

1 AN ACT relating to conservation officers.

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

3 ➔Section 1. KRS 150.010 is amended to read as follows:

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

- 5 (1) "Angling" means the taking or attempting to take fish by hook and line in hand, rod  
6 in hand, jugging, setline, or sport fishing trotline;
- 7 (2) "Buy" includes offering to buy, acquiring, or possessing through purchase, barter,  
8 exchange, or trade;
- 9 (3) "Commercial trotline" means a line to which are attached more than fifty (50) single  
10 or multibarbed baited hooks, which shall not be placed closer than eighteen (18)  
11 inches;
- 12 (4) "Commission" means the Department of Fish and Wildlife Resources Commission;
- 13 (5) "Commissioner" means the commissioner of the Department of Fish and Wildlife  
14 Resources;
- 15 (6) **"Conservation officer" means any member of the Kentucky Department of Fish  
16 and Wildlife Resources Law Enforcement Division, pursuant to Section 2 of this  
17 Act, who possesses the powers of a peace officer;**
- 18 ~~(7)~~ "Daylight hours" means the period from one-half (1/2) hour before sunrise to one-  
19 half (1/2) hour after sunset;
- 20 ~~(8)~~~~(7)~~ "Device" means any article, instrument, or equipment of whatever nature or  
21 kind which may be used to take wild animals, wild birds, or fishes;
- 22 ~~(9)~~~~(8)~~ "Department" means the Department of Fish and Wildlife Resources;
- 23 ~~(10)~~~~(9)~~ "Fishing" means to take or attempt to take in any manner, whether the  
24 fisherman has fish in possession or not;
- 25 ~~(11)~~~~(10)~~ "Gigging" means the taking of fish by spearing or impaling on any pronged or  
26 barbed instrument attached to the end of any rigid object;
- 27 ~~(12)~~~~(11)~~ "Grabbing" means the taking of fish, frogs, or turtles directly by hand or with

1 the aid of a handled hook;

2 ~~(13)~~~~(12)~~ "Hunting" means to take or attempt to take in any manner, whether the hunter  
3 has game in possession or not;

4 ~~(14)~~~~(13)~~ "Identification tag" means a marker made of specified material upon which a  
5 name and address or number is placed and attached to unattended gear to designate  
6 ownership or responsible operator;

7 ~~(15)~~~~(14)~~ "Impounded waters" means any public waters backed up behind a dam and  
8 includes all water upstream from the dam to the first riffle or shoal;

9 ~~(16)~~~~(15)~~ "Jugging" means a means of fishing by which a single baited line is attached  
10 to any floating object;

11 ~~(17)~~~~(16)~~ "License" means any document issued by the department authorizing its  
12 holder to perform acts authorized by the license and includes any other form of  
13 authorization in addition to or in lieu of an actual document which may be  
14 authorized by the department by administrative regulation;

15 ~~(18)~~~~(17)~~ "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas,  
16 buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or  
17 camelid species;

18 ~~(19)~~~~(18)~~ "Migratory shore or upland game birds" means all species of migratory game  
19 birds except waterfowl;

20 ~~(20)~~~~(19)~~ "Minnows" means all fish under six (6) inches in length, except basses, either  
21 largemouth, smallmouth or Kentucky; rock bass or goggle-eye; trout; crappie;  
22 walleye; sauger; pike; members of the striped bass family; and muskellunge;

23 ~~(21)~~~~(20)~~ "Navigable waters" means any waters within this state under lock and dam;

24 ~~(22)~~~~(21)~~ "Nonresident" means a person who has not established a permanent domicile  
25 in this state and has not resided in this state for thirty (30) days immediately prior to  
26 his application for a license;

27 ~~(23)~~~~(22)~~ "Permit" means any document issued by the department authorizing its holder

1 to perform acts authorized by the permit and includes tags which shall be affixed to  
2 wildlife or devices as evidence of holding a permit and includes any other form of  
3 authorization in addition to or in lieu of an actual document authorized by the  
4 department by administrative regulation;

5 ~~(24)~~~~(23)~~ "Possess" means the act of having or taking into control;

6 ~~(25)~~~~(24)~~ "Prescribed by the department" means established by an administrative  
7 regulation;

8 ~~(26)~~~~(25)~~ "Processed wildlife" means any wildlife specimen or parts thereof that have  
9 been rendered into a permanently preserved state;

10 ~~(27)~~~~(26)~~ "Protected wildlife" means all wildlife except those species declared  
11 unprotected by administrative regulations promulgated by the department;

