

## **246.990 Penalties.**

- (1) Any person who violates subsection (2) of KRS 246.210, subsection (2) of KRS 246.220, or subsection (1) of KRS 246.420 shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for the first offense; he shall be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) and be confined in the county jail for not less than sixty (60) days nor more than one hundred and twenty (120) days, for each subsequent offense.
- (2) Any person who violates subsection (3) of KRS 246.220 shall be fined not less than five dollars (\$5) nor more than one hundred dollars (\$100) or be imprisoned for not more than ten (10) days, or both. Each day's hindering or refusal of access shall constitute a separate offense.
- (3) Any person who violates subsection (4) of KRS 246.220 shall be fined not less than two dollars (\$2) nor more than fifty dollars (\$50).
- (4) Any person who violates subsection (5) of KRS 246.220 shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- (5) Any person who violates subsection (6) of KRS 246.220 shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50).
- (6) Any person who violates subsection (7) of KRS 246.220 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or imprisoned for not more than three (3) months, or both.
- (7) Any owner or operator of a dairy plant who shall fail to comply with the provisions of KRS 246.240 or any part thereof shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars (\$100).
- (8)
  - (a) Any person who purchases ginseng knowing that the ginseng was taken, acquired, possessed, sold, transported, or purchased in violation of administrative regulations authorized under KRS 246.660 shall be guilty of a Class A misdemeanor.
  - (b) The Commissioner or any peace officer may seize and take possession of any ginseng taken, acquired, possessed, sold, transported, or purchased by a person committing a violation of administrative regulations authorized under KRS 246.660. Any ginseng seized in accordance with this paragraph shall be impounded by the arresting officer and shall be taken before the court trying the person arrested.
  - (c) Upon conviction, the court trying the case shall have the discretion of determining whether any of the ginseng seized under paragraph (b) of this subsection shall be declared contraband. Any ginseng seized under paragraph (b) of this subsection is subject to being declared contraband. If any ginseng is declared contraband, the court shall enter an order accordingly. A copy of the order shall be forwarded to the Commissioner, and the ginseng shall be placed in the custody of the arresting officer, to be delivered to the Commissioner.
  - (d) The Commissioner may sell, at the highest market price obtainable, with the approval of the Governor and Finance and Administration Cabinet, all contraband ginseng which comes into his or her possession under the order of

any court. All proceeds arising from the sale of contraband ginseng shall be paid into the Kentucky ginseng fund established in KRS 246.655. A record of the sale, including the name of the purchaser and the price paid, shall be kept by the Commissioner.

- (9) Any person who violates subsection (2) of KRS 246.420 shall be disqualified from exhibiting at an exhibition for a first offense, and shall be disqualified for up to five (5) years for a second or subsequent offense.

**Effective:** June 8, 2011

**History:** Amended 2011 Ky. Acts ch. 15, sec. 4, effective June 8, 2011. -- Amended 2004 Ky. Acts ch. 141, sec. 2, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 88, sec. 11, effective March 28, 2002. -- Amended 1994 Ky. Acts ch. 261, sec. 1, effective July 15, 1994. -- Amended 1982 Ky. Acts ch. 310, sec. 4, effective July 15, 1982. -- Amended 1970 Ky. Acts ch. 96, sec. 11. -- Amended 1950 Ky. Acts ch. 7, sec. 4. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 42c-7, 42g-3, 63c-5, 63d-11, 68n-11, 1376b-24, 1719a-11, 4814c-18.