

CHAPTER 159**(HB 586)**

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

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

➔Section 1. KRS 15.420 is amended to read as follows:

As used in KRS 15.410 to 15.510, unless the context otherwise requires:

- (1) "Cabinet" means the Justice and Public Safety Cabinet;
- (2) (a) "Police officer" means:
 1. A local officer, limited to:
 - a. A full-time:
 - i. Member of a lawfully organized police department of county, urban-county, or city government; or
 - ii. Sheriff or full-time deputy sheriff, including any sheriff providing court security or appointed under KRS 70.030;
 - b. A school resource officer as defined in KRS 158.441; or
 - c. One (1) of the following who is otherwise eligible for an annual supplement established in accordance with KRS 15.460, but who does not receive one:
 - i. An officer serving on a joint task force;
 - ii. A detective employed by a county attorney;
 - iii. A process server for juvenile courts within a consolidated local government; and
 - iv. A local alcoholic beverage control investigator appointed pursuant to KRS Chapter 241; and
 2. A state officer, limited to:
 - a. A public university police officer;
 - b. A Kentucky state trooper;
 - c. A Kentucky State Police arson investigator;
 - d. A Kentucky State Police hazardous device investigator;
 - e. A Kentucky State Police legislative security specialist;
 - f. A Kentucky vehicle enforcement officer;
 - g. A Kentucky Horse Park mounted patrol officer, subject to KRS 15.460(1)(f);
 - h. A Kentucky state park ranger, subject to KRS 15.460(1)(f);
 - i. An agriculture investigator;
 - j. A charitable gaming investigator;
 - k. An alcoholic beverage control investigator;
 - l. An insurance fraud investigator;
 - m. An Attorney General investigator;
 - n. A Kentucky Department of Fish and Wildlife Resources **game warden**~~conservation officer~~, subject to KRS 15.460(1)(e); and

- o. Any detective for a Commonwealth's attorney who would otherwise be eligible for a supplement established in accordance with KRS 15.460, but who does not receive one;
 - who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state;
- (b) "Police officer" does not include any sheriff who earns the maximum constitutional salary for this office, any special deputy sheriff appointed under KRS 70.045, any constable, deputy constable, district detective, deputy district detective, special local peace officer, auxiliary police officer, or any other peace officer not specifically authorized in KRS 15.410 to 15.510;
- (3) "Police department" means the employer of a police officer;
- (4) "Retirement plan" means a defined benefit plan consisting of required employer contributions pursuant to KRS 61.565, 61.702, or any other provision of law;
- (5) "Unit of government" means any city, county, combination of cities and counties, public university, state agency, local school district, or county sheriff's office of the Commonwealth; and
- (6) "Validated job task analysis" means the core job description that describes the minimum entry level requirements, qualifications, and training requirements for peace officers in the Commonwealth, and that is based upon an actual survey and study of police officer duties and responsibilities conducted by an entity recognized by the council as being competent to conduct such a study.

➔Section 2. KRS 15.440 is amended to read as follows:

- (1) Each unit of government that meets the following requirements shall be eligible to share in the distribution of funds from the Law Enforcement Foundation Program fund:
 - (a) Employs one (1) or more police officers;
 - (b) Pays every police officer at least the minimum federal wage;
 - (c) Requires all police officers to have, at a minimum, a high school degree, or its equivalent as determined by the council, except that each police officer employed prior to the date on which the officer's police department was included as a participant under KRS 15.410 to 15.510 shall be deemed to have met the requirements of this subsection;
 - (d)
 - 1. Requires all police officers to successfully complete a basic training course of nine hundred twenty-eight (928) hours' duration within one (1) year of the date of employment at a school certified or recognized by the council, which may provide a different number of hours of instruction as established in this paragraph, except that each police officer employed prior to the date on which the officer's police department was included as a participant under KRS 15.410 to 15.510 shall be deemed to have met the requirements of this subsection.
 - 2. As the exclusive method by which the number of hours required for basic training courses shall be modified from that which is specifically established by this paragraph, the council may, by the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A, explicitly set the exact number of hours for basic training at a number different from nine hundred twenty-eight (928) hours based upon a training curriculum approved by the Kentucky Law Enforcement Council as determined by a validated job task analysis.
 - 3. If the council sets an exact number of hours different from nine hundred twenty-eight (928) in an administrative regulation as provided by this paragraph, it shall not further change the number of hours required for basic training without promulgating administrative regulations in accordance with the provisions of KRS Chapter 13A.
 - 4. Nothing in this paragraph shall be interpreted to prevent the council, pursuant to its authority under KRS 15.330, from approving training schools with a curriculum requiring attendance of a number of hours that exceeds nine hundred twenty-eight (928) hours or the number of hours established in an administrative regulation as provided by subparagraphs 2. and 3. of this paragraph. However, the training programs and schools for the basic training of law enforcement personnel conducted by the department pursuant to KRS 15A.070 shall not contain a curriculum that requires attendance of a number of hours for basic training that is different from nine hundred twenty-eight (928) hours or the number of hours established in an administrative

regulation promulgated by the council pursuant to the provisions of KRS Chapter 13A as provided by subparagraphs 2. and 3. of this paragraph.

5. KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this paragraph to the contrary notwithstanding, the council may, through the promulgation of administrative regulations in accordance with KRS Chapter 13A, approve basic training credit for:
 - a. Years of service credit as a law enforcement officer with previous service in another state; and
 - b. Basic training completed in another state.
6. KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this paragraph to the contrary notwithstanding, the council may, through the promulgation of administrative regulations in accordance with KRS Chapter 13A, approve basic training credit for:
 - a. Completion of eight hundred forty-eight (848) hours of training at a school established pursuant to KRS 15A.070;
 - b. A minimum of fifteen (15) years of experience as a certified law enforcement instructor at a school established pursuant to KRS 15A.070;
 - c. Completion of an average of forty (40) hours of Kentucky Law Enforcement Council approved in-service training annually from January 1, 1997, through January 1, 2020;
 - d. Three (3) years of active, full-time service as a:
 - i. City, county, urban-county, charter county, consolidated local, or unified local government police officer;
 - ii. Sheriff's deputy, excluding special deputies appointed under KRS 70.045;
 - iii. Department of Kentucky State Police officer; or
 - iv. Kentucky Department of Fish and Wildlife Resources ~~game warden~~~~conservation officer~~ exercising peace officer powers under KRS 150.090; and
 - e. Completion of the:
 - i. Twenty-four (24) hour legal update Penal Code course;
 - ii. Sixteen (16) hour legal update constitutional procedure course; and
 - iii. Forty (40) hour basic officer skills course within one (1) year prior to applying for certification;
- (e) Requires all police officers to successfully complete each calendar year an in-service training course, appropriate to the officer's rank and responsibility and the size and location of the officer's police department, of forty (40) hours' duration, at a school certified or recognized by the council which may include a four (4) hour course which meets the requirements of paragraph (j) of this subsection. This in-service training requirement shall be waived for the period of time that a peace officer is serving on active duty in the United States Armed Forces. This waiver shall be retroactive for peace officers from the date of September 11, 2001;
- (f) Complies with all provisions of law applicable to police officers or police departments, including transmission of data to the centralized criminal history record information system as required by KRS 17.150 and transmission of reports as required by KRS 15.391;
- (g) Complies with all rules and regulations, appropriate to the size and location of the police department issued by the cabinet to facilitate the administration of the fund and further the purposes of KRS 15.410 to 15.510;
- (h) Possesses a written policy and procedures manual related to domestic violence for law enforcement agencies that has been approved by the cabinet. The policy shall comply with the provisions of KRS 403.715 to 403.785. The policy shall include a purpose statement; definitions; supervisory responsibilities; procedures for twenty-four (24) hour access to protective orders; procedures for enforcement of court orders or relief when protective orders are violated; procedures for timely and contemporaneous reporting of adult abuse and domestic violence to the Cabinet for Health and Family

Services, Department for Community Based Services; victim rights, assistance, and service responsibilities; and duties related to timely completion of records;

- (i) Possesses by January 1, 2023, a written policy and procedures manual related to sexual assault examinations that meets the standards provided by, and has been approved by, the cabinet, and which includes:
 - 1. A requirement that evidence collected as a result of an examination performed under KRS 216B.400 be taken into custody within five (5) days of notice from the collecting facility that the evidence is available for retrieval;
 - 2. A requirement that evidence received from a collecting facility relating to an incident which occurred outside the jurisdiction of the police department be transmitted to a police department with jurisdiction within ten (10) days of its receipt by the police department;
 - 3. A requirement that all evidence retrieved from a collecting facility under this paragraph be transmitted to the Department of Kentucky State Police forensic laboratory within thirty (30) days of its receipt by the police department;
 - 4. A requirement that a suspect standard, if available, be transmitted to the Department of Kentucky State Police forensic laboratory with the evidence received from a collecting facility;
 - 5. A process for notifying the victim from whom the evidence was collected of the progress of the testing, whether the testing resulted in a match to other DNA samples, and if the evidence is to be destroyed. The policy may include provisions for delaying notice until a suspect is apprehended or the office of the Commonwealth's attorney consents to the notification, but shall not automatically require the disclosure of the identity of any person to whom the evidence matched; and
 - 6. A requirement that DNA samples collected as a result of an examination performed under KRS 216B.400 that are voluntarily submitted solely for elimination purposes shall not be checked against any DNA index, retained, or included in any DNA index; and
- (j) Requires all police officers to successfully complete by December 31, 2022, and every two (2) years thereafter, a training course certified by the council of not less than four (4) hours in emergency vehicle operation.
- (2) A unit of government which meets the criteria of this section shall be eligible to continue sharing in the distribution of funds from the Law Enforcement Foundation Program fund only if the police department of the unit of government remains in compliance with the requirements of this section.
- (3) Deputies employed by a sheriff's office shall be eligible to participate in the distribution of funds from the Law Enforcement Foundation Program fund regardless of participation by the sheriff.
- (4) Failure to meet a deadline established in a policy adopted pursuant to subsection (1)(i) of this section for the retrieval or submission of evidence shall not be a basis for a dismissal of a criminal action or a bar to the admissibility of the evidence in a criminal action.

