

HOUSE BILL No. 2694

By Committee on Agriculture and Natural Resources

2-14

1 AN ACT concerning hunting; relating to criminal hunting; criminalizing
2 hunting without written permission of the landowner; removing
3 requirements to post or mark land for hunting purposes; amending
4 K.S.A. 2013 Supp. 21-5810 and 32-1013 and repealing the existing
5 sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2013 Supp. 21-5810 is hereby amended to read as
9 follows: 21-5810. (a) Criminal hunting is knowingly hunting, shooting, fur
10 harvesting, pursuing any bird or animal, or fishing:

11 (1) Upon any land or nonnavigable body of water of another, without
12 having first obtained *written* permission of the owner or person in
13 possession of such premises;

14 (2) ~~upon or from any public road, public road right-of-way or railroad~~
15 ~~right-of-way that adjoins occupied or improved premises~~*within the*
16 *surveyed property boundaries of another*, without having first obtained
17 *written* permission of the owner or person in possession of such premises;
18 ~~or~~

19 (3) ~~upon any land or nonnavigable body of water of another by a~~
20 ~~person who knows such person is not authorized or privileged to do so,~~
21 ~~and:~~

22 (A) ~~Such person remains therein and continues to hunt, shoot, fur~~
23 ~~harvest, pursue any bird or animal or fish in defiance of an order not to~~
24 ~~enter or to leave such premises or property personally communicated to~~
25 ~~such person by the owner thereof or other authorized person; or~~

26 (B) ~~such premises or property are posted in a manner consistent with~~
27 ~~K.S.A. 32-1013, and amendments thereto.~~

28 (b) Criminal hunting ~~as defined in:~~

29 (1) ~~Subsection (a)(1) or (a)(2)~~ is a class C misdemeanor. Upon the
30 first conviction ~~of subsection (a)(1) or (a)(2)~~, in addition to any authorized
31 sentence imposed by the court, such court may require the forfeiture of the
32 convicted person's hunting, fishing or fur harvesting license, or all, or, in
33 any case where such person has a combination license, the court may
34 require forfeiture of a part or all of such license and the court may order
35 such person to refrain from hunting, fishing or fur harvesting, or all, for up
36 to one year from the date of such conviction. Upon a second or subsequent

1 conviction of subsection (a)(1) or (a)(2), in addition to any authorized
2 sentence imposed by the court, such court shall require the forfeiture of the
3 convicted person's hunting, fishing or fur harvesting license, or all, or, in
4 any case where such person has a combination license, the court shall
5 require the forfeiture of a part or all of such license and the court shall
6 order such person to refrain from hunting, fishing or fur harvesting, or all,
7 for one year from the date of such conviction. A person licensed to hunt
8 and following or pursuing a wounded game bird or animal upon any land
9 of another without permission of the landowner or person in lawful
10 possession thereof shall not be deemed to be in violation of this provision
11 while in such pursuit, except that this provision shall not authorize a
12 person to remain on such land if instructed to leave by the owner thereof
13 or other authorized person. For the purpose of determining whether a
14 conviction is a first, second or subsequent conviction of subsection (a)(1)
15 or (a)(2), "conviction" or "convicted" includes being convicted of a
16 violation of subsection (a) of K.S.A. 21-3728, prior to its repeal, or
17 subsection (a)(1) or (a)(2); and

18 ~~(2) subsection (a)(3) is a class B misdemeanor. Upon the first~~
19 ~~conviction or a diversion agreement of subsection (a)(3), in addition to any~~
20 ~~authorized sentence imposed by the court, the court shall require forfeiture~~
21 ~~of such person's hunting, fishing or fur harvesting license, or all, or in the~~
22 ~~case where such person has a combination license, the court shall require~~
23 ~~forfeiture of a part or all of such license for six months. Upon the second~~
24 ~~conviction of subsection (a)(3), in addition to any authorized sentence~~
25 ~~imposed by the court, such court shall require the forfeiture of the~~
26 ~~convicted person's hunting, fishing or fur harvesting license, or all, or in~~
27 ~~the case where such person has a combination license, the court shall~~
28 ~~require forfeiture of a part or all of such license for one year. Upon the~~
29 ~~third or subsequent conviction of subsection (a)(3), in addition to any~~
30 ~~authorized sentence imposed by the court, such court shall require~~
31 ~~forfeiture of the convicted person's hunting, fishing or fur harvesting~~
32 ~~license, or all, or in the case where such person has a combination license,~~
33 ~~the court shall require forfeiture of a part or all of such license for five~~
34 ~~years. For the purpose of determining whether a conviction is a first,~~
35 ~~second, third or subsequent conviction of subsection (a)(3), "conviction"~~
36 ~~or "convicted" includes being convicted of a violation of subsection (b) of~~
37 ~~K.S.A. 21-3728, prior to its repeal, or subsection (a)(3) this section.~~

38 (c) The court shall notify the Kansas department of wildlife, parks
39 and tourism of any conviction or diversion for a violation of this section.

40 Sec. 2. K.S.A. 2013 Supp. 32-1013 is hereby amended to read as
41 follows: 32-1013. (a) ~~Any landowner or person in lawful possession of any~~
42 ~~land may post such land with signs stating that hunting, trapping or fishing~~
43 ~~on such land shall be by written permission only. It is unlawful for any~~

1 ~~person to take wildlife on land which is posted as provided in this~~
2 ~~subsection, without having in the person's possession the written~~
3 ~~permission of the owner or person in lawful possession thereof.~~ *Written*
4 *permission from the landowner or person in lawful possession of such*
5 *land shall be required to hunt, fish or trap on all land and water in this*
6 *state, except land or water controlled by the Kansas department of*
7 *wildlife, parks and tourism. Any landowner or person in lawful possession*
8 *of such land is exempt from having to obtain written permission to hunt,*
9 *fish or trap on land in which they have lawful possession.*

10 (b) ~~Instead of posting land as provided in subsection (a), any~~
11 ~~landowner or person in lawful possession of any land may post such land~~
12 ~~by placing identifying purple paint marks on trees or posts around the area~~
13 ~~to be posted. Each paint mark shall be a vertical line of at least eight~~
14 ~~inches in length and the bottom of the mark shall be no less than three feet~~
15 ~~nor more than five feet high. Such paint marks shall be readily visible to~~
16 ~~any person approaching the land. Land posted as provided in this~~
17 ~~subsection shall be considered to be posted by written permission only as~~
18 ~~provided in subsection (a).~~ *No landowner or person in lawful possession of*
19 *any land shall be required to post signs or make any markings of such*
20 *land.*

21 (c) A person licensed to hunt or furharvest who is following or
22 pursuing a wounded animal on land as provided in this section posted
23 without written permission of the landowner or person in lawful
24 possession thereof shall not be in violation of this section while in such
25 pursuit, except that the provisions of this subsection shall not authorize a
26 person to remain on such land if instructed to leave by the owner or person
27 in lawful possession of the land. Any person who fails to leave such land
28 when instructed is subject to the provisions of subsection (b) of K.S.A.
29 2013 Supp. 21-5810, and amendments thereto.

30 (d) Any person convicted of violating provisions of this section shall
31 be subject to the penalties prescribed in K.S.A. 32-1031, and amendments
32 thereto, except as provided in K.S.A. 32-1032, and amendments thereto,
33 relating to big game and wild turkey.

34 Sec. 3. K.S.A. 2013 Supp. 21-5810 and 32-1013 are hereby repealed.

35 Sec. 4. This act shall take effect and be in force from and after its
36 publication in the statute book.