

CHAPTER 135
HOUSE BILL No. 2653

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

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. (a) Criminal hunting is hunting, shooting, ~~trapping~~ *fur harvesting*, pursuing any bird or animal, or fishing:

(1) 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

(2) 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.

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 *or fur harvesting* license, or ~~both~~ *all*, 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 fur harvesting*, or ~~both~~ *all*, 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 *or fur harvesting* license, or ~~both~~ *all*, 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 fur harvesting*, or ~~both~~ *all*, for one year from the date of such conviction. A person licensed to hunt and following or pursuing a wounded game bird or animal upon any land of another without permission of the landowner or person in lawful possession thereof shall not be deemed to be in violation of this provision while in such pursuit, *except that this provision shall not authorize a person to remain on such land if instructed to leave by the owner thereof or other authorized person.*

The court shall notify the department of wildlife and parks of any conviction or diversion for criminal hunting.

(b) *Intentional criminal hunting is hunting, shooting, fur harvesting, pursuing any bird or animal or fishing upon any land or nonnavigable body of water of another by a person who knows such person is not authorized or privileged to do so, and:*

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

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

Intentional criminal hunting is a class B misdemeanor. Upon the first conviction or a diversion agreement for intentional criminal hunting after the effective date of this act, and in addition to any authorized sentence imposed by the court, the court shall require forfeiture of such person's hunting, fishing or fur harvesting license, or all, or in the case where such person has a combination license, the court shall require forfeiture of a part or all of such license for six months. Upon the second conviction of intentional criminal hunting and in addition to any authorized sentence imposed by the court, such court shall require the forfeiture of the convicted person's hunting, fishing or fur harvesting license, or all, or in the case where such person has a combination license, the court shall require forfeiture of a part or all of such license for one year. Upon the third or subsequent conviction of intentional criminal hunting and in addition to any authorized sentence imposed by the court, such court shall require forfeiture of the convicted person's hunting, fishing or fur harvesting license, or all, or in the case where such person has a combination license, the court shall require forfeiture of a part or all of such license for five years.

The court shall notify the department of wildlife and parks of any conviction or diversion for intentional criminal hunting.

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

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

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

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

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

Approved May 13, 2004.