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

- (1) (a) Except as provided in subsection (4)(a) of this section, an eligible unit of government shall be entitled to receive an annual supplement of three thousand dollars (\$3,000) for each qualified police officer it employs. The supplement amount shall be increased to four thousand dollars (\$4,000) beginning July 1, 2018.
- (b)
 - 1. In addition to the supplement, the unit of government shall receive an amount equal to the required employer's contribution on the supplement to the retirement plan and duty category to which the officer belongs. In the case of County Employees Retirement System membership, the retirement plan contribution on the supplement shall be paid whether the officer enters the system under hazardous duty coverage or nonhazardous coverage.
 - 2. The unit of government shall pay the amount received for retirement plan coverage to the appropriate retirement system to cover the required employer contribution on the pay supplement.
 - 3. If the foundation program funds are insufficient to pay employer contributions to the system, then the total amount available for retirement plan payments shall be prorated to each eligible

government so that each receives the same percentage of required retirement plan costs attributable to the cash salary supplement.

- (c) 1. In addition to the payments received under paragraphs (a) and (b) of this subsection, but only if sufficient funds are available to make all payments required under paragraph (b) of this subsection, each unit of government shall receive an administrative expense reimbursement in an amount equal to seven and sixty-five one-hundredths percent (7.65%) of the total annual supplement received greater than three thousand one hundred dollars (\$3,100) for each qualified police officer that is a local officer as defined in KRS 15.420(2)(a)1. that it employs, subject to the cap established by subparagraph 3. of this paragraph.
- 2. The unit of government may use the moneys received under this paragraph in any manner it deems necessary to partially cover the costs of administering the payments received under paragraph (a) of this subsection.
- 3. The total amount distributed under this paragraph shall not exceed the total sum of five hundred twenty-five thousand dollars (\$525,000) for each fiscal year. If there are insufficient funds to provide for full reimbursement as provided in subparagraph 1. of this paragraph, then the amount shall be distributed pro rata to each eligible unit of government so that each receives the same percentage attributable to its total receipt of the cash salary supplement.
- (d) In addition to the payments received under paragraphs (a) and (b) of this subsection, each unit of government shall receive the associated fringe benefits costs for the total supplement of four thousand dollars (\$4,000) for each qualified police officer that is a state officer as defined in KRS 15.420(2)(a)2. that it employs. Fringe benefits shall be limited to retirement plan contributions and the federal insurance contributions act tax.
- (e) Notwithstanding paragraphs (a) to (d) of this subsection, a Kentucky Department of Fish and Wildlife Resources ~~game warden~~~~conservation officer~~ appointed pursuant to KRS 150.090(2) and listed in KRS 15.420(2)(a)2.n. shall be a participant in the Kentucky Law Enforcement Foundation Program fund, but shall not receive an annual supplement from that fund. A ~~game warden~~~~conservation officer~~ shall receive an annual training stipend commensurate to the annual supplement paid to the police officer as defined in KRS 15.420. The annual training stipend disbursed to a ~~game warden~~~~conservation officer~~ shall be paid from the game and fish fund pursuant to KRS 150.150.
- (f) Any peace officer sanctioned by the Tourism, Arts and Heritage Cabinet shall be deemed a police officer solely for the purpose of inclusion in the Law Enforcement Foundation Program fund.
- (2) The supplement provided in subsection (1) of this section shall be paid by the unit of government to each police officer whose qualifications resulted in receipt of a supplemental payment. The payment shall be in addition to the police officer's regular salary and, except as provided in subsection (4)(b) of this section, shall continue to be paid to a police officer who is a member of:
 - (a) The Kentucky National Guard during any period of activation under Title 10 or 32 of the United States Code or KRS 38.030; or
 - (b) Any reserve component of the United States Armed Forces during any period of activation with the United States Armed Forces.
- (3) (a) A qualified sheriff who receives the maximum salary allowed by Section 246 of the Kentucky Constitution and KRS 64.527 shall not receive a supplement.
- (b) A qualified sheriff who does not receive the maximum salary allowed by Section 246 of the Kentucky Constitution and KRS 64.527, excluding the expense allowance provided by KRS 70.170, shall upon annual settlement with the fiscal court under KRS 134.192, receive that portion of the supplement that will not cause his or her compensation to exceed the maximum salary.
- (c) A qualified sheriff who seeks to participate in the fund shall forward a copy of the annual settlement prepared under KRS 134.192 to the fund. The sheriff shall reimburse the fund if an audit of the annual settlement conducted pursuant to KRS 134.192 reflects that the sheriff received all or a portion of the supplement in violation of this section. A sheriff who fails to provide a copy of the annual settlement to the fund or to reimburse the fund after correction by audit, if required, shall not be qualified to participate in the fund for a period of two (2) years.

- (d) A qualified deputy sheriff shall receive the supplement from the sheriff if the sheriff administers his or her own budget or from the county treasurer if the sheriff pools his or her fees. The failure of a sheriff to comply with the provisions of this section shall not affect the qualification of his or her deputies to participate in the fund.
- (4) (a) Eligible units of government shall receive the salary supplement, excluding funds applicable to the employer's retirement plan contribution, provided in subsection (1) of this section for distribution to a police officer who is eligible under subsection (2) of this section.
- (b) A qualified police officer receiving a salary supplement during any period of military activation, as provided in subsection (2) of this section, shall not be entitled to receive the employer's retirement plan contribution, and the salary supplement shall not be subjected to an employee's contribution to a retirement plan. The salary supplement shall otherwise be taxable for all purposes.
- (5) A unit of government receiving disbursements under this section shall follow all laws applicable to it that may govern due process disciplinary procedures for its officers, but this subsection shall not be interpreted to:
 - (a) Authorize the department, the cabinet, or the council to investigate, judge, or exercise any control or jurisdiction regarding the compliance of a unit of government with laws that may govern due process disciplinary procedures for its officers, except as otherwise provided by laws;
 - (b) Create a private right of action for any police officer regarding an agency's participation in this section;
 - (c) Authorize a termination of an agency's participation as a result of a judgment that the unit of government failed to follow its procedures in any independent cause of action brought by the police officer against the unit of government; or
 - (d) Prevent the adoption, amendment, or repeal of any laws that may govern the due process disciplinary procedures of a unit of government's police officers.

➔Section 4. KRS 15.519 is amended to read as follows:

- (1) As used in this section, unless the context otherwise requires:
 - (a) "Officer" means any local, state, or federal officer who is employed or contracted by a governmental agency in Kentucky and includes:
 - 1. Law enforcement officer as defined in KRS 15.310;
 - 2. Peace officer as defined in KRS 446.010; and
 - 3. Police officer as defined in KRS 15.420;
 - (b) "Private open land" means land, including open fields, but excluding any homes or buildings and the curtilage around them, that is owned, leased, used, or lawfully occupied by a person or a nongovernmental entity; and
 - (c) "Search warrant" means a warrant that is supported by individualized probable cause and issued by a court of competent jurisdiction.
- (2) An officer shall not enter or access private open land for any covert surveillance or installation of surveillance devices without a search warrant unless the officer:
 - (a) Has received the permission of the property owner, lessee, or lawful occupant;
 - (b) Upon probable cause, is responding to an exigent circumstance, including a life-threatening emergency or another immediate threat to public safety that was either reported to or personally observed by the officer;
 - (c) Is dispatching crippled, distressed, dangerous, or invasive wildlife that the officer has personally observed; or
 - (d) Is unable to reasonably identify the unmarked and unfenced boundaries and ownership of unimproved, uninhabited rural land.
- (3) (a) Upon entering private open land, the officer shall immediately notify the landowner, lessee, or lawful occupant, if notice can reasonably be made, unless the officer is in possession of a search warrant allowing surveillance or surveillance-related activities.

- (b) If an officer is equipped with a body-worn camera or other audio-visual or audio recording device while entering private open land, the body-worn camera or other audio-visual or audio recording device shall be activated and recording in accordance with the standard policy of the officer's agency.
- (4) Subsections (2) and (3) of this section do not apply to a **game warden**~~[conservation officer]~~ executing duties described in KRS 150.090, who shall have the authority to enter upon, cross over, be upon, or access private open lands for the purpose of conducting compliance checks or surveillance based upon a reasonable suspicion, and shall not be required to notify the landowner, lessee, or lawful occupant.

