

## HOUSE BILL No. 2491

By Committee on Federal and State Affairs

1-19

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1 AN ACT concerning wildlife; relating to hunting; amending K.S.A. 2011  
2 Supp. 32-1002 and repealing the existing section.

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

5 Section 1. K.S.A. 2011 Supp. 32-1002 is hereby amended to read as  
6 follows: 32-1002. (a) Unless and except as permitted by law or rules and  
7 regulations adopted by the secretary in accordance with K.S.A. 32-805,  
8 and amendments thereto, it is unlawful for any person to:

9 (1) Hunt, fish, furharvest or take any wildlife in this state by any  
10 means or manner;

11 (2) possess any wildlife, dead or alive, at any time or in any number,  
12 in this state;

13 (3) purchase, sell, exchange, ship or offer for sale, exchange or  
14 shipment any wildlife in this state;

15 (4) take any wildlife in this state for sale, exchange or other  
16 commercial purposes;

17 (5) possess any seine, trammel net, hoop net, fyke net, fish gig, fish  
18 spear, fish trap or other device, contrivance or material for the purpose of  
19 taking wildlife; or

20 (6) take or use, at any time or in any manner, any game bird, game  
21 animal, coyote or furbearing animal, whether pen-raised or wild, in any  
22 field trial or for training dogs.

23 (b) The provisions of subsections (a)(2) and (a)(3) do not apply to  
24 animals sold in surplus property disposal sales of department exhibit herds  
25 or animals legally taken outside this state, except the provisions of  
26 subsection (a)(3) shall apply to:

27 (1) The meat of game animals legally taken outside this state; and

28 (2) other restrictions as provided by rule and regulation of the  
29 secretary.

30 (c) The provisions of this section shall not be construed to prevent:

31 (1) Any person from taking starlings or English and European  
32 sparrows;

33 (2) owners or legal occupants of land from killing any animals when  
34 found in or near buildings on their premises or when destroying property,  
35 subject to the following: (A) The provisions of all federal laws and  
36 regulations governing protected species and the provisions of K.S.A. 32-

1 957 through 32-963, and amendments thereto, and rules and regulations  
2 adopted thereunder; (B) it is unlawful to use, or possess with intent to use,  
3 any such animal so killed unless authorized by rules and regulations of the  
4 secretary; and (C) such owners or legal occupants shall make reasonable  
5 efforts to alleviate their problems with any such animals before killing  
6 them;

7 (3) any person who is licensed under the personal and family  
8 protection act, K.S.A. 75-7c01 *et seq.*, and amendments thereto, from  
9 exercising the right to carry a concealed handgun while lawfully hunting,  
10 fishing or furharvesting; ~~or~~

11 *(4) any person who lawfully possesses a handgun from carrying such*  
12 *handgun for purposes of self defense while lawfully hunting, fishing or*  
13 *furharvesting; or*

14 ~~(4)~~ (5) any person who lawfully possesses a device or attachment of  
15 any kind designed, used or intended for use in suppressing the report of  
16 any firearm from using such device or attachment in conjunction with  
17 lawful hunting, fishing or furharvesting.

18 (d) Any person convicted of violating provisions of this section shall  
19 be subject to the penalties prescribed in K.S.A. 32-1031, and amendments  
20 thereto, except as provided in K.S.A. 32-1032, and amendments thereto,  
21 relating to big game and wild turkey.

22 Sec. 2. K.S.A. 2011 Supp. 32-1002 is hereby repealed.

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