compensation to the owner, seize captive cervids that
19 have been imported into the Commonwealth contrary to this section. The individual
20 whose cervids were seized may request an administrative hearing pursuant to KRS
21 Chapter 13B within thirty (30) days of the department's seizure and may appeal the
22 final decision to Franklin Circuit Court in accordance with KRS Chapter 13B.
23 Pending the final outcome of all appeals, the seized cervids may be disposed of by
24 the department without compensation to the owner.
- 25 (8) The department shall have the authority to immediately, and without compensation
26 to the owner, seize and destroy captive cervids that are in the process of being
27 imported into the Commonwealth contrary to this section.

1 (9) ~~[A captive cervid originating from outside the Commonwealth of Kentucky which~~
2 ~~is in transit, as defined in KRS 150.725 and which is being transported through the~~
3 ~~Commonwealth to another state or nation of destination shall meet the entry~~
4 ~~requirements of the state or nation of destination.~~

5 ~~(10)~~ ~~[A person intending to transport a captive cervid~~ **shall comply with the relevant**
6 **provisions of this subsection:**

7 **(a) 1. A person shall obtain an interstate hauler's permit from the Office of**
8 **the State Veterinarian before transporting a captive cervid from any**
9 **location outside Kentucky into Kentucky.**

10 **2. The Office of the State Veterinarian shall issue an interstate hauler's**
11 **permit to qualified applicants who pay a licensing fee of one hundred**
12 **dollars (\$100).**

13 **3. The interstate haulers' permit shall expire on December 31st of the**
14 **year in which it was issued;**

15 **(b) 1. A person shall obtain an in-state hauler's permit from the Office of**
16 **the State Veterinarian before engaging in the business of transporting**
17 **a captive cervid from any location in Kentucky to another location in**
18 **Kentucky, or performing such services in exchange for compensation.**

19 **2. No permit shall be required for a person transporting his or her own**
20 **captive cervids from one location in Kentucky to another location in**
21 **Kentucky.**

22 **3. The Office of the State Veterinarian shall issue a permit under this**
23 **section to a qualified applicant who pays a licensing fee of one**
24 **hundred dollars (\$100).**

25 **4. An in-state hauler's permit shall expire on December 31 of the year in**
26 **which it was issued;**

27 **(c) The Office of the State Veterinarian shall not issue an in-state hauler's**

1 permit to any person with an unpaid fine or fee that is owed to the Kentucky
2 Department of Agriculture or the Department of Fish and Wildlife
3 Resources;

4 (d) 1. Parties receiving an interstate or in-state hauler's permit from the
5 Office of the State Veterinarian shall provide that office with a report
6 that specifies:

7 2. The date transport will begin and end;

8 3. The number of living cervids loaded for transport and the number of
9 living cervids unloaded at the end of transport;

10 4. The tag number, brand, or other identification designation of each
11 cervid transported;

12 5. The specific route taken during transport of the cervids and a list of
13 the location of each stop, other than a traffic stop, that was taken
14 during transit of the route; and

15 6. Any other information the Office of the State Veterinarian may
16 promulgate by administrative regulations for issuance of an interstate
17 or in-state hauler's permit. The Office of the State Veterinarian shall
18 also create an application form to collect the reported information
19 specified in this paragraph.

20 Once a permit is granted, the Office of the State Veterinarian shall
21 immediately transmit an electronic copy of the issued permit and
22 application form to the Department of Fish and Wildlife Resources;
23 and

24 (e) A person intending to transport a captive cervid originating from outside
25 the Commonwealth of Kentucky which is in transit, as defined in KRS
26 150.725, through the Commonwealth to another state or nation of
27 destination shall~~through Kentucky shall~~, prior to the captive cervid

1 entering Kentucky, obtain a transportation permit from the Office of the
 2 State Veterinarian in lieu of an interstate or in-state permit. The
 3 transportation ~~[This]~~ permit shall specify that:

4 ~~1. [(a)]~~ **A captive cervid being transported meets the entry requirements**
 5 **of the state or nation to which it is being conveyed;**

6 2. A captive cervid being transported through Kentucky shall not remain in
 7 Kentucky for more than twenty-four (24) hours from the time of entry
 8 and, if this requirement cannot be met once the animal is in Kentucky,
 9 the Office of the State Veterinarian shall be contacted to secure a
 10 variance to the transportation permit;

11 ~~3. [(b)]~~ A captive cervid being transported through Kentucky shall not
 12 leave the transport vehicle while in Kentucky; and

13 ~~4. [(c)]~~ The person transporting the captive cervid through Kentucky shall
 14 follow the routes specified in the transport permit, if this requirement
 15 cannot be met once the animal is in Kentucky, the Office of the State
 16 Veterinarian shall be contacted to secure a variance to the
 17 transportation permit.