➔Section 5. KRS 16.065 is amended to read as follows:

In addition to the performance of all duties relating to the Department of Kentucky State Police, the department shall perform the following functions:

- (1) Security of state facilities located in Frankfort;
- (2) Highway enforcement;~~;~~
- ~~(3) Water safety enforcement as provided in KRS Chapter 235;~~ and
- ~~(3)~~~~(4)~~ Personal protection of a Medal of Honor recipient who:
 - (a) Is a current Kentucky resident;
 - (b) Is attending any public event or ceremony occurring within the Commonwealth of Kentucky, to which he or she has received an official written invitation;
 - (c) Is representing for no reason other than being a recipient of the Medal of Honor; and
 - (d) Has requested protection, in writing and with a copy of the official invitation, to the department no less than fourteen (14) days prior to the event;

not to exceed six (6) instances of protection per year.

➔Section 6. KRS 150.010 is amended to read as follows:

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

- (1) "Administrative regulation" means a written regulation promulgated, pursuant to KRS Chapter 13A, by the commissioner with the approval of the commission;
- (2) "Angling" means the taking or attempting to take fish by hook and line in hand, rod in hand, jugging, setline, or sport fishing trotline;
- (3) "Buy" includes offering to buy, acquiring, or possessing through purchase, barter, exchange, or trade;
- (4) "Cervid" means a hoofed mammal from the family Cervidae, including but not limited to white-tailed deer, mule deer, elk, moose, and caribou;
- (5) "Commercial trotline" means a line to which are attached more than fifty (50) single or multibarbed baited hooks, which shall not be placed closer than eighteen (18) inches;
- (6) "Commission" means the Department of Fish and Wildlife Resources Commission;
- (7) "Commissioner" means the commissioner of the Department of Fish and Wildlife Resources;
- (8) ~~["Conservation officer" means any member of the Kentucky Department of Fish and Wildlife Resources Law Enforcement Division, pursuant to KRS 150.090, who possesses the powers of a peace officer;~~
- ~~(9) —]~~"Daylight hours" means the period from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset;
- ~~(9)~~~~(10)~~ "Device" means any article, instrument, or equipment of whatever nature or kind which may be used to take wild animals, wild birds, or fishes;
- ~~(10)~~~~(11)~~ "Department" means the Department of Fish and Wildlife Resources;
- (11) **"Dependent child" means any of the following:**
 - (a) **A permanent resident, or a part-time resident pursuant to a shared custody agreement under KRS Chapter 403, who is:**

1. *A natural or legally adopted child of the landowner of the property;*
 2. *A stepchild of at least one (1) landowner of the property; or*
 3. *A child under the care of the landowner who is fictive kin, as defined in KRS 199.011, to the child; or*
 - (b) *A child, regardless of age, who has been determined to be eligible for federal Social Security disability benefits or is being claimed as a qualifying child for tax purposes due to the child's total and permanent disability;*
- (12) "Fishing" means to take or attempt to take in any manner, whether the fisherman has fish in possession or not;
- (13) *"Game warden" means any member of the Kentucky Department of Fish and Wildlife Resources Law Enforcement Division appointed pursuant to Section 8 of this Act, who possesses the powers of a peace officer;*
- (14) "Gigging" means the taking of fish by spearing or impaling on any pronged or barbed instrument attached to the end of any rigid object;
- (15)~~((14))~~ "Grabbing" means the taking of fish, frogs, or turtles directly by hand or with the aid of a handled hook;
- (16) *"Guide" means a person who holds a guide's license issued according to the requirements of this chapter and the administrative regulations promulgated hereunder;*
- (17)~~((15))~~ "Hunting" means to take or attempt to take in any manner, whether the hunter has game in possession or not;
- (18)~~((16))~~ "Identification tag" means a marker made of specified material upon which a name and address or number is placed and attached to unattended gear to designate ownership or responsible operator;
- (19)~~((17))~~ "Impounded waters" means any public waters backed up behind a dam and includes all water upstream from the dam to the first riffle or shoal;
- (20)~~((18))~~ "Jugging" means a means of fishing by which a single baited line is attached to any floating object;
- (21)~~((19))~~ "License" means any document issued by the department authorizing its holder to perform acts authorized by the license and includes any other form of authorization in addition to or in lieu of an actual document which may be authorized by the department by administrative regulation;
- (22)~~((20))~~ "Light geese" means snow geese and Ross's geese;
- (23)~~((21))~~ "Light geese conservation order" means a wildlife management action needed to control populations of light geese for a period of time established pursuant to 50 C.F.R. sec. 21.60;
- (24)~~((22))~~ "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- (25)~~((23))~~ "Migratory shore or upland game birds" means all species of migratory game birds except waterfowl;
- (26)~~((24))~~ "Minnows" means all fish under six (6) inches in length, except basses, either largemouth, smallmouth or Kentucky; rock bass or goggle-eye; trout; crappie; walleye; sauger; pike; members of the striped bass family; and muskellunge;
- (27)~~((25))~~ "Navigable waters" means any waters within this state under lock and dam;
- (28)~~((26))~~ "Nonresident" means a person who has not established a permanent domicile in this state and has not resided in this state for thirty (30) days immediately prior to his or her application for a license;
- (29) *"Outfitter" means a person who holds a resident or nonresident outfitter license issued according to the requirements of this chapter and the administrative regulations promulgated hereunder;*
- (30)~~((27))~~ "Permit" means any document issued by the department authorizing its holder to perform acts authorized by the permit and includes tags or devices as evidence of holding a permit and includes any other form of authorization in addition to or in lieu of an actual document authorized by the department by administrative regulation;
- (31)~~((28))~~ "Possess" means the act of having or taking into control;
- (32)~~((29))~~ "Prescribed by the department" means established by an administrative regulation;

- (33)~~((30))~~ "Processed wildlife" means any wildlife specimen or parts thereof that have been rendered into a permanently preserved state;
- (34)~~((31))~~ "Protected wildlife" means all wildlife except those species declared unprotected by administrative regulations promulgated by the department;
- (35)~~((32))~~ "Public roadway" includes rural roads, highways, bridges, bridge approaches, city streets, viaducts, and bridges which are normally traveled by the general public and are under the jurisdiction of a state, federal, county, or municipal agency;
- (36)~~((33))~~ "Public waters" means all waters within the state flowing in a natural stream channel or impounded on a natural stream;
- (37)~~((34))~~ "Raw fur" means a hide, fur, or pelt of a fur-bearing animal which has not been processed. Skinning, stretching, oiling, or coloring of the pelt of the animal shall not be considered processing;
- (38)~~((35))~~ "Resident" means any person who has established permanent domicile and legal residence and has resided in this state for thirty (30) days immediately prior to his or her application for a license. All other persons shall be classed as nonresidents, except students enrolled for at least six (6) months in an educational institution as full-time students and military personnel of the United States who are under permanent assignment, shall be classified as residents while so enrolled or assigned in this state;
- (39)~~((36))~~ "Resist" means to leave the scene, intimidate or attempt to intimidate in any manner, or further interfere in any manner with any officer in the discharge of his or her duties;
- (40)~~((37))~~ "Rough fish" means all species of fishes other than those species designated by administrative regulation as sport fishes;
- (41)~~((38))~~ "Sell" includes offering to sell, having or possessing for sale, barter, exchange, or trade;
- (42)~~((39))~~ "Setline" means a line to which is attached one (1) single or multibarbed hook. This line may be attached to a tree limb, tree trunk, bank pole, or other stationary object, on the bank of a stream or impoundment;
- (43) **"Shooting range" or "range" means a public facility on lands owned or managed by the department or a facility owned or managed by an affiliated partner of the department that is designated for the shooting of firearms or archery equipment;**
- (44)~~((40))~~ "Snagging" means the taking of fish or other aquatic animals through the use of a hand-held pole and attached line with single or multiple fish hooks in which the fish is hooked by a rapid drawing motion rather than enticement by bait;
- (45)~~((41))~~ "Sports fishing trotline" means a line to which are attached no more than fifty (50) single or multibarbed baited hooks which shall not be placed closer together than eighteen (18) inches;
- (46)~~((42))~~ "Take" includes pursue, shoot, hunt, wound, catch, kill, trap, snare, or capture wildlife in any way and any lesser act designed to lure, attract, or entice for these purposes; and to place, set, aim, or use any device, animal, substance, or agency which may reasonably be expected to accomplish these acts; or to attempt to do these acts or to assist any other person in the doing of or the attempt to do these acts;
- (47)~~((43))~~ "Tenant" means any resident sharecropper, lessee, or any other person actually engaged in work upon a farm or lands and residing in a dwelling on the farms or lands including noncontiguous lands, but shall not include any other employee or tenant unless actually residing on the property and engaged or employed as above mentioned;
- (48)~~((44))~~ "Transport" means to carry, move, or ship wildlife from one (1) place to another;
- (49)~~((45))~~ "Waterfowl" means all species of wild ducks, geese, swans, mergansers, and coots; and
- (50)~~((46))~~ "Wildlife" means any normally undomesticated animal, alive or dead, including without limitations any wild mammal, bird, fish, reptile, amphibian, or other terrestrial or aquatic life, whether or not possessed in controlled environment, bred, hatched, or born in captivity and including any part, product, egg, or offspring thereof, protected or unprotected by this chapter.

