

SENATE BILL No. 112

By Committee on Judiciary

1-29

1 AN ACT concerning wildlife, parks and tourism; relating to citations;
2 amending K.S.A. 2014 Supp. 32-1049 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. 32-1049 is hereby amended to read as
7 follows: 32-1049. (a) Whenever a person is charged for any violation of
8 any of the wildlife, parks and tourism laws of this state or the provisions of
9 article 11 of chapter 32 of the Kansas Statutes Annotated, *and amendments*
10 *thereto*, or rules and regulations adopted thereunder, punishable as a
11 misdemeanor and is not immediately taken before a judge of the district
12 court as required or permitted pursuant to K.S.A. 32-1048 and 32-1178,
13 and amendments thereto, the officer ~~shall~~ *may* prepare a written citation
14 containing a notice to appear in court, the name and address of the person,
15 the offense charged, the time and place when and where the person shall
16 appear in court and such other pertinent information as may be necessary.

17 (b) The time specified in the citation must be at least five days after
18 the alleged violation unless the person charged with the violation shall
19 demand an earlier hearing.

20 (c) The place specified in the citation must be before a judge of the
21 district court within the county in which the offense is alleged to have been
22 committed and who has jurisdiction of the offense and is nearest or most
23 accessible with reference to the place where the alleged violation occurred.

24 (d) The person charged with the violation may give a written promise
25 to appear in court by signing at least one copy of the written citation
26 prepared by the officer, in which event the officer shall deliver a copy of
27 the citation to the person, and thereupon the officer shall not take the
28 person into physical custody for the violation.

29 ~~(e) Any officer violating any provisions of this section is guilty of~~
30 ~~misconduct in office and shall be subject to removal from office.~~

31 ~~(f)~~ (e) In the event the form of citation provided for in this section
32 includes information required by law and is signed by the officer preparing
33 the same, such citation when filed with a court having jurisdiction shall be
34 deemed to be a lawful complaint for the purpose of prosecution under law.

35 Sec. 2. K.S.A. 2014 Supp. 32-1049 is hereby repealed.

36 Sec. 3. This act shall take effect and be in force from and after its

- 1 publication in the statute book.