GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2012 REGULAR SESSION

HOUSE BILL NO. 344

THURSDAY, MARCH 8, 2012

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE April 11, 2012
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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Mary Lee Selm

1 AN ACT relating to swine.

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) No person shall release a hog or pig from the family Suidae into the wild.***

6 ***(2) No person shall import, possess, or transport in Kentucky any wild or feral pig,***
7 ***Eurasian or Russian boar, or any hybrid of these, whether born in the wild or***
8 ***captivity.***

9 ***(3) This section shall not apply to the accidental escape of animals of the porcine***
10 ***species raised as livestock as defined in KRS 246.010.***

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

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

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

27 (b) Any person who violates any of the provisions of this chapter or any

1 administrative regulations promulgated by the commission thereunder may, in
2 addition to the penalties provided in subsections (3), (4), (5), (6), (7), and (8)
3 of this section, forfeit his license or, if that person is license-exempt, may
4 forfeit the privilege to perform the acts authorized by the license and shall not
5 be permitted to purchase another license or exercise the privileges granted by
6 a license during the same license year. No fines, penalty, or judgment assessed
7 or rendered under this chapter shall be suspended, reduced, or remitted
8 otherwise than expressly provided by law. Any person who violates any
9 administrative regulation which has been or may be promulgated by the
10 commission under any provisions of this chapter shall be subject to the same
11 penalty as is provided for the violation of any provisions of this chapter under
12 which the administrative regulation is promulgated.
13 (3) Any person who violates any of the provisions of KRS 150.120, 150.170, 150.280,
14 150.320, 150.355, 150.362, 150.400, 150.410, 150.415, 150.416, 150.445, 150.450,
15 150.470, 150.603, 150.235(1), 150.330(2), or 150.470, or any of the provisions of
16 this chapter or any administrative regulation promulgated by the commission for
17 which no definite fine or imprisonment is fixed shall be fined not less than fifty
18 dollars ($50) nor more than five hundred dollars ($500).
19 (4) Any person who violates any of the provisions of KRS 150.290, 150.300, 150.340,
20 150.360, 150.362(1), 150.485, 150.600, 150.630, 150.660, the provisions of KRS
21 150.195(5) to (8), or KRS 150.660(3) shall be fined not less than fifty dollars ($50)
22 nor more than five hundred dollars ($500) or be imprisoned for not more than six
23 (6) months, or both. Also, any person violating the provisions of KRS 150.300 shall
24 be assessed treble damages as provided in KRS 150.690 or 150.700. Damages
25 assessed under this subsection shall be ordered to be paid directly to the department.
26 The court shall not direct that the damages be paid through the circuit clerk.
27 (5) Any person who violates any of the provisions of KRS 150.411, 150.412, or

1 150.417 shall be fined not less than one hundred dollars ($100) nor more than five
2 hundred dollars ($500).
3 (6) Any person who violates any of the provisions of KRS 150.183, 150.305, 150.365,
4 150.370, 150.330(1), 150.235(2), (3), or (4), or 150.363 shall be fined not less than
5 one hundred dollars ($100) nor more than five hundred dollars ($500) or imprisoned
6 for not more than six (6) months, or both.
7 (7) Any person who violates any of the provisions of KRS 150.460 shall be fined not
8 less than one hundred dollars ($100) nor more than five hundred dollars ($500) or
9 imprisoned for not more than six (6) months, or both, and in addition to these
10 penalties shall be liable to the department in an amount not to exceed the
11 replacement value of the fish and wildlife which has been killed or destroyed. Costs
12 assessed for the restoration of wildlife under this subsection shall be ordered to be
13 paid directly to the department. The court shall not direct that the costs be paid
14 through the circuit clerk.
15 (8) Any person who violates the provisions of KRS 150.180, 150.520, 150.525, or
16 administrative regulations issued thereunder shall for the first offense be fined not
17 less than one hundred dollars ($100) nor more than one thousand dollars ($1,000);
18 and shall for a second offense be fined not less than five hundred dollars ($500) nor
19 more than one thousand five hundred dollars ($1,500); and for any subsequent
20 offense, be fined two thousand dollars ($2,000).
21 (9) Any person who violates the provisions of KRS 150.520 or administrative
22 regulations issued thereunder shall, if the violation relates to methods of taking
23 mussels, for a first offense be imprisoned in the county jail for no more than thirty
24 (30) days; for a second offense be imprisoned in the county jail for no more than six
25 (6) months; and for any subsequent offense be imprisoned in the county jail for no
26 more than one (1) year. The penalties for violation of this subsection shall be in
27 addition to the penalties for violation of subsection (8).