➔Section 7. KRS 150.025 is amended to read as follows:

- (1) In carrying out the provisions of this chapter the department may, by administrative regulations promulgated under the provisions of KRS Chapter 13A:
 - (a) Fix, close, terminate, shorten, or divide open season, or make open seasons conditional;
 - (b) Regulate bag or creel limits and possession limits;
 - (c) Regulate buying, selling, or transporting;
 - (d) Regulate the size or type of any device used for taking, and regulate any method of taking;
 - (e) Regulate or restrict the places where taking is permitted;
 - (f) Regulate taking, or the opening or closing of seasons, in waters in which the department is conducting experiments or making improvements for the purpose of promoting the conservation of wildlife and increasing the supply thereof;
 - (g) **Regulate water safety enforcement as provided in KRS Chapter 235;**
 - (h) Make administrative regulations apply to a limited area or to the entire state; and
 - ~~(i)(h)~~ Promulgate any other administrative regulations reasonably necessary to implement or carry out the purposes of this chapter.
- (2) The commissioner shall cause the text of every administrative regulation to be made available electronically on the department's Web site within five (5) working days of filing. The commissioner shall also cause to be prepared news releases concerning all new or amended administrative regulations for distribution to radio, television, and newspaper media.
- (3) This section shall apply to KRS Chapter 150 and no other KRS chapter pertaining to this subject shall apply to KRS Chapter 150.

➔Section 8. KRS 150.090 is amended to read as follows:

 - (1) The commissioner shall appoint, promote, or take other employment actions to the ranks, grades, and positions of the department **game wardens**~~conservation officers~~ who are considered by the commissioner to be necessary for the efficient administration of the department.
 - (2) **Game wardens**~~Conservation officers~~ appointed by the commissioner shall have full powers as peace officers for the enforcement of all of the laws of the Commonwealth, including the administrative regulations promulgated pursuant to KRS Chapters 150 and 235 and to serve process.
 - (3) Each **game warden**~~conservation officer~~ is individually vested with the powers of a peace officer and shall have in all parts of the state the same powers with respect to criminal matters and enforcement of the laws relating thereto as sheriffs, constables, and police officers in their respective jurisdictions, and shall possess all the immunities and matters of defense now available or hereafter made available to sheriffs, constables, and police officers in any suit brought against them in consequence of acts done in the course of their employment and within the scope of their duties. Any warrant of arrest may be executed by any officer of the department.
 - (4) **Game wardens**~~Conservation officers~~ charged with the enforcement of this chapter and the administrative regulations issued thereunder shall have the right to go upon the land of any person or persons whether private or public for the purpose of the enforcement of laws or orders of the department relating to game or fish, while in the normal, lawful and peaceful pursuit of such investigation or work or enforcement, may enter upon, cross over, be upon, and remain upon privately owned lands for such purposes, and shall not be subject to arrest for trespass while so engaged or for such cause thereafter. They may arrest on sight, without warrant, any person detected by them in the act of violating any of the provisions of this chapter. They shall have the same rights as sheriffs to require aid in arresting with or without process any person found by them violating any of the provisions of this chapter and may seize without process anything declared by this chapter to be contraband. No liability shall be incurred by any person charged or directed in the enforcement of this chapter.
 - (5) **Game wardens**~~Conservation officers~~ and other officers charged with the enforcement of this chapter, shall have the authority to call for and inspect the license or tag, bag or creel of any person engaged in any activity for the performance of which a license is required under this chapter, and shall also have the authority to take proper identification of any person, or hunter, or fisherman who is actually engaged in any of these activities, and to call for and inspect any and all firearms and any other device that may be used in taking wildlife and is in the possession of any person so engaged.

- (6) No person shall resist, obstruct, interfere with or threaten or attempt to intimidate or in any other manner interfere with any officer in the discharge of his duties under the provisions of this chapter. This subsection shall not apply to a criminal homicide or an assault upon such officer. An assault upon such officer shall be deemed an offense under KRS Chapter 507 or 508, as appropriate.
- (7) The commissioner may, as a condition of employment, require a newly appointed department **game warden**~~[conservation officer]~~ to enter into an employment contract for a period of no longer than five (5) years from the date of appointment. If a department **game warden**~~[conservation officer]~~ who entered into a contract authorized under this subsection accepts employment as a peace officer with another law enforcement agency, that law enforcement agency shall reimburse the department for the actual costs incurred and expended by the department that are associated with the initial hiring of that department **game warden**~~[conservation officer]~~, including but not limited to the application process, training costs, equipment costs, salary, and fringe benefits. The department shall be reimbursed for the costs from the time of department **game warden**~~[conservation officer]~~ initial application until appointment.

➔ Section 9. KRS 150.095 is amended to read as follows:

Game wardens~~[Conservation officers]~~ are authorized to keep and bear arms upon their person, concealed or otherwise, in the same manner as all other peace officers, and to exercise the use of such arms to such extent as the same may be necessary in the discharge of their duties.

➔ Section 10. KRS 150.097 is amended to read as follows:

- (1) Any **game warden**~~[conservation officer]~~ who is sued for any act or omission in the line of duty and who has a judgment for monetary damages rendered against him or her in his or her individual capacity, and who personally suffers actual financial loss, unreimbursed from any source, by the enforcement and satisfaction of the judgment, including any costs or attorney fees awarded pursuant thereto, shall be indemnified by the Commonwealth, from funds appropriated to the fish and game fund for the payment of judgments, to the extent of his or her actual financial loss.
- (2) The indemnification shall be contingent upon an express determination by the commissioner that the act or omission which resulted in liability was within the scope and course of employment of the **game warden**~~[conservation officer]~~, and occurred during the performance of duty, and was committed or omitted in the good faith belief that the act or omission was lawful and proper.
- (3) The indemnification shall not be construed to abrogate or limit any privilege, immunity, or matter of defense otherwise available to the **game warden**~~[conservation officer]~~ and shall not constitute a waiver of any privilege, immunity, or matter of defense, including the sovereign immunity of the Commonwealth.

➔ Section 11. KRS 150.105 is amended to read as follows:

Notwithstanding any other provisions of this chapter, the commissioner may, with the approval of the commission, authorize **game wardens**~~[conservation officers]~~ or any other persons to destroy or bring under control in such manner as he deems necessary any wild animal, fish or wild birds, protected or unprotected which are causing damage to persons, property or other animals, fish or birds or spreading diseases and which in his judgment should be eliminated or controlled to prevent further damage.

➔ Section 12. KRS 150.110 is amended to read as follows:

The commissioner and **game wardens**~~[conservation officers]~~ may arrest without warrant anyone violating any of the provisions of KRS 150.520 or any of the rules and regulations made by the department for the protection of mussels under this chapter. They may inspect mussels in any warehouse, boat, store, car or receptacle when they have good cause to believe that any of the provisions of KRS 150.520 or any of the rules or regulations made thereunder have been or are being violated. This authority does not include the right to enter any dwelling house without a search warrant. When the officers find mussels in the possession of anyone in violation of this chapter, the mussels shall be confiscated and sold in the manner provided by KRS 150.120 for the sale of confiscated wildlife.

➔ Section 13. KRS 150.120 is amended to read as follows:

- (1) The commissioner, all **game wardens**~~[conservation officers]~~, persons appointed by the commissioner, and all peace officers and their deputies shall seize and take possession of any and all furs, wildlife, guns, dogs, instruments, boats or devices which have been taken, used, transported or possessed contrary to any law or regulation adopted under this chapter. Upon complaint showing probable cause for believing that any of the wildlife protected by any law or regulation are illegally kept in any building, car or receptacle, any court

having jurisdiction may issue a search warrant and cause the same to be searched. Any wildlife, furs, guns, dogs, instruments, or devices seized in accordance with this section shall be impounded by the arresting officer and shall be taken before the court trying the person arrested.

- (2) Upon conviction, the court trying the case shall have the discretion of determining whether or not any of the things seized under the provisions of subsection (1) of this section shall be declared contraband. Any wildlife, fur or dog taken, and any device used or possessed contrary to the provisions of this chapter, or any regulations adopted hereunder, is subject to being declared contraband. When any such item is declared contraband, the court shall enter an order accordingly. A copy of the order shall be forwarded to the commissioner and the contraband shall be placed in the custody of the arresting officer, to be delivered to the commissioner.
- (3) The commissioner may sell to the residents of this state, at the highest market price obtainable, with the approval of the commission all contraband which comes to his or her possession under the order of any court, or which has been seized under this chapter and declared to be contraband under any law relating to fish or wildlife. All proceeds arising from the sale of contraband articles shall be paid into the game and fish fund, and shall be subject to audit by the Auditor of Public Accounts under KRS 150.152. A record of the sale, including the name of the purchaser and the price paid, shall be kept by the commissioner.
- (4) Any device or contrivance, the use of which is not expressly recognized and sanctioned by the provisions of this chapter for the taking of wildlife, is hereby declared to be an illegal device. No person shall have in his or her possession any illegal device or other thing prohibited by law or by any regulation adopted under this chapter for the taking of wildlife.

