ANIMAL LEGAL DEFENSE FUND EST 1979

Compendium of U.S. Animal Protection Laws

Kansas



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This chapter contains Kansas' general animal protection and related statutes with an effective date on or before September 1, 2023. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.

Kansas may employ similar provisions within other non-animal-specific criminal and civil statutes, may have other more specific statutes in addition to those included, and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.

Kansas Laws

SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS

1. Definition of "Animal"	"[E]very living vertebrate except a human being." KAN. STAT. § 21-6411(a)
2. General Cruelty	Cruelty to animals. KAN. STAT. § 21-6412(a)(2)-(5) *1st offense: Class A nonperson misdemeanor* *Subsequent offenses: Nonperson felony, 5 days-1 year imprisonment and $500-$2,500 fine* Aggravated cruelty to animals. KAN. STAT. § 21-6412(a)(1),(6) *Nonperson felony: 30 days-1 year imprisonment and $500-$5,000 fine* Lawful killing of dogs. KAN. STAT. § 47-646 Definitions (Pet Animal Act). KAN. STAT. § 47-1701 Violation of Pet animal Act. KAN. STAT. § 47-1707 *Civil fine $1,000* KAN. STAT. § 47-1715 *Class A nonperson misdemeanor; each day of continued operation after a conviction constitutes separate offense* **Exemptions:** Veterinary practices, research animals, lawful hunting, accepted farm animal husbandry practices, slaughter, pest control, rodeo, other. KAN. STAT. § 21-6412(c),(d) Killing a dog found to be injuring/attempting to injure livestock. KAN. STAT. § 47-646 "Pet shop" does not include pound, shelter, distributor or breeding operations. KAN. STAT. § 47-1701
3. Animal Fighting	**Note:** Statutes regarding seizure, restitution, and forfeiture and possession bans specific to animal fighting are located in those respective sections.

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	Dogfighting and cockfighting are predicate offenses for Kansas' RICO Act. KAN. STAT. § 21-6328 Dogfighting. KAN. STAT. § 21-6414 *Level 10 nonperson felony* Unlawful possession of dogfighting paraphernalia. KAN. STAT. § 21-6414 *Class A nonperson misdemeanor* Attending a dogfight. KAN. STAT. § 21-6414 *Class B nonperson misdemeanor* Cockfighting. KAN. STAT. § 21-6417 *Level 10 nonperson felony* Possession of cockfighting paraphernalia. KAN. STAT. § 21-6417 *Class A nonperson misdemeanor* Attendance at a cockfight. KAN. STAT. § 21-6417 *Class B nonperson misdemeanor*
4. Sexual Assault	Definition of sodomy. KAN. STAT. § 21-5501(b) Criminal sodomy includes sodomy between a person and an animal. KAN. STAT. § 21-5504(a)(2) *Class B nonperson misdemeanor* Aggravated criminal sodomy includes causing sodomy between a child under 14 and an animal. KAN. STAT. § 21-5504(b)(2) *Level 1 person felony*
5. Cruelty to Working Animals	Harming or killing service/law enforcement dogs. KAN. STAT. § 21-6416 *Nonperson felony: 30 days-1 year imprisonment*

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ANIMAL PROTECTION LAWS OF KANSAS