12 ~~(28)~~~~(27)~~ "Public roadway" includes rural roads, highways, bridges, bridge approaches,  
13 city streets, viaducts, and bridges which are normally traveled by the general public  
14 and are under the jurisdiction of a state, federal, county, or municipal agency;

15 ~~(29)~~~~(28)~~ "Public waters" means all waters within the state flowing in a natural stream  
16 channel or impounded on a natural stream;

17 ~~(30)~~~~(29)~~ "Raw fur" means a hide, fur, or pelt of a fur-bearing animal which has not  
18 been processed. Skinning, stretching, oiling, or coloring of the pelt of the animal  
19 shall not be considered processing;

20 ~~(31)~~~~(30)~~ "Administrative regulation" means a written regulation promulgated, pursuant  
21 to KRS Chapter 13A, by the commissioner with the approval of the commission;

22 ~~(32)~~~~(31)~~ "Resident" means any person who has established permanent domicile and  
23 legal residence and has resided in this state for thirty (30) days immediately prior to  
24 his application for a license. All other persons shall be classed as nonresidents,  
25 except students enrolled for at least six (6) months in an educational institution as  
26 full-time students and military personnel of the United States who are under  
27 permanent assignment, shall be classified as residents while so enrolled or assigned

1 in this state;

2 ~~(33)~~~~(32)~~ "Resist" means to ~~[point a gun at, ]~~leave the scene, intimidate or attempt to  
3 intimidate in any manner, or further interfere in any manner with any officer in the  
4 discharge of his duties;

5 ~~(34)~~~~(33)~~ "Rough fish" means all species of fishes other than those species designated  
6 by administrative regulation as sport fishes;

7 ~~(35)~~~~(34)~~ "Sell" includes offering to sell, having or possessing for sale, barter, exchange,  
8 or trade;

9 ~~(36)~~~~(35)~~ "Setline" means a line to which is attached one (1) single or multibarbed hook.  
10 This line may be attached to a tree limb, tree trunk, bank pole, or other stationary  
11 object, on the bank of a stream or impoundment;

12 ~~(37)~~~~(36)~~ "Snagging" means the taking of fish or other aquatic animals through the use  
13 of a hand-held pole and attached line with single or multiple fish hooks in which the  
14 fish is hooked by a rapid drawing motion rather than enticement by bait;

15 ~~(38)~~~~(37)~~ "Sports fishing trotline" means a line to which are attached no more than fifty  
16 (50) single or multibarbed baited hooks which shall not be placed closer together  
17 than eighteen (18) inches;

18 ~~(39)~~~~(38)~~ "Take" includes pursue, shoot, hunt, wound, catch, kill, trap, snare, or capture  
19 wildlife in any way and any lesser act designed to lure, attract, or entice for these  
20 purposes; and to place, set, aim, or use any device, animal, substance, or agency  
21 which may reasonably be expected to accomplish these acts; or to attempt to do  
22 these acts or to assist any other person in the doing of or the attempt to do these  
23 acts;

24 ~~(40)~~~~(39)~~ "Tenant" means any resident sharecropper, lessee, or any other person actually  
25 engaged in work upon a farm or lands and residing in a dwelling on the farms or  
26 lands including noncontiguous lands, but shall not include any other employee or  
27 tenant unless actually residing on the property and engaged or employed as above

1 mentioned;

2 ~~(41)~~~~((40))~~ "Transport" means to carry, move, or ship wildlife from one place to another;

3 ~~(42)~~~~((41))~~ "Waterfowl" means all species of wild ducks, geese, swans, mergansers, and  
4 coots; and

5 ~~(43)~~~~((42))~~ "Wildlife" means any normally undomesticated animal, alive or dead,  
6 including without limitations any wild mammal, bird, fish, reptile, amphibian, or  
7 other terrestrial or aquatic life, whether or not possessed in controlled environment,  
8 bred, hatched, or born in captivity and including any part, product, egg, or offspring  
9 thereof, protected or unprotected by this chapter.

