

32-1047. Seizure of wildlife, devices, equipment and firearms; disposition. (a) Subject to the provisions in subsection (b), the department is hereby empowered and directed to seize and possess any wildlife which is taken, possessed, sold or transported unlawfully, and any steel trap, snare or other device or equipment used in taking or transporting wildlife unlawfully or during closed season. The department is hereby authorized to:

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

- (A) The wildlife parts are no longer needed as evidence;
- (B) the location of the violation can be positively ascertained;
- (C) there is no dispute between landowners or tenants as to who may receive the wildlife parts;
- (D) the landowner or tenant did not commit the violation for which the wildlife parts were seized; and
- (E) the wildlife parts are transferred within two years of adjudication of the violation;

(2) sell the seized item, including wildlife parts with a dollar value, and remit the proceeds to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. If the seized item is a firearm that has been forfeited pursuant to K.S.A. 22-2512, and amendments thereto, then it may be sold unless: (1) The firearm is significantly altered in any manner; or (2) the sale and public possession of such firearm is otherwise prohibited by law. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the wildlife fee fund;

- (3) retain the seized item for educational, scientific or department operational purposes; or
- (4) destroy the seized item.

(b) The department shall give priority to disposing of unlawfully taken wildlife items in accordance with the process provided for in subsection (a)(1).

History: L. 1927, ch. 221, § 15; L. 1985, ch. 132, § 2; L. 1989, ch. 118, § 133; L. 2001, ch. 5, § 103; L. 2003, ch. 121, § 5; L. 2011, ch. 30, § 148; L. 2014, ch. 97, § 14; L. 2014, ch. 135, § 3; July 1.