6. Laws Specific to Farmed Animals	[None]
7. Cruel Hunting, Trapping, and Fishing	General prohibitions on taking wildlife except as permitted by regulation. KAN. STAT. § 32-1002 Unlawful methods of taking wildlife; penalties. KAN. STAT. § 32-1003 KAN. STAT. § 32-1031 Unlawful to destroy dams, dens, or nests. KAN. STAT. § 32-1015
REPORTING LAWS	
8. Cross Reporting	[None]
9. Veterinary Reporting	**NOTE:** Under administrative regulation K.A.R. § 70-8-1, veterinarians are required to report cruel or inhumane treatment of animals if the veterinarian has direct knowledge of such treatment. The requirement of client confidentiality is waived for reporting cruel or inhumane treatment of an animal. KAN. STAT. § 47-839
10. "Ag-Gag" Laws	Definitions. KAN. STAT. § 47-1826 Prohibiting acquiring an animal from an animal facility or entering an animal facility under certain circumstances. KAN. STAT. § 47-1827 ***NOTE:*** Subsections (b), (c) and (d) held unconstitutional (*ALDF v. Kelly,* 9 F.4th 1219 (10th Cir. 2021). Damages. KAN. STAT. § 47-1828
CIVIL AND CIVILIAN INTERVENTION	
11. Emergency Rescue and Relief	Civilians are immune from civil liability for removing domestic animals or vulnerable persons from a motor vehicle. KAN. STAT. § 60-5401
12. Civil Enforcement	[None]

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13. Domestic Violence and Protection Orders	[None]
CRIMINAL JUSTICE INTERVENTION	
14. Maximum Penalties and Statute of Limitations	***NOTE:*** Penalties for violations of KAN. STAT. § 21-6412 and § 21-6416 are provided in the substantive statutes, available in the General Cruelty section of this document. Class B nonperson misdemeanor. *6 months county jail and/or $1,000* KAN. STAT. § 21-6602(a)(2) KAN. STAT. § 21-6611(b)(2) Class A nonperson misdemeanor. *1 year county jail and/or $2,500 fine* KAN. STAT. § 21-6602(a)(1) KAN. STAT. § 21-6611(b)(1) Level 10 nonperson felony. *7 months imprisonment and/or $100,000* KAN. STAT. § 21-6804 KAN. STAT. § 21-6611(a)(3) Level 1 person felony. *Life imprisonment and $500,000* KAN. STAT. §§ 21-6627, 21-6806 KAN. STAT. § 21-6611(a)(1) Statute of Limitations. *Misdemeanor and felony: 5 years* Kan. Stat. § 21-5107(d)
15. Law Enforcement Policies	Any public health officer, law enforcement, licensed veterinarian, humane officer, or animal shelter agent may take custody of cruelly treated animals. KAN. STAT. § 21-6412(e)
16. Seizure	Any public health officer, law enforcement, licensed veterinarian, humane officer, or animal shelter agent may take custody of cruelly treated animals. KAN. STAT. § 21-6412(e) Dogs involved in fighting may be seized. KAN. STAT. § 21-6414(e),(f)

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ANIMAL PROTECTION LAWS OF KANSAS

	Animals in possession of entities violating licensing laws and regulations under Pet Animal Act (KAN. STAT. §§ 47-1701 *et seq*.) subject to seizure. KAN. STAT. § 47-1706 KAN. STAT. § 47-1707 KAN. STAT. § 47-1715
17. Courtroom Animal Advocate Program	[None]
18. Restitution	Owner may be required to post bond equal to cost of 30 days of care. KAN. STAT. § 21-6412(e) Expenses shall be assessed to owner if convicted. KAN. STAT. § 21-6412(g) Upon conviction for dogfighting, attending a dogfight, or possession of dogfighting paraphernalia, offender shall pay all costs of care expenses. KAN. STAT. § 21-6414(f),(g) Owners of animals seized in response to violations of Pet Animal Act (KAN. STAT. §§ 47-1701 *et seq*.) must post bond to cover costs of care to avoid disposition of seized animals. KAN. STAT. § 47-1706a
19. Forfeiture and Possession Bans	Court may order forfeiture 20 days after seizure if bond not filed, or if owner cannot be reasonably ascertained. KAN. STAT. § 21-6412(e) Court shall order forfeiture upon conviction. KAN. STAT. § 21-6412(h) Dogs involved in fighting may be forfeited if costs of care bond is not filed. KAN. STAT. § 21-6414(f) Upon conviction for dogfighting, attending a dogfight, or possession of dogfighting paraphernalia, any seized dog is forfeited. KAN. STAT. § 21-6414(g) Conviction for dogfighting or aggravated animal cruelty results in prohibition from owning or keeping an animal for five years. KAN. STAT. § 21-6415 *Keeping an animal in violation: Class B nonperson misdemeanor*

