

Substitute for HOUSE BILL No. 2207

By Committee on Agriculture

2-20

1 AN ACT concerning wildlife; relating to the pursuit of wounded animals;
2 amending K.S.A. 2016 Supp. 21-5810 and 32-1013 and repealing the
3 existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

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

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

12 (2) upon or from any public road, public road right-of-way or railroad
13 right-of-way that adjoins occupied or improved premises, without having
14 first obtained permission of the owner or person in possession of such
15 premises; or

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

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

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

25 (b) Criminal hunting as defined in:

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

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

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

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

37 Sec. 2. K.S.A. 2016 Supp. 32-1013 is hereby amended to read as
38 follows: 32-1013. (a) Any landowner or person in lawful possession of any
39 land may post such land with signs stating that hunting, trapping or fishing
40 on such land shall be by written permission only. It is unlawful for any
41 person to take wildlife on land which is posted as provided in this
42 subsection, without having in the person's possession the written
43 permission of the owner or person in lawful possession thereof.

1 (b) Instead of posting land as provided in subsection (a), any
2 landowner or person in lawful possession of any land may post such land
3 by placing identifying purple paint marks on trees or posts around the area
4 to be posted. Each paint mark shall be a vertical line of at least eight
5 inches in length and the bottom of the mark shall be no less than three feet
6 nor more than five feet high. Such paint marks shall be readily visible to
7 any person approaching the land. Land posted as provided in this
8 subsection shall be considered to be posted by written permission only as
9 provided in subsection (a).

10 (c) A person licensed to hunt or furharvest who is following or
11 pursuing a wounded animal on land as provided in this section posted
12 without written permission of the landowner or person in lawful
13 possession thereof shall ~~not~~ be in violation of this section while in such
14 pursuit, ~~except that the provisions of this subsection shall not authorize a~~
15 ~~person to remain on such land if instructed to leave by the owner or person~~
16 ~~in lawful possession of the land. Any person who fails to leave such land~~
17 ~~when instructed in violation of this section~~ is subject to the provisions of
18 ~~subsection (b) of K.S.A. 2016 Supp. 21-5810(b), and amendments thereto.~~

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

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

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