18 ➔Section 5. KRS 150.990 is amended to read as follows:

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

24 (2) (a) Any person who fails to appear pursuant to a citation or summons issued by a
 25 conservation officer or peace officer of this Commonwealth for violation of
 26 this chapter or any administrative regulation promulgated thereunder shall
 27 forfeit his or her license or, if that person is license-exempt, shall forfeit the

1 privilege to perform the acts authorized by the license. The individual shall
 2 not be permitted to purchase another license or exercise the privileges granted
 3 by a license until the citation or summons is resolved. The court shall notify
 4 the department whenever a person has failed to appear pursuant to a citation
 5 or summons for a violation of this chapter or any administrative regulation
 6 promulgated thereunder.

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

20 (3) **(a) Except as provided in paragraph (6) of this subsection,** any person who
 21 violates any of the provisions of KRS 150.120, 150.170, 150.235(1),
 22 150.280**(1)**, 150.320, 150.330(2), 150.355, 150.362, 150.400, 150.410,
 23 150.415, 150.416, 150.445, 150.450, 150.470, 150.603, or 150.722(2), or any
 24 of the provisions of this chapter or any administrative regulation promulgated
 25 by the commission for which no definite fine or imprisonment is fixed shall be
 26 fined not less than **one hundred**~~[fifty]~~ dollars (~~**\$100**~~~~[\$50]~~) nor more than **one**
 27 **thousand**~~[five hundred]~~ dollars (~~**\$1,000**~~~~[\$500]~~).

- 1 **(b) Any person who violates the provisions of KRS 150.170 by failing to obtain**
2 **a valid resident or nonresident commercial fishing license, a nonresident**
3 **commercial fishing license for Asian carp and scaled rough fish plus ten**
4 **nonresident gear tags, a commercial taxidermist license, or a resident or**
5 **nonresident commercial guide license shall be fined a sum no less than**
6 **three (3) times the current price of an appropriate license as established by**
7 **administrative regulations by the department.**
- 8 (4) Any person who violates any of the provisions of KRS 150.290, 150.300, 150.340,
9 150.360, 150.362(1), 150.485, 150.600, 150.630, 150.660, the provisions of KRS
10 150.195(5) to (8), or KRS 150.660(3) shall be fined not less than **one**
11 **hundred**~~[fifty]~~ dollars (~~(\$100)~~~~[\$50])~~ nor more than **one thousand**~~[five hundred]~~
12 dollars (~~(\$1,000)~~~~[\$500])~~ or be imprisoned for not more than six (6) months, or both.
13 Also, any person violating the provisions of KRS 150.300 shall be assessed treble
14 damages as provided in KRS 150.690 or 150.700. Damages assessed under this
15 subsection shall be ordered to be paid directly to the department. The court shall not
16 direct that the damages be paid through the circuit clerk.
- 17 (5) Any person who violates any of the provisions of KRS 150.411, 150.412, or
18 150.417 shall be fined not less than **two**~~[one]~~ hundred dollars (~~(\$200)~~~~[\$100])~~ nor
19 more than **one thousand**~~[five hundred]~~ dollars (~~(\$1,000)~~~~[\$500])~~.
- 20 (6) Any person who violates any of the provisions of KRS 150.183, 150.305, 150.365,
21 150.370, 150.330(1), 150.235(2)~~[(3), or (4)]~~, or 150.363 shall be fined not less
22 than **two**~~[one]~~ hundred dollars (~~(\$200)~~~~[\$100])~~ nor more than **one thousand**~~[five~~
23 ~~hundred]~~ dollars (~~(\$1,000)~~~~[\$500])~~ or imprisoned for not more than six (6) months, or
24 both.
- 25 (7) **Any person who violates any of the provisions of KRS 150.235(3) or (4) or**
26 **150.280(2) shall be fined not less than five hundred dollars (\$500) nor more than**
27 **one thousand dollars (\$1,000) or imprisoned for not more than six (6) months, or**

1 *both.*

2 (8) Any person who violates any of the provisions of KRS 150.460 shall be fined not
3 less than two~~one~~ hundred dollars (\$200~~\$100~~) nor more than one thousand~~five~~
4 ~~hundred~~ dollars (\$1,000~~\$500~~) or imprisoned for not more than six (6) months, or
5 both, and in addition to these penalties shall be liable to the department in an
6 amount not to exceed the replacement value of the fish and wildlife which has been
7 killed or destroyed. Costs assessed for the restoration of wildlife under this
8 subsection shall be ordered to be paid directly to the department. The court shall not
9 direct that the costs be paid through the circuit clerk.