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	Owners of animals seized in response to violations of Pet Animal Act (K. S. A. § 47-1701 *et seq*.) must post bond to cover costs of care to avoid disposition of seized animals. KAN. STAT. § 47-1706a Forfeiture is authorized in cases involving dogfighting, cockfighting and unlawful possession of dogfighting and cockfighting paraphernalia. KAN. STAT. § 60-4104(m), (n)
20. Rehabilitative Sentencing	Offenders convicted of "intentionally and maliciously killing, injuring, maiming, torturing, burning or mutilating any animal" or "poison[ing] any domestic animal" shall have psychological evaluations while imprisoned, and may be ordered to complete an anger management program. Such conditions shall include, but not be limited to, the completion of an anger management program. KAN. STAT. § 21-6412(b)(1) Offenders convicted of harming/killing police, arson, assistance, game warden or search and rescue dogs shall undergo a psychological evaluation and may be required to complete an anger management program. KAN. STAT. § 21-6416

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1. DEFINITION OF "ANIMAL"

KAN. STAT. ANN § 21-6411. Unlawful acts concerning animals; definitions.

As used in K.S.A. 21-6412 through 21-6417, and amendments thereto:

(a) *"Animal" means every living vertebrate except a human being;*
(b) "farm animal" means an animal raised on a farm or ranch and used or intended for use as food or fiber;
(c) "retailer" means a person regularly engaged in the business of selling tangible personal property, services or entertainment for use or consumption and not for resale;
(d) "wild animal" means a living mammal or marsupial which is normally found in the wild state, but shall not include a farm animal; and
(e) "domestic pet" means any domesticated animal which is kept for pleasure rather than utility.

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2. GENERAL CRUELTY

KAN. STAT. § 21-6412. Cruelty to animals.

(a) *Cruelty to animals is:*
  (1) *Knowingly and maliciously killing, injuring, maiming, torturing, burning or mutilating any animal;*
  (2) *knowingly abandoning any animal in any place without making provisions for its proper care;*
  (3) *having physical custody of any animal and knowingly failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal;*
  (4) *intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment;*
  (5) *knowingly but not maliciously killing or injuring any animal; or*
  (6) *knowingly and maliciously administering any poison to any domestic animal.*

(b) *Cruelty to animals as defined in:*
  (1) *Subsection (a)(1) or (a)(6) is a nonperson felony. Upon conviction of subsection (a)(1) or (a)(6), a person shall be sentenced to not less than 30 days or more than one year's imprisonment and be fined not less than $500 nor more than $5,000. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein.* During the mandatory 30 days imprisonment, such offender shall have a psychological evaluation prepared for the court to assist the court in determining conditions of probation. Such conditions shall include, but not be limited to, the completion of an anger management program; and
  (2) *subsection (a)(2), (a)(3), (a)(4) or (a)(5) is a:*
    (A) *Class A nonperson misdemeanor, except as provided in subsection (b)(2)(B); and*
    (B) *nonperson felony upon the second or subsequent conviction of cruelty to animals as defined in subsection (a)(2), (a)(3), (a)(4) or (a)(5). Upon such conviction, a person shall be sentenced to not less than five days or more than one year's imprisonment and be fined not less than $500 nor more than $2,500.* The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein.

(c) The provisions of this section shall not apply to:
  (1) Normal or accepted veterinary practices;
  (2) bona fide experiments carried on by commonly recognized research facilities;
  (3) killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated, and amendments thereto;
  (4) rodeo practices accepted by the rodeo cowboys' association;
  (5) the humane killing of an animal that is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner residing outside of a city or the owner thereof within a city if no animal shelter or licensed veterinarian is within the city, or by a licensed veterinarian at the request of

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the owner thereof, or by any officer of an animal shelter, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such shelter;

(6) with respect to farm animals, normal or accepted practices of animal husbandry, including the normal and accepted practices for the slaughter of such animals for food or by-products and the careful or thrifty management of one's herd or animals, including animal care practices common in the industry or region;

(7) the killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property;

(8) an animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;

(9) laying an equine down for medical or identification purposes;

(10) normal or accepted practices of pest control, as defined in K.S.A. 2-2438a(x), and amendments thereto; or

(11) accepted practices of animal husbandry pursuant to regulations promulgated by the United States department of agriculture for domestic pet animals under the animal welfare act, public law 89-544, as amended and in effect on July 1, 2006.