➔Section 14. KRS 150.170 is amended to read as follows:

- (1) Except as provided in the following subsections of this section, and subject to administrative regulations promulgated under this chapter, no person, resident, or nonresident shall do any act authorized by any kind of license or permit or assist in any way any person in doing any act provided for in this chapter with respect to wildlife unless he or she holds the kind of license or permit, resident or nonresident, that authorizes the act. It shall be the specific purpose of this chapter to prohibit the taking or pursuing of any wildlife, protected or unprotected, or the fishing in any stream or body of water whether public or private, without first procuring the license provided for in KRS 150.175, except to the extent as may be otherwise provided in this section.
- (2) A person under sixteen (16) years of age may, without a sport fishing license, take fish by angling, or take minnows by the use of a minnow seine, minnow trap, or dip net.
- (3) A person under twelve (12) years of age shall be exempt from being required to obtain a sport hunting or sport trapping license as required by this chapter.
- (4) The resident owner of farmlands of five (5) or more acres or his or her spouse or dependent children shall, without procuring any sport hunting or sport fishing licenses, have the right to take fish or hunt during the open season, except trapping, on farmlands of five (5) or more acres of which they are bona fide owners. Tenants or their dependent children residing upon these farmlands shall have the same privilege.
- (5) Residents or nonresidents observing and participating in field trials, training exercises, or other competitions as authorized by the department may observe and participate without obtaining a hunting or guide's license so long as game is not taken.
- (6) Any resident serviceman on furlough of more than three (3) days in this state may, without any Kentucky sport hunting or sport fishing licenses, do any act authorized by the licenses, but while so doing he or she shall carry on his or her person proper identification and papers showing his or her furlough status.
- (7) Landowners, their spouses or dependent children, or their designee who must be approved by the commissioner, who kill or trap on their lands any wildlife causing damage to the lands or any personal property situated thereon shall not be required to have a hunting or trapping license and may do so during periods other than the open season for the particular species without a tag and dispose of the carcass on-site. Tenants, their spouses, their dependent children, or other persons approved by the commissioner, shall also have the same privilege. Upon destruction of any wildlife by the above-specified individuals, the act shall be reported to a **game warden**~~conservation officer~~ within twenty-four (24) hours of the kill. Individuals wishing to transport the carcass from the property upon which it was killed shall contact personnel of the department to request a disposal tag or other authorization. Inedible parts from wildlife taken under the authorization of this section shall not be utilized for any purpose and shall be destroyed or left afield. The department shall promulgate administrative regulations establishing procedures for the designee appointment process, including request and approval deadlines.

- (8) If a reciprocal agreement is entered into by the commissioner, with the approval of the commission, and promulgated as an administrative regulation by the department and similar action is taken by the appropriate authority in Missouri, Tennessee, Virginia, West Virginia, Indiana, Ohio, or Illinois, persons holding a resident or nonresident fishing or a resident or nonresident hunting license issued in these states shall be permitted to perform the acts authorized by the license upon certain contiguous waters and land areas adjacent to the common boundaries of the above-mentioned states and the State of Kentucky. A resident of the State of Kentucky shall purchase a proper Kentucky license to conform with the reciprocal agreement.
- (9) Any member of the Kentucky Army or Air National Guard, active duty or Reserve Component, in any branch in the United States Armed Forces that is based in the Commonwealth of Kentucky, shall have the right to take fish or hunt on any military property belonging to the Commonwealth without procuring any sport hunting or sport fishing license.
- (10) A person not otherwise exempted from hunter safety education or from procuring any sport hunting or sport fishing license shall be exempt from the department-sanctioned live-fire exercise component of the hunter education course requirement if he or she:
 - (a) Is a current member of the Armed Forces of the United States;
 - (b) Has served in the Armed Forces of the United States and was discharged or released therefrom under conditions other than dishonorable; or
 - (c) Is a peace officer certified pursuant to KRS 15.380 to 15.404.

➔Section 15. KRS 150.172 is amended to read as follows:

- (1) Any person who is not prohibited by state or federal law from possessing a firearm may carry a firearm and ammunition for that firearm for purposes of self-defense and defense of others while hunting, fishing, trapping, or engaging in any other activity not constituting a crime under KRS Chapter 218A or Chapters 500 to 534, and may do so on any public lands under the control of the department and on any private land under the control of the department, unless the owner of the private land has posted notice that concealed deadly weapons are not allowed in a building where they may be prohibited pursuant to KRS 237.110 or 237.115.
- (2) (a) A person may use a firearm, if he or she is not prohibited by state or federal law from possessing a firearm, or may use any other deadly weapon, at any time and during any season to:
 - 1. Kill or attempt to kill an animal, whether protected or unprotected, in self-defense or defense of another person; or
 - 2. Kill or attempt to kill an injured animal for humane purposes; and

in either event, reports the kill or attempted kill to a **game warden**~~conservation officer~~ before midnight of the same day as the kill or attempted kill.
- (b) An investigation by the department shall be authorized to substantiate and provide evidence on whether the kill or attempted kill of the animal is in violation of paragraph (a) of this subsection or if the animal presents a threat to public health and safety. If no violation is shown to exist, and if there is no threat to public health and safety, then the animal or parts thereof shall:
 - 1. Remain the property and in the possession of the person taking the animal; or
 - 2. If the animal or parts thereof were surrendered to the department, be immediately returned to the person.
- (c) An arrest shall not be made, except upon a warrant issued by a judge of a court of competent jurisdiction, and a citation shall not be issued by a peace officer if an animal is killed under circumstances described in paragraph (a) of this subsection.
- (d) A citation may be issued by a peace officer who witnesses the killing of an animal in violation of a statute or federal regulation under circumstances different from those described in paragraph (a) of this subsection.
- (e) An arrest warrant or a summons may be issued by a judge of a court of competent jurisdiction, upon application of the appropriate county attorney, if the court believes that there is sufficient cause to doubt the claim that the animal was killed under circumstances described in paragraph (a) of this subsection.

- (3) In cases where an animal is killed and there is a claim that the animal was killed under circumstances described in paragraph (a) of subsection (2) of this section, the department shall provide competent evidence as to how the animal was killed and the circumstances surrounding the event.
- (4) The department shall not promulgate administrative regulations restricting any right provided by this section or the spirit thereof.
- (5) This section shall not apply to the killing, wounding, or other prohibited act relating to specific wildlife which are protected by the federal Endangered Species Act, 16 U.S.C. secs. 1531 to 1544; federal Migratory Bird Treaty Act, 16 U.S.C. secs. 703 to 712; or federal Bald and Golden Eagle Protection Act, 16 U.S.C. secs. 668 to 668d.
- (6) The principles contained in KRS Chapter 503 relating to the use of force and deadly force against human beings shall apply to acts where wildlife is involved.

➔Section 16. KRS 150.175 is amended to read as follows:

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

- (1) Statewide resident sport fishing license, which authorizes the holder to take fishes by angling, or take crayfish by a minnow seine, or by hand, to take minnows by the use of a minnow seine, minnow trap, or dip net, or to take fishes by grabbing, gigging, snagging, snaring, jugging, and bow and arrow, and to take frogs and turtles from any waters in any county of this state open for such purposes and subject to the limitations in this chapter and additional limitations that the department may from time to time prescribe. This license shall not authorize the holder to sell fish;
- (2) A short-term sport fishing license, which authorizes the holder to perform all acts authorized by a statewide sport fishing license and subject to the same limitations or prescribed administrative regulations. This license shall not authorize the holder to sell fish;
- (3) A resident commercial fishing license and a nonresident commercial fishing license, which authorize a holder to perform any act authorized by a sport fishing license and to take rough fishes from the waters of the state by the use of commercial fishing gear as prescribed by administrative regulation. The license shall also authorize the holder to sell rough fishes, other than those protected by administrative regulation;
- (4) A commercial fishing gear tag, which shall be attached to each piece of commercial fishing gear including hoop nets, slat traps, trotline, wing nets, and to each one hundred (100) feet of linear gear or portion thereof in use, including commercial seines, gill nets, or trammel nets. Commercial gear tags may be issued only to a person holding a resident or nonresident commercial fishing license;
- (5) Live fish and bait dealer's licenses, resident and nonresident, which authorize the holder to sell bait and live fish as may be prescribed by administrative regulation;
- (6) Musseling licenses, resident and nonresident, which authorize the holder to take mussels for commercial purposes as may be prescribed by administrative regulation;
- (7) A statewide resident hunting license, which authorizes the holder to take or pursue wild animals, wild birds, frogs, and turtles with gun, bow and arrow, dog, or falcon, or to participate in a fox-hunting party engaged in the hunting or pursuing of foxes with dogs for sport, according to the provisions of the laws and administrative regulations of the department;
- (8) A youth statewide hunting license, which may be issued to a person before he or she has reached his or her sixteenth birthday, and which authorizes the holder to exercise all the privileges authorized by a statewide hunting license;
- (9) Trapping licenses, resident and nonresident, which authorize the holder to take wild animals by trapping upon his or her own lands or upon the lands of another person, if the holder of the license has first obtained oral or written consent as provided in KRS 150.092 and administrative regulation;
- (10) A taxidermist license, which authorizes the holder to engage in the act of preparing, stuffing, and mounting the skins of wildlife;
- (11) ~~A commercial~~ guide's license, which authorizes the holder to **assist an outfitter license holder's client in taking or attempting to take fish or wildlife and is employed by or contracted with an outfitter license holder**

