

HOUSE BILL No. 2423

By Representative Schwertfeger

1-8

1 AN ACT concerning wildlife; relating to hunting; allowing hunters who
2 are federally licensed drone operators to use drones to locate wounded
3 or recently deceased deer; requiring permission from the public or
4 private landowner, or such landowner's authorized representative, prior
5 to launching or landing a drone from or on such landowner's property;
6 prohibiting the use of drones to harass wildlife or the pursuit of any
7 wildlife that has been harassed by or with the aid of a drone; amending
8 K.S.A. 32-1003 and repealing the existing section.
9

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

11 New Section 1. (a) This section shall be known and may be cited as
12 the Kansas wounded deer recovery act.

13 (b) As used in this act and unless the context requires otherwise:

14 (1) "Drone" means an unmanned aircraft that is controlled remotely
15 by a human operator or operates autonomously through computer software
16 or other programming.

17 (2) "Harass" means disturb, worry, molest, rally, concentrate, harry,
18 chase, drive, herd or torment.

19 (c) A hunter may use drones to locate and recover wounded or
20 recently deceased deer if the hunter:

21 (1) Is a licensed federal aviation administration drone operator under
22 14 C.F.R. Part 107;

23 (2) possesses the appropriate hunting license, if required, and permit;
24 and

25 (3) strikes a deer with a projectile fired from a legal hunting method
26 during the open season.

27 (d) (1) Any hunter operating a drone under this act shall first obtain
28 permission from the public or private landowner, or such landowner's
29 authorized representative, prior to launching or landing a drone from or on
30 such landowner's property.

31 (2) Nothing in this act shall be construed to authorize trespass to
32 locate and recover a wounded animal;

33 (e) (1) Drones shall be operated in a manner that does not harass any
34 wildlife.

35 (2) No hunter, whether acting individually or as part of a group of
36 persons, may pursue or take any wildlife that has been harassed by or with

1 the aid of a drone.

2 (f) The use of a drone in accordance with this act is specifically
3 excluded from the definition of take, as defined in K.S.A. 32-701, and
4 amendments thereto.

5 Sec. 2. K.S.A. 32-1003 is hereby amended to read as follows: 32-
6 1003. (a) It is unlawful for any person, unless authorized by law or rules
7 and regulations of the secretary, to:

8 (1) (A) Take any game animal or furbearing animal from a motorboat,
9 airplane, motor vehicle or other water, air or land vehicle unless such
10 person holds a valid handicapped hunting and fishing permit issued to such
11 person pursuant to K.S.A. 32-931, and amendments thereto.

12 (B) *The provisions of subparagraph (A) do not apply to using drones*
13 *to locate wounded or recently deceased deer pursuant to section 1, and*
14 *amendments thereto;*

15 (2) provide or receive information concerning the location of any
16 game animal or furbearing animal by radio or other mechanical device for
17 purposes of taking such bird or animal;

18 (3) use sodium fluoroacetate, commonly called formula 1080, except
19 as permitted by rules and regulations of the secretary;

20 (4) use poison, poisonous gas, smoke or ferrets, or any smoke gun or
21 other device for forcing smoke or any other asphyxiating or deadly gas or
22 liquid into the holes, dens, runways or houses of wildlife, except as
23 permitted by rules and regulations of the secretary;

24 (5) fish by placing in or upon any lake, pond, river, creek, stream or
25 any other water, bordering on or within the state of Kansas, any deleterious
26 substance or fishberries;

27 (6) place or explode any dynamite, giant powder, lime, nitroglycerine
28 or any other explosive of any character or kind in any waters of the state of
29 Kansas with the intent to take or stun fish; *and*

30 (7) throw or cast the rays of a spotlight, headlight or other artificial
31 light on any highway, roadway, field, grassland, woodland or forest for the
32 purpose of spotting, locating or taking any wildlife while having in
33 possession or control, either singly or as one of a group of persons, any
34 rifle, pistol, shotgun, bow or other implement whereby wildlife could be
35 taken, except that nothing in this subsection shall be construed to prohibit
36 a person from carrying a weapon while using artificial light for conducting
37 surveillance, actively caring for agricultural equipment or livestock or
38 conducting activities described in ~~subsection (c)(2) of K.S.A. 32-1002(c)~~
39 (2), and amendments thereto, when on land under the person's control, if
40 ~~the~~ *such* person owns such land, is in lawful possession of such land or is
41 regularly employed for purposes of livestock or agricultural production or
42 management on such land.

43 (b) Any person convicted of violating *the* provisions of this section

1 shall be subject to the penalties prescribed in K.S.A. 32-1031, and
2 amendments thereto, except as provided in K.S.A. 32-1032, and
3 amendments thereto, relating to big game and wild turkey.

4 Sec. 3. K.S.A. 32-1003 is hereby repealed.

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