1 (10) Any person who violates any of the provisions of KRS 150.4111, 150.640, or KRS
2 150.450(2) or (3) shall be fined not less than one hundred dollars ($100) nor more
3 than one thousand dollars ($1,000).
4 (11) Any person who violates any of the provisions of KRS 150.390 or KRS 150.092(4)
5 shall be fined not less than one hundred dollars ($100) nor more than one thousand
6 dollars ($1,000) or imprisoned for not less than thirty (30) days nor more than one
7 (1) year, or both. In addition to the penalties prescribed above, he or she shall forfeit
8 his 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 and shall be liable to the department
10 in an amount reasonably necessary to replace any deer, wild turkey, or bear taken in
11 violation of KRS 150.390 and for violations of KRS 150.092(4) shall be liable to
12 the landowner or occupant for reasonable compensation for damages. Wildlife
13 replacement costs assessed under this subsection shall be ordered to be paid directly
14 to the department. The court shall not direct that the damages be paid through the
15 circuit clerk. Damages assessed under this subsection shall be ordered to be paid
16 directly to the landowner or occupant. The court shall not direct that the damages be
17 paid through the circuit clerk. Any person who possesses, takes, or molests a wild
18 elk in violation of KRS 150.390 or administrative regulations promulgated under
19 authority of that section shall be fined not less than one thousand dollars ($1,000)
20 nor more than five thousand dollars ($5,000) or imprisoned for up to six (6) months,
21 or both. In addition to these penalties, the person shall pay to the department an
22 amount not to exceed the greater of the replacement cost of the wild elk or double
23 any monetary gain realized from the illegal activity and shall forfeit his or her
24 license or, if license-exempt, the privilege to perform the acts authorized by the
25 license for a period of one (1) to three (3) years.
26 (12) Any person who violates any of the provisions of KRS 150.090 other than a
27 criminal homicide or an assault against an officer enforcing the provisions of this

1 chapter, KRS Chapter 235, or the administrative regulations issued thereunder shall
2 be guilty of a Class A misdemeanor.
3 (13) Any person who commits a criminal homicide or an assault against an officer
4 enforcing the provisions of this chapter, KRS Chapter 235, or the administrative
5 regulations issued thereunder shall be subject to the penalties specified for the
6 offense under KRS Chapter 507 or 508, as appropriate.
7 (14) A person shall be guilty of a Class B misdemeanor upon the first conviction for a
8 violation of KRS 150.710. A subsequent conviction shall be a Class A
9 misdemeanor.
10 (15) Any person who violates the provisions of KRS 150.092 or the administrative
11 regulations promulgated thereunder for which no other penalty is specified
12 elsewhere in this section shall for the first offense be fined not less than one
13 hundred dollars ($100) nor more than three hundred dollars ($300); for the second
14 offense, be fined not less than three hundred dollars ($300) nor more than one
15 thousand dollars ($1,000); and for subsequent offenses, shall forfeit the license or, if
16 license-exempt, the privilege to perform the acts authorized by the license, for one
17 (1) year and shall be fined not less than one thousand dollars ($1,000) or be
18 imprisoned in the county jail for up to one (1) year, or both. In addition to the
19 penalties prescribed in this subsection, the violator shall be liable to the landowner
20 or tenant for the replacement cost of any property which was damaged or destroyed
21 by his actions. Damages assessed under this subsection shall be ordered to be paid
22 directly to the landowner or the tenant. The court shall not direct that the damages
23 be paid 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 one hundred dollars ($100) nor more than one thousand
26 dollars ($1,000) or be imprisoned in the county jail for not more than six (6)
27 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 five hundred dollars ($500) nor more
3 than one thousand five hundred dollars ($1,500) or be imprisoned in the
4 county jail for not more than six (6) 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 ***(17) Any person convicted of violating Section 1 of this Act shall be guilty of a Class A***
19 ***misdemeanor and shall, whether licensed or license-exempt, forfeit his or her***
20 ***right to hunt, fish, trap, or be licensed as a commercial guide for a period of ten***
21 ***(10) years.***

Speaker-House of Representatives

President of Senate

Attest: Chief Clerk of House of Representatives

Approved Governor

Date 4-11-12