

SENATE BILL No. 267

AN ACT relating to wildlife; defining the crime of failure to comply with a wildlife and parks citation; amending K.S.A. 2007 Supp. 32-1054 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Failure to comply with a wildlife and parks citation means failure to:

- (1) Appear before any district court in response to a wildlife and parks citation and pay in full any fine, court costs, assessments or fees imposed;
- (2) fully pay or satisfy all fines, court costs, assessments or fees imposed as a part of the sentence of any district court for violation of the wildlife and parks laws of this state; or
- (3) otherwise comply with a wildlife and parks citation as provided in K.S.A. 32-1049, and amendments thereto.

Failure to comply with a wildlife and parks citation is a class C misdemeanor, regardless of the disposition of the charge for which such citation, complaint or charge was originally issued.

(b) The term "citation" means any complaint, summons, notice to appear, ticket, warrant, penalty assessment or other official document issued for the prosecution of the wildlife and parks laws or rules and regulations of this state.

(c) In addition to penalties of law applicable under subsection (a) when a person fails to comply with a wildlife and parks citation or sentence for a violation of wildlife and parks laws or rules and regulations, the district court in which the person should have complied shall mail a notice to the person that if the person does not appear in the district court or pay all fines, court costs, assessments or fees, and any penalties imposed within 30 days from the date of mailing, the department of wildlife and parks shall be notified to forfeit or suspend any license, permit, stamp or other issue of the department. Upon receipt of a report of a failure to comply with a wildlife and parks citation under this section, and amendments thereto, the department shall notify the violator and suspend or forfeit the license, permit, stamp or other issue of the department held by the violator until satisfactory evidence of compliance with the wildlife and parks citation or sentence of the district court for violation of the wildlife and parks laws or rules and regulations of this state are furnished to the informing court. Upon receipt of notification of such compliance from the informing court, the department shall terminate the suspension action, unless the violator is otherwise suspended.

(d) Except as provided in subsection (e), when the district court notifies the department of a failure to comply with a wildlife and parks citation or failure to comply with a sentence of the district court imposed on violation of a wildlife and parks law or rule and regulation, the court shall assess a reinstatement fee of \$50 for each charge or sentence on which the person failed to make satisfaction, regardless of the disposition of the charge for which such citation was originally issued. Such reinstatement fee shall be in addition to any fine, court costs and other assessments, fees or penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit such moneys to the state general fund.

(e) The district court shall waive the reinstatement fee provided for in subsection (d), if the failure to comply with a wildlife and parks citation was the result of such person enlisting in or being drafted into the armed services of the United States of America, being called into service as a member of a reserve component of the military service of the United States of America, or volunteering for such active duty or being called into service as a member of the Kansas national guard or volunteering for such active duty and being absent from Kansas because of such military service. The state treasurer and the director of accounts and reports shall prescribe procedures for all such reimbursement payments and shall create appropriate accounts, make appropriate accounting entries and issue such appropriate vouchers and warrants as may be required to make such reimbursement payments.

Sec. 2. K.S.A. 2007 Supp. 32-1054 is hereby amended to read as follows: 32-1054. It shall be the duty of every judge or clerk of the court before whom any prosecution for a violation of the wildlife and parks laws of this state or rules and regulations of the secretary is commenced or

goes on appeal, within 20 days after disposition thereof *or the occurrence of a failure to comply with a wildlife and parks citation*, to report in writing to the department the result thereof ~~and the amount of fine collected, if any~~. *The report of any disposition or failure to comply with a wildlife and parks citation shall include the sentence of the court, the nature of the conviction or charge upon which the prosecution is based, the fines, fees, assessments and other penalties imposed and the forfeiture or suspension of any license, permit, stamp or other issue of the department of wildlife and parks, if any.*

Sec. 3. K.S.A. 2007 Supp. 32-1054 is hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE concurred in
HOUSE amendments _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.