10 (9)~~(8)~~ Any person who violates the provisions of KRS 150.180, 150.520, 150.525, or
11 administrative regulations issued thereunder shall for the first offense be fined not
12 less than two~~one~~ hundred dollars (\$200~~\$100~~) nor more than two~~one~~ thousand
13 dollars (\$2,000~~\$1,000~~); and shall for a second offense be fined not less than one
14 thousand~~five hundred~~ dollars (\$1,000~~\$500~~) nor more than three~~one~~ thousand~~f~~
15 ~~five hundred~~ dollars (\$3,000~~\$1,500~~); and for any subsequent offense, be fined
16 three~~two~~ thousand dollars (\$3,000~~\$2,000~~).

17 (10)~~(9)~~ Any person who violates the provisions of KRS 150.520 or administrative
18 regulations issued thereunder shall, if the violation relates to methods of taking
19 mussels, for a first offense be imprisoned in the county jail for no more than thirty
20 (30) days; for a second offense be imprisoned in the county jail for no more than six
21 (6) months; and for any subsequent offense be imprisoned in the county jail for no
22 more than one (1) year. The penalties for violation of this subsection shall be in
23 addition to the penalties for violation of subsection (9) of this section~~(8)~~.

24 (11)~~(10)~~ Any person who violates any of the provisions of KRS 150.4111, 150.640, or
25 KRS 150.450(2) or (3) shall be fined not less than two~~one~~ hundred dollars
26 (\$200~~\$100~~) nor more than two~~one~~ thousand dollars (\$2,000~~\$1,000~~).

27 (12)~~(11)~~ Any person who violates any of the provisions of KRS 150.390 or KRS

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

24 ~~(13)~~⁽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 ~~(14)~~~~(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 ~~(15)~~~~(14)~~ A person shall be guilty of a Class B misdemeanor upon the first conviction
6 for a violation of KRS 150.710. A subsequent conviction shall be a Class A
7 misdemeanor.

8 ~~(16)~~~~(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~~~~one~~
11 hundred dollars (~~\$200~~~~\$100~~) nor more than ~~six~~~~three~~ hundred dollars
12 (~~\$600~~~~\$300~~); for the second offense, be fined not less than ~~six~~~~three~~ hundred
13 dollars (~~\$600~~~~\$300~~) nor more than ~~two~~~~one~~ thousand dollars (~~\$2,000~~~~\$1,000~~);
14 and for subsequent offenses, shall forfeit the license or, if license-exempt, the
15 privilege to perform the acts authorized by the license, for one (1) year and shall be
16 fined not less than ~~two~~~~one~~ thousand dollars (~~\$2,000~~~~\$1,000~~) or be imprisoned in
17 the county jail for up to one (1) year, or both. In addition to the penalties prescribed
18 in this subsection, the violator shall be liable to the landowner or tenant for the
19 replacement cost of any property which was damaged or destroyed by his actions.
20 Damages assessed under this subsection shall be ordered to be paid directly to the
21 landowner or the tenant. The court shall not direct that the damages be paid through
22 the circuit clerk.

23 ~~(17)~~~~(16)~~ (a) Any person who knowingly violates KRS 150.361 shall for a first
24 offense be fined not less than ~~two~~~~one~~ hundred dollars (~~\$200~~~~\$100~~) nor
25 more than ~~two~~~~one~~ thousand dollars (~~\$2,000~~~~\$1,000~~) or be imprisoned in the
26 county jail for not more than six (6) months, or both.

27 (b) Any person who knowingly violates KRS 150.361 shall for a second or

1 subsequent offense be fined not less than one thousand~~[five hundred]~~ dollars
 2 (\$1,000~~[\$500]~~) nor more than three~~[one]~~ thousand ~~[five hundred]~~ dollars
 3 (\$3,000~~[\$1,500]~~) or be imprisoned in the county jail for not more than six (6)
 4 months, or both.

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

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

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

18 ~~(18)~~~~[(17)]~~ Any person convicted of violating KRS 150.186 shall be guilty of a Class A
 19 misdemeanor and shall, whether licensed or license-exempt, forfeit his or her right
 20 to hunt, fish, trap, or be licensed as a commercial guide for a period of ten (10)
 21 years.

