Session of 2021

SENATE BILL No. 160

By Committee on Agriculture and Natural Resources

2-8

1 AN ACT concerning wildlife, parks and tourism; relating to the
2   commercialization of wildlife; updating the reference to the guidelines
3   of the American fisheries society; amending K.S.A. 2020 Supp. 32-
4   1005 and repealing the existing section.
5
6 *Be it enacted by the Legislature of the State of Kansas:*
7   Section 1. K.S.A. 2020 Supp. 32-1005 is hereby amended to read as
8 follows: 32-1005. (a) Commercialization of wildlife is knowingly
9 committing any of the following, except as permitted by statute or rules
10 and regulations:
11   (1) Capturing, killing or possessing, for profit or commercial
12 purposes, all or any part of any wildlife protected by this section;
13   (2) selling, bartering, purchasing or offering to sell, barter or
14 purchase, for profit or commercial purposes, all or any part of any wildlife
15 protected by this section;
16   (3) shipping, exporting, importing, transporting or carrying; causing
17 to be shipped, exported, imported, transported or carried; or delivering or
18 receiving for shipping, exporting, importing, transporting or carrying all or
19 any part of any wildlife protected by this section, for profit or commercial
20 purposes; or
21   (4) purchasing, for personal use or consumption, all or any part of
22 any wildlife protected by this section.
23   (b) The wildlife protected by this section and the minimum value
24 thereof are as follows:
25   (1) Eagles, $1,000;
26   (2) deer or antelope, $1,000;
27   (3) elk or buffalo, $1,500;
28   (4) furbearing animals, except bobcats, $25;
29   (5) bobcats, $200;
30   (6) wild turkey, $200;
31   (7) owls, hawks, falcons, kites, harriers or ospreys, $500;
32   (8) game birds, migratory game birds, resident and migratory
33 nongame birds, game animals and nongame animals, $50 unless a higher
34 amount is specified above;
35   (9) fish and mussels, the value for which shall be no less than the
36 value listed for the appropriate fish or mussels species in the monetary

1 values of freshwater fish or mussels and fish kill counting guidelines of the
2 American fisheries society, special publication number ~~30~~ *35*;
3   (10)   turtles, $25 each for unprocessed turtles or $16 per pound or
4 fraction of a pound for processed turtle parts;
5   (11)   bullfrogs, $4, whether dressed or not dressed;
6   (12)   any wildlife classified as threatened or endangered, $500 unless
7 a higher amount is specified above; and
8   (13)   any other wildlife not listed above, $25.
9   (c)   Possession of wildlife, in whole or in part, captured or killed in
10 violation of law and having an aggregate value of $1,000 or more, as
11 specified in subsection (b), is prima facie evidence of possession for profit
12 or commercial purposes.
13   (d)   Commercialization of wildlife having an aggregate value of
14 $1,000 or more, as specified in subsection (b), is a severity level 10,
15 nonperson felony. Commercialization of wildlife having an aggregate
16 value of less than $1,000, as specified in subsection (b), is a class A
17 nonperson misdemeanor.
18   (e)   In addition to any other penalty provided by law, a court
19 convicting a person of the crime of commercialization of wildlife may:
20   (1)   Confiscate all equipment used in the commission of the crime and
21 may revoke for a period of up to 20 years all licenses and permits issued to
22 the convicted person by the Kansas department of wildlife, parks and
23 tourism; and
24   (2)   order restitution to be paid to the Kansas department of wildlife,
25 parks and tourism for the wildlife taken~~, which~~. *Such* restitution shall be in
26 an amount not less than the aggregate value of the wildlife, as specified in
27 subsection (b).
28   (f)   The provisions of this section shall apply only to wildlife illegally
29 harvested and possessed by any person having actual knowledge that such
30 wildlife was illegally harvested.
31   Sec. 2.   K.S.A. 2020 Supp. 32-1005 is hereby repealed.
32   Sec. 3.   This act shall take effect and be in force from and after its
33 publication in the ~~statute book~~ **Kansas register**.