

## HOUSE BILL No. 2341

By Committee on Agriculture and Natural Resources

2-12

1 AN ACT concerning wildlife; relating to seizure of wildlife; disposal;  
2 amending K.S.A. 2014 Supp. 32-1047 and repealing the existing  
3 section.

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

6 Section 1. K.S.A. 2014 Supp. 32-1047 is hereby amended to read as  
7 follows: 32-1047. (a) ~~Subject to the provisions in subsection (b),~~ The  
8 department is hereby empowered and directed to seize and possess any  
9 wildlife which is taken, possessed, sold or transported unlawfully, and any  
10 steel trap, snare or other device or equipment used in taking or transporting  
11 wildlife unlawfully or during closed season. ~~The department is hereby~~  
12 ~~authorized to shall:~~

13 (1) Offer the seized item, if the item is unlawfully taken wildlife  
14 parts, to the landowner or tenant on whose property the wildlife parts were  
15 unlawfully taken, provided:

16 (A) The wildlife parts are no longer needed as evidence;

17 (B) the location of the violation can be positively ascertained;

18 (C) there is no dispute between landowners or tenants as to who may  
19 receive the wildlife parts; *and*

20 (D) the landowner or tenant did not commit the violation for which  
21 the wildlife parts were seized; ~~and.~~

22 ~~(E) the wildlife parts are transferred within two years of adjudication~~  
23 ~~of the violation;~~

24 (2) *The provisions of subsection (a)(1) are construed to be and shall*  
25 *be applied retroactively as they relate to antlers, antler sheds and horns*  
26 *seized by the department after January 1, 2005, and in the care, custody,*  
27 *control, management or possession of the department as of January 1,*  
28 *2015, when the landowner or tenant whose property on which the antlers,*  
29 *antler sheds or horns were unlawfully taken, requests such wildlife parts*  
30 *to be returned to such landowner or tenant. This subsection shall apply to*  
31 *antlers, antler sheds and horns in the possession of the department or in*  
32 *the possession of some other entity pursuant to an agreement with the*  
33 *department.*

34 (b) *If the seized item is not unlawfully taken wildlife or is unlawfully*  
35 *taken wildlife that is not disposed of as described in subsection (a), the*  
36 *department is hereby authorized to:*

- 1       (2)(1) Sell the seized item, including wildlife parts with a dollar  
2 value, and remit the proceeds to the state treasurer in accordance with the  
3 provisions of K.S.A. 75-4215, and amendments thereto. If the seized item  
4 is a firearm that has been forfeited pursuant to K.S.A. 22-2512, and  
5 amendments thereto, then it may be sold unless: (1)(A) The firearm is  
6 significantly altered in any manner; or (2)(B) the sale and public  
7 possession of such firearm is otherwise prohibited by law. Upon receipt of  
8 each such remittance, the state treasurer shall deposit the entire amount in  
9 the state treasury to the credit of the wildlife fee fund;
- 10       (3)(2) retain the seized item for educational, scientific or department  
11 operational purposes; or
- 12       (4)(3) destroy the seized item.
- 13       ~~(b) The department shall give priority to disposing of unlawfully~~  
14 ~~taken wildlife items in accordance with the process provided for in~~  
15 ~~subsection (a)(1).~~
- 16       Sec. 2. K.S.A. 2014 Supp. 32-1047 is hereby repealed.
- 17       Sec. 3. This act shall take effect and be in force from and after its  
18 publication in the Kansas register.