~~as prescribed by the guide hunting and fishing parties according to the provisions of the laws and administrative regulations of the department;~~

- (12) Fur buyer's licenses, resident and nonresident, which authorize the holder to buy raw furs from licensed trappers and hunters and to sell raw furs so purchased. Applicants for the license shall state the number of premises to be used and shall display at each a copy of the license as furnished by the department, except that the commissioner may limit the number of copies furnished and may revoke the license for violation;
- (13) A fur processor's license, which may be issued only to a resident, a partnership, firm, or corporation of this state and which authorizes the holder to buy raw furs when in legal possession for processing, manufacture, or retention in cold storage or for resale;
- (14) A nonresident sport fishing license, which authorizes the holder to perform any act authorized by a resident statewide sport fishing license. This license shall not authorize the holder to sell fish;
- (15) A nonresident annual hunting license, which authorizes the holder to perform any act authorized by a resident statewide hunting license;
- (16) Shoot-to-retrieve field trial permits, four (4) day and single day, which authorize a permit holder to conduct a shoot-to-retrieve field trial on private or government-owned lands. With a four (4) day permit, all participants, whether residents or nonresidents, shall not be required to possess any other license to participate in the permitted field trial, and the permit shall expire four (4) days after the date on which the field trial began. With the single day permit, the permit is valid for one (1) day and all participants shall have a valid resident or nonresident annual Kentucky hunting license. A permit is not required to conduct a shoot-to-retrieve field trial on a licensed shooting preserve; however, all participants that take or attempt to take game shall have in their possession a resident or nonresident annual Kentucky hunting license;
- (17) Game permits and youth game permits, which, in combination with a valid statewide hunting license or a valid youth statewide hunting license, authorize the holder to take or pursue the specified game species in any designated open area of this state, during the open season and according to the provisions of the laws and administrative regulations governing the hunting;
- (18) A combination hunting and fishing license, which authorizes only resident holders to perform all acts valid under either a sport fishing or hunting license;
- (19) A trout permit, which in combination with a valid statewide fishing license, authorizes the holder to take trout by angling or as may be prescribed by administrative regulation;
- (20) A commercial waterfowl permit, which authorizes the holder to establish and operate a commercial waterfowl hunting preserve;
- (21) A short-term hunting license, which authorizes the holder to perform all acts authorized by a statewide hunting license according to the provisions of the laws and administrative regulations of the department;
- (22) A joint statewide resident sport fishing license issued to a husband and wife which authorizes them to take fish as provided in subsection (1) of this section. The license fee for this joint license shall be ten percent (10%) less than the license fee set by the commission for two (2) statewide resident sport fishing licenses;
- (23) A Kentucky migratory bird permit, which in combination with a valid statewide hunting license and compliance with applicable federal law, authorizes the holder to take or pursue waterfowl and migratory shore or upland game birds;
- (24) A pay lake license which authorizes the holder to operate privately owned impounded waters for fishing purposes for which a fee is charged;
- (25) A senior sportsman's hunting and fishing license, which authorizes the holder to perform all acts valid under a sport fishing license, a sport hunting license, or a state permit to take deer, turkey, trout, waterfowl, or migratory shore or upland game birds, and which shall be available to a Kentucky resident who is sixty-five (65) years of age or older. The senior sportsman's hunting and fishing license shall not be valid unless the holder carries proof of residency and proof of age, as the department may require by administrative regulation, on his or her person while performing an act authorized by the license;
- (26) A senior lifetime sportsman's hunting and fishing license, which remains valid until the death of the holder and authorizes the holder to perform all acts valid under a sport fishing license, a sport hunting license, and a state

permit to take deer, turkey, trout, waterfowl, and migratory shore and upland game birds, and which shall be available to a Kentucky resident who is sixty-five (65) years of age or older;

- (27) A disabled sportsman's hunting and fishing license, which authorizes the holder to perform all acts valid under a sport fishing license, a sport hunting license, and a state permit to take deer, turkey, trout, waterfowl, and migratory shore and upland game birds, and which shall be available to a Kentucky resident who is:
- (a) An American veteran at least fifty percent (50%) disabled as a result of a service-connected disability; or
 - (b) Declared permanently and totally disabled by the federal Social Security Administration, the United States Office of Personnel Management, the Kentucky Teachers' Retirement System, the Department of Workers' Claims or its equivalent from another state, or the United States Railroad Retirement Board.

The disabled sportsman's hunting and fishing license shall not be valid unless the holder carries proof of residency, as the department may require by administrative regulation, on his or her person while performing an act authorized by the license;

- (28) A sportsman's license and youth sportsman's license for residents that include annual hunting and fishing licenses and such permits as allowed by administrative regulations promulgated by the department;~~and~~
- (29) A special license for residents and nonresidents for the purpose of hunting on licensed shooting areas. This license shall be valid only for the shooting areas for which it was issued and shall remain in effect for one (1) year. If the hunter holds either a nonresident or resident statewide hunting license for the current year, the special license shall not be required;
- (30) ***A resident outfitter license and a nonresident outfitter license, each of which authorizes the holder to solicit for guiding services or provide guiding services for clients in taking or attempting to take fish or wildlife and which may have a guide authorized to assist clients on behalf of the license holder as prescribed by the administrative regulations of the department; and***
- (31) ***A shooting range permit, which authorizes the holder to use both department-owned or managed shooting ranges and affiliated partner shooting ranges.***

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

➔Section 17. KRS 150.190 is amended to read as follows:

- (1) Any applicant for ***an outfitter license*** ~~or a commercial~~ guide's license shall be required to present proof to the satisfaction of the commissioner~~, in accordance with regulations the commissioner may prescribe with the approval of the commission,~~ that he is qualified to act as a ~~commercial~~ guide ***or outfitter, as prescribed by administrative regulations of the department.***
- (2) Any applicant for a fur processor's license shall be required to present proof to the satisfaction of the commissioner, in accordance with regulations ***prescribed by the department***~~the commissioner may prescribe with the approval of the commission,~~ that he has sufficient equipment and facilities to engage in the business of processing, manufacture, and storage of raw furs.
- (3) ~~A commercial~~ guide's license ***or an outfitter license is*** ~~shall not be~~ required of residents or nonresidents who are participating in field trials, training exercises, or other competitions where no game is harvested.

➔Section 18. KRS 150.390 is amended to read as follows:

- (1) No person shall possess, take, pursue, or attempt to take or pursue or otherwise molest any wild elk, deer, wild turkey, or bear in any manner contrary to any provisions of this chapter or its regulations.
- (2) No person shall use a dog to chase or molest wild elk or deer in any manner, at any time, or at any place. Any ***game warden***~~conservation officer~~, peace officer, sheriff, or constable may take necessary steps to stop, prevent, or bring under control any dog or dogs found chasing or molesting wild elk or deer at any time.

- (3) The department shall establish by administrative regulation the conditions under which depredation permits may be issued without cost to persons suffering damage from wild elk to allow the taking of wild elk.
- (4) If Kentucky's wild elk population reaches a level that will sustain limited hunting, the department may establish by administrative regulations the conditions and permits that would allow the controlled taking of wild elk.
- (5) The department shall identify areas where deer and elk pose a significant threat to agriculture or to health and human safety from automobile accidents and may take necessary steps to reduce the deer and elk population in those areas. Methods to reduce the deer and elk population may include but are not limited to the following:
 - (a) Special hunts;
 - (b) Increasing the doe harvest; and
 - (c) Working with the Transportation Cabinet to make vegetation along highways unpalatable to deer and elk.

➔ Section 19. KRS 150.411 is amended to read as follows:

- (1) Every licensed taxidermist shall keep a suitable record for five (5) years in which shall be entered the species of each wildlife mounted by him and the name and address of the person for whom the mounting was done.
- (2) Any legally taken wildlife may be mounted, provided the wildlife bears identification with the name and address of the owner and date and place taken until such time as it is mounted.
- (3) A fish and wildlife disposal permit, signed by a **game warden**~~conservation officer~~, must be attached to wildlife taken other than during a legally open hunting season. Such permit will substitute for the identification required in subsection (2) of this section.