10 ➔Section 2. KRS 150.090 is amended to read as follows:

11 (1) **The commissioner shall appoint, promote, or take other employment actions to**  
12 **the ranks, grades, and positions of the department conservation officers who are**  
13 **considered by the commissioner to be necessary for the efficient administration of**  
14 **the department.**

15 (2) Conservation officers appointed by the commissioner shall have full powers as  
16 peace officers for the enforcement of all of the laws of the Commonwealth,  
17 **including the administrative regulations promulgated pursuant to KRS Chapters**  
18 **150 and 235 and**~~except that they shall not enforce laws other than this chapter and~~  
19 ~~the administrative regulations issued thereunder or~~ to serve process ~~unless so~~  
20 ~~directed by the commissioner in life threatening situations or when assistance is~~  
21 ~~requested by another law enforcement agency].~~

22 (3) **Each conservation officer is individually vested with the powers of a peace officer**  
23 **and shall have in all parts of the state the same powers with respect to criminal**  
24 **matters and enforcement of the laws relating thereto as sheriffs, constables, and**  
25 **police officers in their respective jurisdictions, and shall possess all the**  
26 **immunities and matters of defense now available or hereafter made available to**  
27 **sheriffs, constables, and police officers in any suit brought against them in**

1        *consequence of acts done in the course of their employment and within the scope*  
2        *of their duties. Any warrant of arrest may be executed by any officer of the*  
3        *department.*

4        ~~[(2) The commissioner may appoint other persons to enforce only the provisions of this~~  
5        ~~chapter and the administrative regulations issued thereunder. Such persons shall~~  
6        ~~have the power to make arrests or issue citations only for violations of this chapter~~  
7        ~~and the administrative regulations issued thereunder.~~

8        ~~(3) All other peace officers and their deputies shall enforce the provisions of this~~  
9        ~~chapter and the administrative regulations issued thereunder.]~~

10        (4) *Conservation officers*~~[All persons]~~ charged with the enforcement of this chapter  
11        and the administrative regulations issued thereunder shall have the right to go upon  
12        the land of any person or persons whether private or public for the purpose of  
13        ~~[conducting research or investigation of game or fish or their habitat conditions or~~  
14        ~~engage in restocking game or fish or in any type of work involved in or incident to~~  
15        ~~game and fish restoration projects or their enforcement or in ]~~the enforcement of  
16        laws or orders of the department relating to game or fish, while in the normal,  
17        lawful and peaceful pursuit of such investigation or work or enforcement, may enter  
18        upon, cross over, be upon, and remain upon privately owned lands for such  
19        purposes, and shall not be subject to arrest for trespass while so engaged or for such  
20        cause thereafter. They may arrest on sight, without warrant, any person detected by  
21        them in the act of violating any of the provisions of this chapter. They shall have the  
22        same rights as sheriffs to require aid in arresting with or without process any person  
23        found by them violating any of the provisions of this chapter and may seize without  
24        process anything declared by this chapter to be contraband. No liability shall be  
25        incurred by any person charged or directed in the enforcement of this chapter.

26        (5) Conservation officers and other officers charged with the enforcement of this  
27        chapter, shall have the authority to call for and inspect the license or tag, bag or

1        creel of any person engaged in any activity for the performance of which a license is  
2        required under this chapter, and shall also have the authority to take proper  
3        identification of any person, or hunter, or fisherman who is actually engaged in any  
4        of these activities, and to call for and inspect any and all firearms and any other  
5        device that may be used in taking wildlife and is in the possession of any person so  
6        engaged.

- 7        (6) No person shall resist, obstruct, interfere with or threaten or attempt to intimidate or  
8        in any other manner interfere with any officer in the discharge of his duties under  
9        the provisions of this chapter. This subsection shall not apply to a criminal  
10       homicide or an assault upon such officer. An assault upon such officer shall be  
11       deemed an offense under KRS Chapter 507 or 508, as appropriate.

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

14       (1) Any conservation officer who is sued for any act or omission in the line of duty  
15       and who has a judgment for monetary damages rendered against him or her in  
16       his or her individual capacity, and who personally suffers actual financial loss,  
17       unreimbursed from any source, by the enforcement and satisfaction of the  
18       judgment, including any costs or attorney fees awarded pursuant thereto, shall be  
19       indemnified by the Commonwealth, from funds appropriated to the fish and  
20       game fund for the payment of judgments, to the extent of his or her actual  
21       financial loss.

22       (2) The indemnification shall be contingent upon an express determination by the  
23       commissioner that the act or omission which resulted in liability was within the  
24       scope and course of employment of the conservation officer, and occurred during  
25       the performance of duty, and was committed or omitted in the good faith belief  
26       that the act or omission was lawful and proper.

27       (3) The indemnification shall not be construed to abrogate or limit any privilege,

1       *immunity, or matter of defense otherwise available to the conservation officer*  
2       *and shall not constitute a waiver of any privilege, immunity, or matter of defense,*  
3       *including the sovereign immunity of the Commonwealth.*

4       ➔Section 4. KRS 15.460 is amended to read as follows:

5       (1) (a) Except as provided in subsection (4)(a) of this section, an eligible unit of  
6               government shall be entitled to receive an annual supplement of three  
7               thousand dollars (\$3,000) for each qualified police officer it employs. The  
8               supplement amount shall be increased to four thousand dollars (\$4,000)  
9               beginning July 1, 2018.