(d) The provisions of subsection (a)(6) shall not apply to any person exposing poison upon their premises for the purpose of destroying wolves, coyotes or other predatory animals.

(e) Any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any animal shelter or other appropriate facility may take into custody any animal, upon either private or public property, that clearly shows evidence of cruelty to animals. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of an animal shelter or licensed veterinarian for treatment, boarding or other care or, if an officer of such animal shelter or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane killing. The owner or custodian, if known or reasonably ascertainable, shall be notified in writing. If the owner or custodian is charged with a violation of this section, the law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal at any time after 21 days after the owner or custodian is notified, unless the owner or custodian of the animal files and maintains a renewable cash or performance bond with the county clerk of the county in which the animal was taken into custody in an amount equal to not less than the cost of care and treatment of the animal for 30 days. Such cash or performance bond shall be maintained and renewed every 30 days as necessary to cover the cost of care and treatment of such animal until disposition of the animal by the court. If the owner or custodian is not known or reasonably ascertainable after 21 days after the animal is taken into custody, the law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal. Upon receiving such petition, the court shall determine whether the animal may be transferred.

(f) The owner or custodian of an animal transferred pursuant to subsection (e) shall not be entitled to recover damages for the transfer of such animal unless the owner proves that such transfer was unwarranted.

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(g) Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to subsection (e), pending prosecution of the owner or custodian of such animal for the crime of cruelty to animals, shall be assessed to the owner or custodian as a cost of the case if the owner or custodian is adjudicated guilty of such crime. Any costs collected by the court or through the cash or performance bond described in subsection (e) shall be transferred to the entity responsible for paying the cost of care, treatment or boarding of the animal.

(h) If a person is adjudicated guilty of the crime of cruelty to animals, such animal shall not be returned to or remain with such person. Such animal may be turned over to an animal shelter or licensed veterinarian for sale or other disposition.

(i) As used in this section:

(1) "Animal shelter" means the same as such term is defined in K.S.A. 47–1701, and amendments thereto;

(2) "equine" means a horse, pony, mule, jenny, donkey or hinny; and

(3) "maliciously" means a state of mind characterized by actual evil-mindedness or specific intent to do a harmful act without a reasonable justification or excuse.

KAN. STAT. § 47-646. Killing dog lawful, when.

It shall be lawful for any person at any time to kill any dog which may be found injuring or attempting to injure any livestock as defined in KAN. STAT. 47-1001, and amendments thereto.

KAN. STAT. § 47-1701. Definitions.

As used in the Kansas pet animal act, unless the context otherwise requires:

(a) "Adequate feeding" means supplying at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff suitable for the animal species and age, and sufficient to maintain a reasonable level of nutrition in each animal.

(b) "Adequate watering" means a supply of clean, fresh, potable water, supplied in a sanitary manner and either continuously accessible to each animal or supplied at intervals suitable for the animal species, not to exceed intervals of 12 hours.

(c) "Ambient temperature" means the temperature surrounding the animal.

(d)

(1) "Animal" means any live dog, cat, rabbit, rodent, nonhuman primate, bird or other warm-blooded vertebrate or any fish, snake or other cold-blooded vertebrate.

(2) "Animal" does not include horses, cattle, sheep, goats, swine, ratites, domesticated deer or domestic fowl.

(e) *"Animal breeder" means any person who operates an animal breeder premises*.

(f) "Animal breeder premises" means any premises where all or part of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at wholesale for resale to another.

