150.120 Seizure and sale of contraband.

(1) The commissioner, all 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 Governor and the Finance and Administration Cabinet all contraband which comes to his 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. 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 possession any illegal device or other thing prohibited by law or by any regulation adopted under this chapter for the taking of wildlife.

Effective: July 15, 1986

History: Amended 1986 Ky. Acts ch. 265, sec. 4, effective July 15, 1986. -- Amended 1956 Ky. Acts ch. 115, sec. 9, effective May 18, 1956. -- Amended 1952 Ky. Acts ch. 200, sec. 19. -- Amended 1948 Ky. Acts ch. 78, sec. 5. -- Amended 1942 Ky. Acts ch. 68, sec. 12. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 1954d-21, 1954d-27.