

SENATE BILL No. 580

By Senator Clark

2-13

AN ACT concerning crimes, criminal procedure and punishment; relating to criminal hunting; amending K.S.A. 21-3728 and repealing the existing section.

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

Section 1. K.S.A. 21-3728 is hereby amended to read as follows: 21-3728. Criminal hunting is:

(1) Hunting, shooting, trapping, pursuing any bird or animal; or fishing;

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

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

(2) *intentionally creating a visual, aural, olfactory or physical stimulus for the purpose of drawing bird or animal off any land listed in subsection (1) above on to land on which the person has permission to hunt for the purpose of taking such bird or animal.*

(b) Criminal hunting is a class C misdemeanor. Upon the first conviction thereof after the effective date of this act, and in addition to any authorized sentence imposed by the court, such court may require the forfeiture of the convicted person's hunting or fishing license, or both, or, in any case where such person has a combination license, the court may require forfeiture of a part or all of such license and the court may order such person to refrain from hunting or fishing, or both, for up to one year from the date of such conviction. Upon any subsequent conviction thereof, and in addition to any authorized sentence imposed by the court, such court shall require the forfeiture of the convicted person's hunting or fishing license, or both, or, in any case where such person has a combination license, the court shall require the forfeiture of a part or all of such license and the court shall order such person to refrain from hunting or fishing, or both, for one year from the date of such conviction. A person licensed to hunt and following or pursuing a wounded game

1 bird or animal upon any land of another without permission of the land-
2 owner or person in lawful possession thereof shall not be deemed to be
3 in violation of this provision while in such pursuit.

4 Sec. 2. K.S.A. 21-3728 is hereby repealed.

5 Sec. 3. This act shall take effect and be in force from and after its
6 publication in the statute book.

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