10       (b) 1. In addition to the supplement, the unit of government shall receive an  
11               amount equal to the required employer's contribution on the supplement  
12               to the retirement plan and duty category to which the officer belongs. In  
13               the case of County Employees Retirement System membership, the  
14               retirement plan contribution on the supplement shall be paid whether the  
15               officer enters the system under hazardous duty coverage or  
16               nonhazardous coverage.

17               2. The unit of government shall pay the amount received for retirement  
18               plan coverage to the appropriate retirement system to cover the required  
19               employer contribution on the pay supplement.

20               3. If the foundation program funds are insufficient to pay employer  
21               contributions to the system, then the total amount available for  
22               retirement plan payments shall be prorated to each eligible government  
23               so that each receives the same percentage of required retirement plan  
24               costs attributable to the cash salary supplement.

25       (c) 1. In addition to the payments received under paragraphs (a) and (b) of this  
26               subsection, but only if sufficient funds are available to make all  
27               payments required under paragraph (b) of this subsection, each unit of



- 1 government shall receive an administrative expense reimbursement in an  
2 amount equal to seven and sixty-five one-hundredths percent (7.65%) of  
3 the total annual supplement received greater than three thousand one  
4 hundred dollars (\$3,100) for each qualified police officer that is a local  
5 officer as defined in KRS 15.420(2)(a)1. that it employs, subject to the  
6 cap established by subparagraph 3. of this paragraph.
- 7 2. The unit of government may use the moneys received under this  
8 paragraph in any manner it deems necessary to partially cover the costs  
9 of administering the payments received under paragraph (a) of this  
10 subsection.
- 11 3. The total amount distributed under this paragraph shall not exceed the  
12 total sum of five hundred twenty-five thousand dollars (\$525,000) for  
13 each fiscal year. If there are insufficient funds to provide for full  
14 reimbursement as provided in subparagraph 1. of this paragraph, then  
15 the amount shall be distributed pro rata to each eligible unit of  
16 government so that each receives the same percentage attributable to its  
17 total receipt of the cash salary supplement.
- 18 (d) In addition to the payments received under paragraphs (a) and (b) of this  
19 subsection, each unit of government shall receive the associated fringe  
20 benefits costs for the total supplement of four thousand dollars (\$4,000) for  
21 each qualified police officer that is a state officer as defined in KRS  
22 15.420(2)(a)2. that it employs. Fringe benefits shall be limited to retirement  
23 plan contributions and the federal insurance contributions act tax.
- 24 (e) Notwithstanding paragraphs (a) to (d) of this subsection, a Kentucky  
25 Department of Fish and Wildlife Resources conservation officer appointed  
26 pursuant to KRS 150.090(2)~~[150.090(1)]~~ and listed in KRS 15.420(2)(a)2.n.  
27 shall be a participant in the Kentucky Law Enforcement Foundation Program

1 fund, but shall not receive an annual supplement from that fund. A  
2 conservation officer shall receive an annual training stipend commensurate to  
3 the annual supplement paid to the police officer as defined in KRS 15.420.  
4 The annual training stipend disbursed to a conservation officer shall be paid  
5 from the game and fish fund pursuant to KRS 150.150.

6 (f) Any peace officer sanctioned by the Tourism, Arts and Heritage Cabinet shall  
7 be deemed a police officer solely for the purpose of inclusion in the Law  
8 Enforcement Foundation Program fund.

9 (2) The supplement provided in subsection (1) of this section shall be paid by the unit  
10 of government to each police officer whose qualifications resulted in receipt of a  
11 supplemental payment. The payment shall be in addition to the police officer's  
12 regular salary and, except as provided in subsection (4)(b) of this section, shall  
13 continue to be paid to a police officer who is a member of:

14 (a) The Kentucky National Guard during any period of activation under Title 10  
15 or 32 of the United States Code or KRS 38.030; or

16 (b) Any reserve component of the United States Armed Forces during any period  
17 of activation with the United States Armed Forces.

18 (3) (a) A qualified sheriff who receives the maximum salary allowed by Section 246  
19 of the Kentucky Constitution and KRS 64.527 shall not receive a supplement.

20 (b) A qualified sheriff who does not receive the maximum salary allowed by  
21 Section 246 of the Kentucky Constitution and KRS 64.527, excluding the  
22 expense allowance provided by KRS 70.170, shall upon annual settlement  
23 with the fiscal court under KRS 134.192, receive that portion of the  
24 supplement that will not cause his or her compensation to exceed the  
25 maximum salary.