22 ➔Section 6. KRS 235.990 is amended to read as follows:

23 (1) Any person who violates any of the provisions of this chapter or administrative
 24 regulations adopted under this chapter shall be fined not less than fifty dollars (\$50)
 25 nor more than two hundred dollars (\$200). After July 15, 2000, any person who
 26 violates KRS 235.230 shall be fined not less than fifteen dollars (\$15) nor more
 27 than one hundred dollars (\$100). Each~~[and each]~~ day the violation continues may

1 constitute a separate offense.

2 (2) Any person who violates KRS 235.240(2) shall not be subject to the penalties of
3 KRS Chapter 189A but shall be guilty of a separate offense and subject to:~~[-]~~

4 (a) A fine of two hundred dollars (\$200) to two hundred fifty dollars (\$250) or
5 imprisonment for twenty-four (24) hours for the first offense, or both. If the
6 person refuses to submit to a breath alcohol analysis or similar test in
7 violation of KRS 235.240(3), the fine shall be five hundred dollars (\$500);~~[-]~~
8 ~~[-]~~

9 (b) A fine of three hundred fifty dollars (\$350) to five hundred dollars (\$500) or
10 imprisonment for forty-eight (48) hours for the second offense, or both. If the
11 person refuses to submit to a breath alcohol analysis or similar test in
12 violation of KRS 235.240(3), the fine shall be one thousand dollars
13 (\$1,000);~~[-]~~ and

14 (c) A fine of six hundred dollars (\$600) to one thousand dollars (\$1,000) or
15 imprisonment in the county jail for not less than thirty (30) days~~[-, or both,]~~ for
16 the third or subsequent offense. If the person refuses to submit to a breath
17 alcohol analysis or similar test in violation of KRS 235.240(3), the fine shall
18 be two thousand dollars (\$2,000);~~[-]~~

19 ~~Refusal to submit to a breath alcohol analysis or similar test in violation of~~
20 ~~KRS 235.240(3) shall be deemed an offense}.~~

21 (3) (a) A person ~~shall~~~~may~~, in addition ~~to~~~~or in lieu of~~ the penalties specified in
22 subsection (1) or (5) of this section, be required to take a safe-boating course
23 approved by the department or offered by the United States Coast Guard,
24 Coast Guard Auxiliary, or U.S. Power Squadron and to present the court a
25 certificate documenting successful completion of the course.

26 (b) A person shall, in addition to the penalties of subsection (2) of this section, be
27 required to take a safe-boating course offered by the department and to present

1 the court a certificate documenting successful completion of the course. The
2 person attending a class under this paragraph shall pay the department a fee of
3 one hundred dollars (\$100) for the costs of materials and instruction before
4 receiving a certificate of completion.

5 (4) After July 15, 2000, any person who violates KRS 235.420 or 235.430 shall be
6 fined not less than fifteen dollars (\$15) nor more than one hundred dollars (\$100). A
7 person who violates KRS 235.420 or 235.430 shall be fined not less than one
8 hundred dollars (\$100) nor more than three hundred dollars (\$300) for the second
9 offense, and not less than three hundred dollars (\$300) nor more than five hundred
10 dollars (\$500) for the third or any subsequent offense.

11 (5) Any person failing to obey a citation issued in accordance with KRS 235.315 shall
12 be guilty of a separate offense and shall be fined not less than fifty dollars (\$50) nor
13 more than two hundred dollars (\$200).

14 (6) Any person who makes a false statement regarding a marine boat toilet on the
15 application for registration or renewal registration for a motorboat shall be fined one
16 hundred dollars (\$100). This penalty shall be separate from any other penalty that
17 may be applicable for violation of this chapter.

18 (7) Any person who resists, obstructs, interferes with, threatens, attempts to intimidate,
19 or in any other manner interferes with any officer in the discharge of his duties,
20 other than a criminal homicide or an assault against an officer enforcing the
21 provisions of this chapter, KRS Chapter 150, or the administrative regulations
22 issued under either of these chapters, shall be guilty of a Class A misdemeanor.

23 (8) Any person who commits a criminal homicide or an assault against an officer
24 enforcing the provisions of this chapter, KRS Chapter 150, or the administrative
25 regulations issued under either of these chapters shall be subject to the penalties
26 specified for the offense under KRS Chapter 507 or 508, as appropriate.

27 (9) Any person who violates KRS 235.203 shall be fined fifty dollars (\$50).

