

32-1005. Commercialization of wildlife. (a) Commercialization of wildlife is knowingly committing any of the following, except as permitted by statute or rules and regulations:

- (1) Capturing, killing or possessing, for profit or commercial purposes, all or any part of any wildlife protected by this section;
- (2) selling, bartering, purchasing or offering to sell, barter or purchase, for profit or commercial purposes, all or any part of any wildlife protected by this section;
- (3) shipping, exporting, importing, transporting or carrying; causing to be shipped, exported, imported, transported or carried; or delivering or receiving for shipping, exporting, importing, transporting or carrying all or any part of any wildlife protected by this section, for profit or commercial purposes; or
- (4) purchasing, for personal use or consumption, all or any part of any wildlife protected by this section.

(b) The wildlife protected by this section and the minimum value thereof are as follows:

- (1) Eagles, \$1,000;
- (2) deer or antelope, \$1,000;
- (3) elk or buffalo, \$1,500;
- (4) furbearing animals, except bobcats, \$25;
- (5) bobcats, \$200;
- (6) wild turkey, \$200;
- (7) owls, hawks, falcons, kites, harriers or ospreys, \$500;
- (8) game birds, migratory game birds, resident and migratory nongame birds, game animals and nongame animals, \$50 unless a higher amount is specified above;
- (9) fish and mussels, the value for which shall be no less than the value listed for the appropriate fish or mussels species in the monetary values of freshwater fish or mussels and fish kill counting guidelines of the American fisheries society, special publication number 30;
- (10) turtles, \$25 each for unprocessed turtles or \$16 per pound or fraction of a pound for processed turtle parts;
- (11) bullfrogs, \$4, whether dressed or not dressed;
- (12) any wildlife classified as threatened or endangered, \$500 unless a higher amount is specified above; and
- (13) any other wildlife not listed above, \$25.

(c) Possession of wildlife, in whole or in part, captured or killed in violation of law and having an aggregate value of \$1,000 or more, as specified in subsection (b), is prima facie evidence of possession for profit or commercial purposes.

(d) Commercialization of wildlife having an aggregate value of \$1,000 or more, as specified in subsection (b), is a severity level 10, nonperson felony. Commercialization of wildlife having an aggregate value of less than \$1,000, as specified in subsection (b), is a class A nonperson misdemeanor.

(e) In addition to any other penalty provided by law, a court convicting a person of the crime of commercialization of wildlife may:

- (1) Confiscate all equipment used in the commission of the crime and may revoke for a period of up to 20 years all licenses and permits issued to the convicted person by the Kansas department of wildlife, parks and tourism; and
- (2) order restitution to be paid to the Kansas department of wildlife, parks and tourism for the wildlife taken, which restitution shall be in an amount not less than the aggregate value of the wildlife, as specified in subsection (b).

(f) The provisions of this section shall apply only to wildlife illegally harvested and possessed by any person having actual knowledge that such wildlife was illegally harvested.

History: L. 1989, ch. 85, § 1; L. 1994, ch. 291, § 67; L. 2003, ch. 121, § 3; L. 2004, ch. 130, § 2; L. 2006, ch. 194, § 26; L. 2007, ch. 144, § 2; L. 2012, ch. 47, § 58; L. 2012, ch. 154, § 8; Jan. 1, 2013.