26 (c) A qualified sheriff who seeks to participate in the fund shall forward a copy of  
27 the annual settlement prepared under KRS 134.192 to the fund. The sheriff

1 shall reimburse the fund if an audit of the annual settlement conducted  
2 pursuant to KRS 134.192 reflects that the sheriff received all or a portion of  
3 the supplement in violation of this section. A sheriff who fails to provide a  
4 copy of the annual settlement to the fund or to reimburse the fund after  
5 correction by audit, if required, shall not be qualified to participate in the fund  
6 for a period of two (2) years.

7 (d) A qualified deputy sheriff shall receive the supplement from the sheriff if the  
8 sheriff administers his or her own budget or from the county treasurer if the  
9 sheriff pools his or her fees. The failure of a sheriff to comply with the  
10 provisions of this section shall not affect the qualification of his or her  
11 deputies to participate in the fund.

12 (4) (a) Eligible units of government shall receive the salary supplement, excluding  
13 funds applicable to the employer's retirement plan contribution, provided in  
14 subsection (1) of this section for distribution to a police officer who is eligible  
15 under subsection (2) of this section.

16 (b) A qualified police officer receiving a salary supplement during any period of  
17 military activation, as provided in subsection (2) of this section, shall not be  
18 entitled to receive the employer's retirement plan contribution, and the salary  
19 supplement shall not be subjected to an employee's contribution to a  
20 retirement plan. The salary supplement shall otherwise be taxable for all  
21 purposes.

22 (5) A unit of government receiving disbursements under this section shall follow all  
23 laws applicable to it that may govern due process disciplinary procedures for its  
24 officers, but this subsection shall not be interpreted to:

25 (a) Authorize the department, the cabinet, or the council to investigate, judge, or  
26 exercise any control or jurisdiction regarding the compliance of a unit of  
27 government with laws that may govern due process disciplinary procedures

- 1 for its officers, except as otherwise provided by laws;
- 2 (b) Create a private right of action for any police officer regarding an agency's
- 3 participation in this section;
- 4 (c) Authorize a termination of an agency's participation as a result of a judgment
- 5 that the unit of government failed to follow its procedures in any independent
- 6 cause of action brought by the police officer against the unit of government; or
- 7 (d) Prevent the adoption, amendment, or repeal of any laws that may govern the
- 8 due process disciplinary procedures of a unit of government's police officers.

9 ➔Section 5. KRS 186.675 is amended to read as follows:

- 10 (1) The annual registration fee for trailers and semitrailers which are drawn by motor
- 11 vehicles required to be licensed under KRS 186.050(1) shall be four dollars and
- 12 fifty cents (\$4.50). The annual registration fee for trailers and semitrailers which are
- 13 drawn by motor vehicles required to be licensed under KRS 186.050(3) to (13) shall
- 14 be nineteen dollars and fifty cents (\$19.50).
- 15 (2) The provisions of KRS 186.650 to 186.700 shall not apply to privately owned and
- 16 operated trailers used for the transportation of:
- 17 (a) Boats;
- 18 (b) Luggage;
- 19 (c) Personal effects;
- 20 (d) Farm products, farm supplies, or farm equipment;
- 21 (e) All-terrain vehicles as defined in KRS 189.010(24);
- 22 (f) Wildlife as defined in KRS 150.010(43)~~[150.010(42)]~~ that the owner or
- 23 operator of the trailer has obtained while hunting; and
- 24 (g) Firearms or other supplies used in conjunction with hunting wildlife.
- 25 (3) The registration fee for mobile homes and recreational vehicles shall be nine dollars
- 26 and fifty cents (\$9.50) except the registration fee for camping trailers, travel trailers,
- 27 and truck campers shall be four dollars and fifty cents (\$4.50). The clerk shall issue

1 the registration plate furnished by the cabinet and shall be paid for this service the  
2 sum of one dollar (\$1).

3 (4) Beginning April 1, 1993, at the request of the owner, trailers and semitrailers which  
4 are drawn by motor vehicles required to be licensed under KRS 186.050(3) to (13)  
5 may be permanently registered, except the registration shall expire when the trailer  
6 or semitrailer is sold or when it is otherwise permanently removed from service by  
7 the owner. The registration fee for the period shall be ninety-eight dollars (\$98).  
8 The clerk shall issue the registration plate furnished by the cabinet and shall be paid  
9 for this service the sum of three dollars (\$3).