1 ➔Section 7. KRS 257.550 is amended to read as follows:

- 2 (1) There shall be a ban on the importation of live members of the animal family
3 Cervidae into the Commonwealth that have not been subject to a program of
4 surveillance and identification for cervid chronic wasting disease (CWD) that meets
5 or exceeds:
- 6 (a) The requirements of the Kentucky Cervid CWD Surveillance and
7 Identification (CCWDSI) Program set forth in this section and in
8 administrative regulations promulgated by the Kentucky Department of
9 Agriculture; and
- 10 (b) Any other health requirements as regulated by the Kentucky Department of
11 Agriculture or the United States Department of Agriculture for cervids.
- 12 (2) The Kentucky Department of Agriculture shall be responsible for authorizing
13 importation of the members of the animal family Cervidae into the Commonwealth
14 that have been subject to a program of surveillance and identification for cervid
15 CWD that meets or exceeds:
- 16 (a) The requirements of the Kentucky CCWDSI Program set forth in this section
17 and in administrative regulations promulgated by the Kentucky Department of
18 Agriculture; and
- 19 (b) Any other health requirements as regulated by the Kentucky Department of
20 Agriculture or the United States Department of Agriculture for cervids.
- 21 (3) Members of the animal family Cervidae shall not be eligible for importation into the
22 Commonwealth unless the program of surveillance and identification for cervid
23 CWD to which they have been subject:
- 24 (a) Has been certified by the exporting state's state veterinarian or agency having
25 jurisdiction over that state's surveillance and identification program;
- 26 (b) Has been approved by the Kentucky state veterinarian as meeting or exceeding
27 the standards imposed under the Kentucky CCWDSI Program; and

- 1 (c) Meets, at a minimum, the following requirements:
- 2 1. The program shall require cervid owners to obtain identification and
- 3 laboratory diagnosis from brain tissue as directed by the exporting state's
- 4 state veterinarian or agency with jurisdiction for cervids six (6)~~twelve~~
- 5 ~~(12)~~ months of age or greater that:
- 6 a. Display clinical signs of CWD;
- 7 b. Die, including deaths by slaughter or by hunting, including hunting
- 8 on hunting preserves; or
- 9 c. Are ill or injured, regardless of whether the illness or injury results
- 10 in death; and
- 11 2. The program shall require cervid owners to obtain cervids from herds
- 12 that have been monitored for at least five (5) years and that have
- 13 complied with the standards contained in the Kentucky CCWDSI
- 14 Program.
- 15 (4) Cervids originating from a state that has reported a confirmed case of CWD in wild
- 16 or captive cervids shall not be imported into Kentucky until the United States
- 17 Department of Agriculture approves:
- 18 (a) Regulations that allow importation from states with confirmed cases of CWD;
- 19 and
- 20 (b) A live test for CWD that is available for live testing of cervids.
- 21 (5) Importation of members of the animal family Cervidae into the Commonwealth
- 22 shall be consistent with this section and with administrative regulations
- 23 promulgated by the Kentucky Department of Agriculture in cooperation with the
- 24 Kentucky Department of Fish and Wildlife Resources.
- 25 **(6) A person shall be guilty of a Class D felony upon conviction for violating this**
- 26 **section. Upon conviction of a second violation of this section and in addition to**
- 27 **all other penalties, a person shall be permanently ineligible for renewal of a**

1 captive cervid permit. On or before November 1 of each year, the Department of
2 Fish and Wildlife Resources and the Department of Agriculture, Office of the
3 State Veterinarian, respectively shall issue reports to the Interim Joint Committee
4 on Agriculture and the Interim Joint Committee on Natural Resources and
5 Environment on the status of chronic wasting disease, and the reports may
6 include the status of other animal or wildlife diseases in Kentucky and the United
7 States. The reports shall be used for the purpose of determining the need for
8 modifications to the statutory ban on the importation of cervids into the
9 Commonwealth.

10 (7) The Department of Fish and Wildlife Resources shall have the authority to
11 immediately, and without compensation to the owner, seize captive cervids that
12 have been imported into the Commonwealth contrary to this section. The
13 individual whose cervids were seized may request an administrative hearing
14 pursuant to KRS Chapter 13B within thirty (30) days of the department's seizure
15 and may appeal the final decision to Franklin Circuit Court in accordance with
16 KRS Chapter 13B. Pending the final outcome of all appeals, the seized cervids
17 may be disposed of by the department without compensation to the owner.