(g) *"Animal shelter" or "pound" means a facility that is used or designed for use to house, contain, impound or harbor any seized stray, homeless, relinquished or abandoned animal or a person who acts as an*

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animal rescuer, or who collects and cares for unwanted animals or offers them for adoption. Animal shelter or pound also includes a facility of an individual or organization, profit or nonprofit, maintaining 20 or more dogs or cats, or both, for the purpose of collecting, accumulating, amassing or maintaining the animals or offering the animals for adoption.

(h) "Cat" means an animal that is wholly or in part of the species Felis domesticus.

(i) "Commissioner" means the animal health commissioner of the Kansas department of agriculture.

(j) "Dog" means any animal that is wholly or in part of the species Canis familiaris.

(k) "Animal control officer" means any person employed by, contracted with or appointed by the state, or any political subdivision thereof, for the purpose of aiding in the enforcement of this law, or any other law or ordinance relating to the licensing or permitting of animals, control of animals or seizure and impoundment of animals, and includes any state, county or municipal law enforcement officer, dog warden, constable or other employee, whose duties in whole or in part include assignments that involve the seizure or taking into custody of any animal.

(l) "Euthanasia" means the humane destruction of an animal, which may be accomplished by any of those methods provided for in K.S.A. 47-1718, and amendments thereto.

(m) *"Hobby breeder premises" means any premises where all or part of three, four or five litters of dogs or cats, or both, are produced for sale or sold, offered or maintained for sale per license year. This provision applies only if the total number of dogs or cats, or both, sold, offered or maintained for sale is less than 30 individual animals*.

(n) *"Hobby breeder" means any person who operates a hobby breeder premises*.

(o) "Housing facility" means any room, building or area used to contain a primary enclosure or enclosures.

(p) *"Boarding or training kennel operator" means any person who operates an establishment where four or more dogs or cats, or both, are maintained in any one week during the license year for boarding, training or similar purposes for a fee or compensation*.

(q) *"Boarding or training kennel operator premises" means the facility of a boarding or training kennel operator*.

(r) "License year" or "permit year" means the 12-month period ending on September 30.

(s) "Person" means any individual, association, partnership, corporation or other entity.

(t)

(1) "Pet shop" means any premises where there are sold, or offered or maintained for sale, at retail and not for resale to another:

(A) *Any dogs or cats, or both; or*

(B) *any other animals except those that are produced and raised on such premises and are sold, or offered or maintained for sale, by a person who resides on such premises*.

(2) "Pet shop" does not include: (A) Any pound or animal shelter; (B) any premises where only fish are sold, or offered or maintained for sale; or (C) any animal distributor premises, hobby breeder premises, retail breeder premises or animal breeder premises.

(3) Nothing in this section prohibits inspection of those premises that sell only fish to verify that only fish are being sold.

(u) *"Pet shop operator" means any person who operates a pet shop*.

(v) "Primary enclosure" means any structure used or designed for use to restrict any animal to a limited amount of space, such as a room, pen, cage, compartment or hutch.

(w) *"Research facility" means any place, laboratory or institution, except an elementary school, secondary school, college or university, at which any scientific test, experiment or investigation involving the use of*

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any living animal is carried out, conducted or attempted.

(x) *"Sale," "sell" and "sold" include transfers by sale or exchange. Maintaining animals for sale is presumed whenever 20 or more dogs or cats, or both, are maintained by any person*.

(y) "Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health, at such intervals as necessary.

(z) "Animal distributor" means any person who operates an animal distributor premises.

(aa) *"Animal distributor premises" means the premises of any person engaged in the business of buying for resale dogs or cats, or both, as a principal or agent, or who holds such distributor's self out to be so engaged*.

(bb) *"Out-of-state distributor" means any person residing in a state other than Kansas, who is engaged in the business of buying for resale dogs or cats, or both, within the state of Kansas, as a principal or agent*.