➔ Section 20. KRS 150.425 is amended to read as follows:

- (1) Upon adoption of a resolution by the fiscal court that beaver exist within the county in such quantities that they present a threat to the preservation of farmland, trees, and other property, the fiscal court may request the department to pay a bounty on beaver. Upon receipt of the resolution, a bounty on beaver of ten dollars (\$10) for each beaver shall be paid in the following manner. Upon the presentation of the tail of any beaver, any **game warden**~~conservation officer~~ of the department shall issue a receipt, in the form as prescribed by the commission, to the person presenting the tail. The department shall redeem the receipts by paying to such person the sum of ten dollars (\$10) for each receipt as bounty. The redemption of receipts shall be paid only from funds especially appropriated for this purpose and it is expressly provided that no bounty shall be paid from any regular receipts, funds, or appropriations of the department. However, the department may charge a maximum of one dollar (\$1) against the appropriation for bounties for each bounty paid as reimbursement for the expense of administering the bounty program.
- (2) No bounty shall be paid when funds, personnel, or equipment of any governmental unit are used in capturing and killing beaver.
- (3) Upon receipt of an adopted resolution from a fiscal court stating that beaver no longer present a threat to property within the county, the department shall cease paying the bounty.

➔ Section 21. KRS 150.990 is amended to read as follows:

- (1) Each bird, fish, or animal taken, possessed, bought, sold, or transported and each device used or possessed contrary to the provisions of this chapter or any administrative regulation promulgated by the commission thereunder shall constitute a separate offense. The penalties prescribed in this section shall be for each offense.
- (2) (a) Any person who fails to appear pursuant to a citation or summons issued by a **game warden**~~conservation officer~~ or peace officer of this Commonwealth for violation of this chapter or any administrative regulation promulgated thereunder shall forfeit his or her license or, if that person is license-exempt, shall forfeit the privilege to perform the acts authorized by the license. The individual shall not be permitted to purchase another license or exercise the privileges granted by a license until the citation or summons is resolved. The court shall notify the department whenever a person has failed to appear pursuant to a citation or summons for a violation of this chapter or any administrative regulation promulgated thereunder.

- (b) Any person who violates any of the provisions of this chapter or any administrative regulations promulgated by the commission thereunder may, in addition to the penalties provided in subsections (3), (4), (5), (6), (7), and (8) of this section, forfeit his or her license or, if that person is license-exempt, may forfeit the privilege to perform the acts authorized by the license and shall not be permitted to purchase another license or exercise the privileges granted by a license during the same license year. No fines, penalty, or judgment assessed or rendered under this chapter shall be suspended, reduced, or remitted otherwise than expressly provided by law. Any person who violates any administrative regulation which has been or may be promulgated by the commission under any provisions of this chapter shall be subject to the same penalty as is provided for the violation of any provisions of this chapter under which the administrative regulation is promulgated.
- (3) Any person who violates any of the provisions of KRS 150.120, 150.170, 150.235(1), 150.280, 150.320, 150.330(2), 150.355, 150.362, 150.400, 150.410, 150.415, 150.416, 150.445, 150.450, 150.470, 150.603, or 150.722(2), or any of the provisions of this chapter or any administrative regulation promulgated by the commission for which no definite fine or imprisonment is fixed shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).
- (4) Any person who violates any of the provisions of KRS 150.195(5) to (8), 150.290, 150.300, 150.340, 150.360, 150.362(1), 150.485, 150.600, 150.630, or 150.660 shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or be imprisoned for not more than six (6) months, or both. Also, any person violating the provisions of KRS 150.300 shall be assessed treble damages as provided in KRS 150.690 or 150.700. Damages assessed under this subsection shall be ordered to be paid directly to the department. The court shall not direct that the damages be paid through the circuit clerk.
- (5) Any person who violates any of the provisions of KRS 150.411, 150.412, or 150.417 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).
- (6) Any person who violates any of the provisions of KRS 150.183, 150.305, 150.365, 150.370, 150.330(1), 150.235(2), (3), or (4), or 150.363 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned for not more than six (6) months, or both.
- (7) Any person who violates any of the provisions of KRS 150.460 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned for not more than six (6) months, or both, and in addition to these penalties shall be liable to the department in an amount not to exceed the replacement value of the fish and wildlife which has been killed or destroyed. Costs assessed for the restoration of wildlife under this subsection shall be ordered to be paid directly to the department. The court shall not direct that the costs be paid through the circuit clerk.
- (8) Any person who violates the provisions of KRS 150.180, 150.520, 150.525, or administrative regulations issued thereunder shall for the first offense be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000); and shall for a second offense be fined not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500); and for any subsequent offense, be fined two thousand dollars (\$2,000).
- (9) Any person who violates the provisions of KRS 150.520 or administrative regulations issued thereunder shall, if the violation relates to methods of taking mussels, for a first offense be imprisoned in the county jail for no more than thirty (30) days; for a second offense be imprisoned in the county jail for no more than six (6) months; and for any subsequent offense be imprisoned in the county jail for no more than one (1) year. The penalties for violation of this subsection shall be in addition to the penalties for violation of subsection (8).
- (10) Any person who violates any of the provisions of KRS 150.411, 150.640, or KRS 150.450(2) or (3) shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).
- (11) Any person who violates any of the provisions of KRS 150.390 or KRS 150.092(4) shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or imprisoned for not less than thirty (30) days nor more than one (1) year, or both. In addition to the penalties prescribed above, he or she shall forfeit his or her license or, if license-exempt, the privilege to perform the acts authorized by the license for a period of one (1) to three (3) years and shall be liable to the department in an amount reasonably necessary to replace any deer, wild turkey, or bear taken in violation of KRS 150.390 and for violations of KRS 150.092(4) shall be liable to the landowner or occupant for reasonable compensation for damages. Wildlife replacement costs assessed under this subsection shall be ordered to be paid directly to the department. The court shall not direct that the damages be paid through the circuit clerk. Damages assessed under this subsection shall be ordered to be paid directly to the landowner or occupant. The court shall not direct that the damages be paid

through the circuit clerk. Any person who possesses, takes, or molests a wild elk in violation of KRS 150.390 or administrative regulations promulgated under authority of that section shall be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or imprisoned for up to six (6) months, or both. In addition to these penalties, the person shall pay to the department an amount not to exceed the greater of the replacement cost of the wild elk or double any monetary gain realized from the illegal activity and shall forfeit his or her license or, if license-exempt, the privilege to perform the acts authorized by the license for a period of one (1) to three (3) years.

- (12) Any person who violates any of the provisions of KRS 150.090 other than a criminal homicide or an assault against an officer enforcing the provisions of this chapter, KRS Chapter 235, or the administrative regulations issued thereunder shall be guilty of a Class A misdemeanor.
- (13) Any person who commits a criminal homicide or an assault against an officer enforcing the provisions of this chapter, KRS Chapter 235, or the administrative regulations issued thereunder shall be subject to the penalties specified for the offense under KRS Chapter 507 or 508, as appropriate.
- (14) A person shall be guilty of a Class B misdemeanor upon the first conviction for a violation of KRS 150.710. A subsequent conviction shall be a Class A misdemeanor.
- (15) Any person who violates the provisions of KRS 150.092 or the administrative regulations promulgated thereunder for which no other penalty is specified elsewhere in this section shall for the first offense be fined not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300); for the second offense, be fined not less than three hundred dollars (\$300) nor more than one thousand dollars (\$1,000); and for subsequent offenses, shall forfeit the license or, if license-exempt, the privilege to perform the acts authorized by the license, for one (1) year and shall be fined not less than one thousand dollars (\$1,000) or be imprisoned in the county jail for up to one (1) year, or both. In addition to the penalties prescribed in this subsection, the violator shall be liable to the landowner or tenant for the replacement cost of any property which was damaged or destroyed by his or her actions. Damages assessed under this subsection shall be ordered to be paid directly to the landowner or the tenant. The court shall not direct that the damages be paid through the circuit clerk.
- (16)
 - (a) Any person who knowingly violates KRS 150.361 shall for a first offense be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or be imprisoned in the county jail for not more than six (6) months, or both.
 - (b) Any person who knowingly violates KRS 150.361 shall for a second or subsequent offense be fined not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500) or be imprisoned in the county jail for not more than six (6) months, or both.
 - (c) In addition to the penalties specified in paragraphs (a), (b), and (d) of this subsection, a person knowingly violating KRS 150.361 shall forfeit his or her hunting license or, if license-exempt, the privilege to perform the acts authorized by the license for a period of not less than one (1) nor more than three (3) years.
 - (d) In addition to the penalties specified in paragraphs (a), (b), and (c) of this subsection any person knowingly violating KRS 150.361 shall be liable to the department in an amount not to exceed the greater of the replacement value of any wildlife killed or wounded in violation of KRS 150.361 or double the amount of the monetary gain from knowingly violating KRS 150.361.
 - (e) Wildlife replacement costs or other costs specified in paragraph (d) of this subsection shall be ordered paid directly to the department. The court shall not direct that the replacement costs be paid through the circuit clerk.
- (17) Any person convicted of violating KRS 150.186 shall be guilty of a Class A misdemeanor and shall, whether licensed or license-exempt, forfeit his or her right to hunt, fish, trap, or be licensed as a commercial guide for a period of ten (10) years.