18 (8) The Department of Fish and Wildlife Resources shall have the authority to
19 immediately, and without compensation to the owner, seize and destroy captive
20 cervids that are in the process of being imported into the Commonwealth
21 contrary to this section.

22 (9) A person intending to transport a captive cervid shall comply with the relevant
23 provisions of this subsection:

24 (a) 1. A person shall obtain an interstate hauler's permit from the Office of
25 the State Veterinarian before transporting captive cervid from any
26 location outside Kentucky into Kentucky.

27 2. The Office of the State Veterinarian shall issue an interstate hauler's

1 permit to qualified applicants who pay a licensing fee of one hundred
2 dollars (\$100).

3 3. The interstate haulers' permit shall expire on December 31 of the year
4 in which it was issued;

5 (b) 1. A person shall obtain an in-state hauler's permit from the Office of
6 the State Veterinarian before engaging in the business of transporting
7 a captive cervid from any location in Kentucky to another location in
8 Kentucky, or perform such services in exchange for compensation.

9 2. No permit shall be required for a person transporting his or her own
10 captive cervids from one location in Kentucky to another location in
11 Kentucky.

12 3. The Office of the State Veterinarian shall issue an in-state hauler's
13 permit to a qualified applicant who pays a licensing fee of one
14 hundred dollars (\$100).

15 4. An in-state hauler's permit shall expire on December 31 of the year in
16 which it was issued;

17 (c) The Office of the State Veterinarian shall not issue an in-state hauler's
18 permit to any person with an unpaid fine or fee that is owed to the Kentucky
19 Department of Agriculture or the Department of Fish and Wildlife
20 Resources.

21 (d) Parties receiving an interstate or in-state hauler's permit from the Office of
22 the State Veterinarian shall provide that office with a report that specifies:

23 1. The dates transport will begin and end;

24 2. The number of living cervids loaded for transport and the number of
25 living cervids unloaded at the end of transport;

26 3. The tag number, brand, or other identification designation of each
27 cervid transported;

1 4. The specific route taken during transport of the cervids and a list of
2 the location of each stop, other than a traffic stop, that was taken on
3 during transit of the route; and

4 5. Any other information the Office of the State Veterinarian may
5 promulgate by administrative regulation for issuance of an interstate
6 or in-state hauler's permit.

7 The Office of the State Veterinarian shall also create an application
8 form to collect the reported information specified in this paragraph.

9 Once a permit is granted, the Office of the State Veterinarian shall
10 immediately transmit an electronic copy of the issued permit and
11 application form to the Department of Fish and Wildlife Resources;
12 and

13 (e) A person intending to transport a captive cervid originating from outside
14 the Commonwealth of Kentucky which is in transit, as defined in KRS
15 150.725, through the Commonwealth to another state or nation of
16 destination shall, prior to the captive cervid entering Kentucky, obtain a
17 transportation permit from the Office of the State Veterinarian in lieu of an
18 interstate or in-state permit. The transportation permit shall specify that:

19 1. A captive cervid being transported meets the entry requirements of the
20 state or nation to which it is being conveyed;

21 2. A captive cervid being transported through Kentucky shall not remain
22 in Kentucky for more than twenty-four (24) hours from the time of
23 entry and, if this requirement cannot be met once the animal is in
24 Kentucky, the Office of the State Veterinarian shall be contacted to
25 secure a variance to the transportation permit;

26 3. A captive cervid being transported through Kentucky shall not leave
27 the transport vehicle while in Kentucky; and

1 4. The person transporting the captive cervid through Kentucky shall
2 follow the routes specified in the transport permit, if this requirement
3 cannot be met once the animal is in Kentucky, the Office of the State
4 Veterinarian shall be contacted to secure a variance to the
5 transportation permit.

6 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 257 IS CREATED TO
7 READ AS FOLLOWS:

8 Parties issued permits by the Commonwealth to raise captive cervids shall dispose of
9 every cervid carcass by either:

10 (1) Burying the carcass and all of its parts and products in the earth at a point which
11 is never covered with the overflow of ponds or streams and which is not less than
12 one hundred (100) feet distant from any watercourse, sinkhole, well, spring,
13 public highway, residence, or stable. The carcass shall be placed in an opening in
14 the earth at least four (4) feet deep, the abdominal and thoracic cavities opened
15 wide their entire length, and the entire carcass covered with two (2) inches of
16 quicklime and at least three (3) feet of earth; or

17 (2) Deposition of the carcass in a contained landfill approved pursuant to KRS
18 Chapter 224.