

HOUSE BILL No. 2207

By Committee on Agriculture

1-31

1 AN ACT concerning wildlife; relating to hunting on private land by
2 written permission only; criminal hunting; criminal trespass; amending
3 K.S.A. 2016 Supp. 21-5810 and 32-1013 and repealing the existing
4 sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2016 Supp. 21-5810 is hereby amended to read as
8 follows: 21-5810. (a) Criminal hunting is knowingly hunting, shooting,
9 *fishing*, fur harvesting ~~or~~; pursuing any bird or animal, ~~or fishing~~:

10 (1) Upon any *private* land or non-navigable body of water ~~of another~~,
11 without having first obtained *written* permission of the owner or person in
12 possession of such ~~premises land or body of water~~;

13 (2) upon or from any public road, public road right-of-way or railroad
14 right-of-way that adjoins ~~occupied or improved premises~~ *any private land*
15 *or non-navigable body of water*, without having first obtained *written*
16 permission of the owner or person in possession of such ~~premises land or~~
17 *body of water*; or

18 (3) upon any *private* land or non-navigable body of water ~~of another~~
19 by a person who knows such person is not authorized or privileged to do
20 so, and:

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

26 (B) such ~~premises or property~~ *are land or body of water* is posted in a
27 manner consistent with 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
9 ~~private land of another~~ without *written* permission of the landowner or
10 person in lawful possession thereof shall ~~not~~ be deemed to be in violation
11 of this provision while in such pursuit, ~~except that this provision shall not~~
12 ~~authorize a person to remain on such land if instructed to leave by the~~
13 ~~owner thereof or other authorized person.~~ For the purpose of determining
14 whether a conviction is a first, second or subsequent conviction of
15 subsection (a)(1) or (a)(2), "conviction" or "convicted" includes being
16 convicted of a violation of ~~subsection (a)~~ of K.S.A. 21-3728(a), prior to its
17 repeal, or 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(b), prior to its repeal, or subsection (a)(3).

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. 2016 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 hunt, shoot, fish, fur harvest or pursue any bird or
2 animal on any private land which is posted as provided in this subsection,
3 or non-navigable body of water without having in the person's possession
4 the written permission of the owner or person in lawful possession thereof.
5 Any person who hunts, shoots, fishes, fur harvests or pursues any bird or
6 animal in violation of this subsection shall be subject to the penalties
7 prescribed in K.S.A. 2016 Supp. 21-5810(b)(1), and amendments thereto.

8 ~~(b) Instead of posting land as provided in subsection (a), any~~
9 ~~landowner or person in lawful possession of any land may post such~~
10 ~~land. Written permission granted pursuant to subsection (a) shall not~~
11 ~~authorize a person to remain on such land or body of water if~~
12 ~~subsequently instructed to leave by the owner thereof or other authorized~~
13 ~~person. Any person who fails to leave such land or body of water when~~
14 ~~instructed shall be subject to the provisions of K.S.A. 2016 Supp. 21-5808,~~
15 ~~and amendments thereto, and the penalties prescribed in K.S.A. 2016~~
16 ~~Supp. 21-5810(b)(2), and amendments thereto.~~

17 (c) Any landowner or person in lawful possession of any private land
18 or non-navigable body of water may post such property in the following
19 manner:

20 (1) With signs stating that hunting, shooting, fishing, fur harvesting
21 or pursuing any bird or animal on such land or body of water shall be by
22 written permission only; or

23 (2) by placing identifying purple paint marks on trees or posts around
24 the area to be posted. Each paint mark shall be a vertical line of at least
25 eight inches in length and the bottom of the mark shall be no less than
26 three feet nor more than five feet high. Such paint marks shall be readily
27 visible to any person approaching the land. ~~Land posted as provided in this~~
28 ~~subsection shall be considered to be posted by written permission only as~~
29 ~~provided in subsection (a).~~

30 Any person who hunts, shoots, fishes, fur harvests or pursues any bird
31 or animal on any private land or non-navigable body of water in violation
32 of subsection (a), when such property is posted according to this
33 subsection, shall be subject to the penalties prescribed in K.S.A. 2016
34 Supp. 21-5810(b)(2), and amendments thereto.

35 ~~(e)(d)~~ A person licensed to hunt or furharvest who is following or
36 pursuing a wounded animal on any private land as provided in this section
37 posted without written permission of the landowner or person in lawful
38 possession thereof shall ~~not~~ be in violation of ~~this section~~ subsection (a)
39 while in such pursuit, ~~except that the provisions of this subsection shall not~~
40 ~~authorize a person to remain on such land if instructed to leave by the~~
41 ~~owner or person in lawful possession of the land.~~ Any person who fails to
42 leave such land when instructed ~~is~~ shall be subject to the provisions of
43 subsection ~~(b)~~ of K.S.A. 2016 Supp. 21-5808, and amendments thereto,

1 *and the penalties prescribed in K.S.A. 2016 Supp. 21-5810(b)(2), and*
2 *amendments thereto.*

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

7 Sec. 3. K.S.A. 2016 Supp. 21-5810 and 32-1013 are hereby repealed.

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