

1 AN ACT relating to pay lakes.

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

3 ➔Section 1. KRS 150.660 is amended to read as follows:

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

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

14 ~~(3)~~ No person, except those exempted elsewhere in this chapter, shall fish in a licensed
15 pay lake without possessing a ~~valid special pay lake permit or a~~ valid statewide
16 fishing license, ***as required in KRS 150.170***. No owner or operator of a licensed
17 pay lake shall allow any patron to fish who is not properly licensed ~~or permitted~~.

18 ~~(3)~~ ~~(4)~~ Any pay lake licensee ***who*** ~~that~~ fails to comply with the laws or regulations
19 governing the operation of a pay lake may have his ***or her*** operator's license
20 revoked by the ***department as prescribed by administrative regulations adopted***
21 ***under this chapter*** ~~commissioner~~.

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

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

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

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

24 (3) Any person who violates any of the provisions of KRS 150.120, 150.170, 150.280,
25 150.320, 150.355, 150.362, 150.400, 150.410, 150.415, 150.416, 150.445, 150.450,
26 150.470, 150.603, 150.235(1), 150.330(2), or 150.470, or any of the provisions of
27 this chapter or any administrative regulation promulgated by the commission for

1 which no definite fine or imprisonment is fixed shall be fined not less than fifty
2 dollars (\$50) nor more than five hundred dollars (\$500).

3 (4) Any person who violates any of the provisions of KRS 150.290, 150.300, 150.340,
4 150.360, 150.362(1), 150.485, 150.600, 150.630, 150.660, or the provisions of KRS
5 150.195(5) to (8), ~~or KRS 150.660(3)~~ shall be fined not less than fifty dollars
6 (\$50) nor more than five hundred dollars (\$500) or be imprisoned for not more than
7 six (6) months, or both. Also, any person violating the provisions of KRS 150.300
8 shall be assessed treble damages as provided in KRS 150.690 or 150.700. Damages
9 assessed under this subsection shall be ordered to be paid directly to the department.
10 The court shall not direct that the damages be paid through the circuit clerk.

11 (5) Any person who violates any of the provisions of KRS 150.411, 150.412, or
12 150.417 shall be fined not less than one hundred dollars (\$100) nor more than five
13 hundred dollars (\$500).

14 (6) Any person who violates any of the provisions of KRS 150.183, 150.305, 150.365,
15 150.370, 150.330(1), 150.235(2), (3), or (4), or 150.363 shall be fined not less than
16 one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned
17 for not more than six (6) months, or both.

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

26 (8) Any person who violates the provisions of KRS 150.180, 150.520, 150.525, or
27 administrative regulations issued thereunder shall for the first offense be fined not

1 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000);
2 and shall for a second offense be fined not less than five hundred dollars (\$500) nor
3 more than one thousand five hundred dollars (\$1,500); and for any subsequent
4 offense, be fined two thousand dollars (\$2,000).

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

12 (10) Any person who violates any of the provisions of KRS 150.4111, 150.640, or KRS
13 150.450(2) or (3) shall be fined not less than one hundred dollars (\$100) nor more
14 than one thousand dollars (\$1,000).

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

- 1 paid through the circuit clerk. Any person who possesses, takes, or molests a wild
2 elk in violation of KRS 150.390 or administrative regulations promulgated under
3 authority of that section shall be fined not less than one thousand dollars (\$1,000)
4 nor more than five thousand dollars (\$5,000) or imprisoned for up to six (6) months,
5 or both. In addition to these penalties, the person shall pay to the department an
6 amount not to exceed the greater of the replacement cost of the wild elk or double
7 any monetary gain realized from the illegal activity and shall forfeit his or her
8 license or, if license-exempt, the privilege to perform the acts authorized by the
9 license for a period of one (1) to three (3) years.
- 10 (12) Any person who violates any of the provisions of KRS 150.090 other than a
11 criminal homicide or an assault against an officer enforcing the provisions of this
12 chapter, KRS Chapter 235, or the administrative regulations issued thereunder shall
13 be guilty of a Class A misdemeanor.
- 14 (13) Any person who commits a criminal homicide or an assault against an officer
15 enforcing the provisions of this chapter, KRS Chapter 235, or the administrative
16 regulations issued thereunder shall be subject to the penalties specified for the
17 offense under KRS Chapter 507 or 508, as appropriate.
- 18 (14) A person shall be guilty of a Class B misdemeanor upon the first conviction for a
19 violation of KRS 150.710. A subsequent conviction shall be a Class A
20 misdemeanor.
- 21 (15) Any person who violates the provisions of KRS 150.092 or the administrative
22 regulations promulgated thereunder for which no other penalty is specified
23 elsewhere in this section shall for the first offense be fined not less than one
24 hundred dollars (\$100) nor more than three hundred dollars (\$300); for the second
25 offense, be fined not less than three hundred dollars (\$300) nor more than one
26 thousand dollars (\$1,000); and for subsequent offenses, shall forfeit the license or, if
27 license-exempt, the privilege to perform the acts authorized by the license, for one

1 (1) year and shall be fined not less than one thousand dollars (\$1,000) or be
2 imprisoned in the county jail for up to one (1) year, or both. In addition to the
3 penalties prescribed in this subsection, the violator shall be liable to the landowner
4 or tenant for the replacement cost of any property which was damaged or destroyed
5 by his actions. Damages assessed under this subsection shall be ordered to be paid
6 directly to the landowner or the tenant. The court shall not direct that the damages
7 be paid through the circuit clerk.

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

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

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

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

26 (e) Wildlife replacement costs or other costs specified in paragraph (d) of this
27 subsection shall be ordered paid directly to the department. The court shall not

1 direct that the replacement costs be paid through the circuit clerk.
2 (17) Any person convicted of violating KRS 150.186 shall be guilty of a Class A
3 misdemeanor and shall, whether licensed or license-exempt, forfeit his or her right
4 to hunt, fish, trap, or be licensed as a commercial guide for a period of ten (10)
5 years.