

Substitute for SENATE BILL No. 496

By Committee on Natural Resources

2-24

9 AN ACT concerning criminal hunting; relating to revocation of licenses;
10 amending K.S.A. 21-3728 and 32-1013 and repealing the existing
11 sections.

12

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

14 Section 1. K.S.A. 21-3728 is hereby amended to read as follows: 21-
15 3728. (a) Criminal hunting is hunting, shooting, ~~trapping~~ *fur harvesting*,
16 pursuing any bird or animal, or fishing;

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

20 (2) upon or from any public road, public road right-of-way or railroad
21 right-of-way that adjoins occupied or improved premises, without having
22 first obtained permission of the owner or person in possession of such
23 premises.

24 Criminal hunting is a class C misdemeanor. Upon the first conviction
25 thereof after the effective date of this act, and in addition to any author-
26 ized sentence imposed by the court, such court may require the forfeiture
27 of the convicted person's hunting ~~or~~, fishing *or fur harvesting* license, or
28 ~~both all~~, or, in any case where such person has a combination license, the
29 court may require forfeiture of a part or all of such license and the court
30 may order such person to refrain from hunting ~~or~~, fishing *or fur har-*
31 *vesting*, or ~~both all~~, for up to one year from the date of such conviction.
32 Upon any subsequent conviction thereof, and in addition to any author-
33 ized sentence imposed by the court, such court shall require the forfeiture
34 of the convicted person's hunting ~~or~~, fishing *or fur harvesting* license, or
35 ~~both all~~, or, in any case where such person has a combination license, the
36 court shall require the forfeiture of a part or all of such license and the
37 court shall order such person to refrain from hunting ~~or~~, fishing *or fur*
38 *harvesting*, or ~~both all~~, for one year from the date of such conviction. A
39 person licensed to hunt and following or pursuing a wounded game bird
40 or animal upon any land of another without permission of the landowner
41 or person in lawful possession thereof shall not be deemed to be in vio-
42 lation of this provision while in such pursuit, *except that this provision*
43 *shall not authorize a person to remain on such land if instructed to leave*

1 *by the owner thereof or other authorized person.*
2 *The court shall notify the department of wildlife and parks of any con-*
3 *viction or diversion for criminal hunting.*
4 *(b) Intentional criminal hunting is hunting, shooting, fur harvesting,*
5 *pursuing any bird or animal or fishing upon any land or nonnavigable*
6 *body of water of another by a person who knows such person is not*
7 *authorized or privileged to do so, and:*
8 *(1) Such person remains therein and continues to hunt, shoot, fur*
9 *harvest, pursue any bird or animal or fish in defiance of an order not to*
10 *enter or to leave such premises or property personally communicated to*
11 *such person by the owner thereof or other authorized person; or*
12 *(2) such premises or property are posted in a manner consistent with*
13 *K.S.A. 32-1013, and amendments thereto.*
14 *Intentional criminal hunting is a class B misdemeanor. Upon conviction*
15 *of a violation of (b)(1) or (b)(2) a person shall be sentenced to not less*
16 *than 48 consecutive hours of imprisonment which must be served either*
17 *before or as a condition of any grant of probation or suspension, reduction*
18 *of sentence or parole, except that the judge may choose to impose a sen-*
19 *tence of 100 hours of community service instead of imprisonment upon*
20 *the first conviction. Upon the first conviction or a diversion agreement*
21 *for intentional criminal hunting after the effective date of this act, and in*
22 *addition to any authorized sentence imposed by the court, the court shall*
23 *require forfeiture of such person's hunting, fishing or fur harvesting li-*
24 *cence, or all, or in the case where such person has a combination license,*
25 *the court shall require forfeiture of a part or all of such license for six*
26 *months. Upon the second conviction of intentional criminal hunting and*
27 *in addition to any authorized sentence imposed by the court, such court*
28 *shall require the forfeiture of the convicted person's hunting, fishing or*
29 *fur harvesting license, or all, or in the case where such person has a*
30 *combination license, the court shall require forfeiture of a part or all of*
31 *such license for one year. Upon the third or subsequent conviction of*
32 *intentional criminal hunting and in addition to any authorized sentence*
33 *imposed by the court, such court shall require forfeiture of the convicted*
34 *person's hunting, fishing or fur harvesting license, or all, or in the case*
35 *where such person has a combination license, the court shall require for-*
36 *feiture of a part or all of such license for five years.*
37 *The court shall notify the department of wildlife and parks of any con-*
38 *viction or diversion for intentional criminal hunting.*
39 *Sec. 2. K.S.A. 32-1013 is hereby amended to read as follows: 32-*
40 *1013. (a) Any landowner or person in lawful possession of any land may*
41 *post such land with signs stating that hunting, trapping or fishing on such*
42 *land shall be by written permission only. It is unlawful for any person to*
43 *take wildlife on land which is posted as provided in this subsection, with-*

1 out having in the person's possession the written permission of the owner
2 or person in lawful possession thereof.

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

12 (c) A person licensed to hunt or furharvest who is following or pur-
13 suing a wounded animal on land as provided in this section posted without
14 written permission of the landowner or person in lawful possession
15 thereof shall not be in violation of this section while in such pursuit, except
16 that the provisions of this subsection shall not authorize a person to re-
17 main on such land if instructed to leave by the owner or person in lawful
18 possession of the land. Any person who fails to leave such land when
19 instructed is subject to the provisions of *subsection (b) of K.S.A. 21-3721*
20 ~~and 21-3728~~, and amendments thereto.

21 Sec. 3. K.S.A. 21-3728 and 32-1013 are hereby repealed.

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