➔Section 22. KRS 186.675 is amended to read as follows:

- (1) The annual registration fee for trailers and semitrailers which are drawn by motor vehicles required to be licensed under KRS 186.050(1) shall be four dollars and fifty cents (\$4.50). The annual registration fee for trailers and semitrailers which are drawn by motor vehicles required to be licensed under KRS 186.050(3) to (13) shall be nineteen dollars and fifty cents (\$19.50).

- (2) The provisions of KRS 186.650 to 186.700 shall not apply to privately owned and operated trailers used for the transportation of:
- (a) Boats;
 - (b) Luggage;
 - (c) Personal effects;
 - (d) Farm products, farm supplies, or farm equipment;
 - (e) All-terrain vehicles as defined in KRS 189.010(24);
 - (f) Wildlife as defined in KRS 150.010~~((46))~~ that the owner or operator of the trailer has obtained while hunting; and
 - (g) Firearms or other supplies used in conjunction with hunting wildlife.
- (3) The registration fee for mobile homes and recreational vehicles shall be nine dollars and fifty cents (\$9.50) except the registration fee for camping trailers, travel trailers, and truck campers shall be four dollars and fifty cents (\$4.50). The clerk shall issue the registration plate furnished by the cabinet and shall be paid for this service the sum of one dollar (\$1).
- (4) Beginning April 1, 1993, at the request of the owner, trailers and semitrailers which are drawn by motor vehicles required to be licensed under KRS 186.050(3) to (13) may be permanently registered, except the registration shall expire when the trailer or semitrailer is sold or when it is otherwise permanently removed from service by the owner. The registration fee for the period shall be ninety-eight dollars (\$98). The clerk shall issue the registration plate furnished by the cabinet and shall be paid for this service the sum of three dollars (\$3).

➔ Section 23. KRS 189.910 is amended to read as follows:

- (1) As used in KRS 189.920 to 189.950, "emergency vehicle" means any vehicle used for emergency purposes by:
- (a) The Department of Kentucky State Police;
 - (b) A public police department;
 - (c) The Department of Corrections;
 - (d) A sheriff's office;
 - (e) A rescue squad;
 - (f) An emergency management agency if it is a publicly owned vehicle;
 - (g) A licensed ambulance service, mobile integrated healthcare program, or medical first response provider licensed by the Kentucky Board of Emergency Medical Services, for any vehicle used to respond to emergencies or to transport a patient with a critical medical condition;
 - (h) Any vehicle commandeered by a police officer;
 - (i) Any vehicle with the emergency lights required under KRS 189.920 used by a paid or volunteer fireman or paid or volunteer ambulance personnel, or a paid or local emergency management director while responding to an emergency or to a location where an emergency vehicle is on emergency call;
 - (j) An elected coroner granted permission to equip a publicly or privately owned motor vehicle with lights and siren pursuant to KRS 189.920;
 - (k) A deputy coroner granted permission to equip a publicly or privately owned motor vehicle with lights and siren pursuant to KRS 189.920;
 - (l) Any vehicle used by an organ procurement organization while transporting a human organ or tissue for the purpose of organ recovery or transplantation in an emergency situation involving an imminent health risk; or
 - (m) A **game warden**~~(conservation officer)~~ of the Kentucky Department of Fish and Wildlife Resources.
- (2) As used in KRS 189.920 to 189.950, "public safety vehicle" means public utility repair vehicle; wreckers; state, county, or municipal service vehicles and equipment; highway equipment which performs work that

requires stopping and standing or moving at slow speeds within the traveled portions of highways; and vehicles which are escorting wide-load or slow-moving trailers or trucks.

➔ Section 24. KRS 527.020 is amended to read as follows:

- (1) A person is guilty of carrying a concealed weapon when he or she carries concealed a firearm or other deadly weapon on or about his or her person in violation of this section.
- (2) Peace officers and certified court security officers, when necessary for their protection in the discharge of their official duties; United States mail carriers when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed weapons on or about their person.
- (3) The director of the Division of Law Enforcement in the Department of Fish and Wildlife Resources, **game wardens**~~[conservation officers]~~ of the Department of Fish and Wildlife Resources, and policemen directly employed by state, county, city, or urban-county governments may carry concealed deadly weapons on or about their person at all times within the Commonwealth of Kentucky, when expressly authorized to do so by law or by the government employing the officer.
- (4) Persons carrying concealed weapons in accordance with KRS 237.109 or licensed to carry a concealed deadly weapon pursuant to KRS 237.110 may carry a concealed firearm or other concealed deadly weapon on or about their persons at all times within the Commonwealth of Kentucky, if the firearm or concealed deadly weapon is carried in conformity with the requirements of KRS 237.109 or 237.110. Unless otherwise specifically provided by the Kentucky Revised Statutes or applicable federal law, no criminal penalty shall attach to carrying a concealed firearm or other deadly weapon at any location at which an unconcealed firearm or other deadly weapon may be constitutionally carried. No person or organization, public or private, shall prohibit a person from possessing a firearm, ammunition, or both, or other deadly weapon in his or her vehicle in compliance with the provisions of KRS 237.109, 237.110, and 237.115. Any attempt by a person or organization, public or private, to violate the provisions of this subsection may be the subject of an action for appropriate relief or for damages in a Circuit Court or District Court of competent jurisdiction.
- (5) (a) The following persons, if they hold a license to carry a concealed deadly weapon pursuant to KRS 237.110 or 237.138 to 237.142, may carry a firearm or other concealed deadly weapon on or about their persons at all times and at all locations within the Commonwealth of Kentucky, without any limitation other than as provided in this subsection:
 1. A Commonwealth's attorney or assistant Commonwealth's attorney;
 2. A retired Commonwealth's attorney or retired assistant Commonwealth's attorney;
 3. A county attorney or assistant county attorney;
 4. A retired county attorney or retired assistant county attorney;
 5. A justice or judge of the Court of Justice;
 6. A retired or senior status justice or judge of the Court of Justice; and
 7. A retired peace officer who holds a concealed deadly weapon license issued pursuant to the federal Law Enforcement Officers Safety Act, 18 U.S.C. sec. 926C, and KRS 237.138 to 237.142.
- (b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, "detention facility" does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.
- (c) A person specified in this section who is issued a concealed deadly weapon license shall be issued a license which bears on its face the statement that it is valid at all locations within the Commonwealth of Kentucky and may have such other identifying characteristics as determined by the Department of Kentucky State Police.

- (6) (a) Except as provided in this subsection, the following persons may carry concealed deadly weapons on or about their person at all times and at all locations within the Commonwealth of Kentucky:
 - 1. An elected sheriff and full-time and part-time deputy sheriffs certified pursuant to KRS 15.380 to 15.404 when expressly authorized to do so by the unit of government employing the officer;
 - 2. An elected jailer and a deputy jailer who has successfully completed Department of Corrections basic training and maintains his or her current in-service training when expressly authorized to do so by the jailer; and
 - 3. The department head or any employee of a corrections department in any jurisdiction where the office of elected jailer has been merged with the office of sheriff who has successfully completed Department of Corrections basic training and maintains his or her current in-service training when expressly authorized to do so by the unit of government by which he or she is employed.
- (b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, "detention facility" does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.
- (7) (a) A full-time paid peace officer of a government agency from another state or territory of the United States or an elected sheriff from another territory of the United States may carry a concealed deadly weapon in Kentucky, on or off duty, if the other state or territory accords a Kentucky full-time paid peace officer and a Kentucky elected sheriff the same rights by law. If the other state or territory limits a Kentucky full-time paid peace officer or elected sheriff to carrying a concealed deadly weapon while on duty, then that same restriction shall apply to a full-time paid peace officer or elected sheriff from that state or territory.
- (b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, "detention facility" does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.
- (8) A loaded or unloaded firearm or other deadly weapon shall not be deemed concealed on or about the person if it is located in any enclosed container, compartment, or storage space installed as original equipment in a motor vehicle by its manufacturer, including but not limited to a glove compartment, center console, or seat pocket, regardless of whether said enclosed container, storage space, or compartment is locked, unlocked, or does not have a locking mechanism. No person or organization, public or private, shall prohibit a person from keeping a loaded or unloaded firearm or ammunition, or both, or other deadly weapon in a vehicle in accordance with the provisions of this subsection. Any attempt by a person or organization, public or private, to violate the provisions of this subsection may be the subject of an action for appropriate relief or for damages in a Circuit Court or District Court of competent jurisdiction. This subsection shall not apply to any person prohibited from possessing a firearm pursuant to KRS 527.040.
- (9) The provisions of this section shall not apply to a person who carries a concealed deadly weapon on or about his or her person:
 - (a) If he or she is the owner of the property or has the permission of the owner of the property, on real property which he or she or his or her spouse, parent, grandparent, or child owns;
 - (b) If he or she is the lessee of the property or has the permission of the lessee of the property, on real property which he or she or his or her spouse, parent, grandparent, or child occupies pursuant to a lease; or
 - (c) If he or she is the sole proprietor of the business, on real property owned or leased by the business.
- (10) Carrying a concealed weapon is a Class A misdemeanor, unless the defendant has been previously convicted of a felony in which a deadly weapon was possessed, used, or displayed, in which case it is a Class D felony.

Became law without Governor's signature April 10, 2024.