(cc) "Food animals" means rodents, rabbits, reptiles, fish or amphibians that are sold or offered or maintained for sale for the sole purpose of being consumed as food by other animals.

(dd)

(1) *"Adequate veterinary medical care" means:*

(A) A documented program of disease control and prevention, euthanasia and routine veterinary care shall be established and maintained under the supervision of a licensed veterinarian, on a form provided by the commissioner, and shall include a documented on-site visit to the premises by the veterinarian at least once a year;

(B) *that diseased, ill, injured, lame or blind animals shall be provided with veterinary care as is needed for the health and well-being of the animal, and such veterinary care shall be documented and maintained on the premises; and*

(C) all documentation required by subsections (dd)(1)(A) and (dd)(1)(B) shall be made available to the commissioner or the commissioner's authorized representative for inspection or copying upon request and shall be maintained for three years after the effective date of the program or the administration of such veterinary care.

(2) "Adequate veterinary medical care" shall not apply to United States department of agriculture licensed animal breeders or animal distributors.

(ee) "Ratites" means all creatures of the ratite family that are not indigenous to this state, including, but not limited to, ostriches, emus and rheas.

(ff) "Retail breeder" means any person who operates a retail breeder premises.

(gg) "Retail breeder premises" means any premises where all or part of six or more litters or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at retail and not for resale to another.

(hh) "Retail" means any transaction where the animal is sold to the final consumer.

(ii) "Wholesale" means any transaction where the animal is sold for the purpose of resale to another.

NOTE: *See* KAN. STAT. §§ 47-1702, 1703, 1704, 1719, 1720, 1723, 1733, and 1736 for statutes regarding the licensing of animal distributers, pet shop operators, pounds or animal shelters, hobby breeders, research facilities, and boarding or training kennel operators, animal breeders, out of state distributers, and retail breeders.

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KAN. STAT. § 47-1707. Penalties for violations of act; judicial review; seizure and disposition of animals, when.

(a) *In addition to or in lieu of any other civil or criminal penalty provided by law, the commissioner, upon a finding that a person has violated or failed to comply with any provision of the Kansas pet animal act or any rule and regulation adopted hereunder, may impose on such person a civil penalty not exceeding $1,000 for each violation* or require such person to attend an educational course regarding animals and their care and treatment. If the commissioner imposes the educational course, such person may choose either the penalty or the educational course. If such person chooses the penalty, the commissioner shall establish the amount pursuant to the penalty provisions of this section. The educational course shall be administered by the commissioner in consultation with Kansas state university college of veterinary medicine.

(b) Any imposition of a civil penalty pursuant to this section shall be only upon notice and opportunity for a hearing in accordance with the Kansas administrative procedure act and shall be subject to review in accordance with the Kansas judicial review act.

(c) Whenever the commissioner has reasonable grounds to believe that a person or premises required to be licensed or permitted under the Kansas pet animal act has failed to comply with or has violated any provision of the Kansas pet animal act or any rule and regulation adopted hereunder and that the health, safety or welfare of animals in such person's possession, custody or care is endangered thereby, the commissioner shall seize and impound such animals using emergency adjudicative proceedings in accordance with the Kansas administrative procedure act. Except as provided by K.S.A. 21-6412, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care and services for such animals while seized and impounded shall be paid by the person from whom the animals were seized and impounded, if that person is found to be in violation of the Kansas pet animal act or any rules and regulations adopted hereunder. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If such person is not found to be in violation of the Kansas pet animal act or any rules and regulations adopted hereunder, the commissioner shall pay the costs of care and services provided during seizure and impoundment.

KAN. STAT. § 47-1715. Violation of act or rules or regulations; penalty; seizure and disposition of animals, when.

(a) *Any violation of or failure to comply with any provision of the Kansas pet animal act, or any rule and regulation adopted hereunder, shall constitute a class A nonperson misdemeanor. Continued operation, after a conviction, shall constitute a separate offense for each day of operation*.

(b) Upon a conviction of a person for any violation of the Kansas pet animal act, or any rule and regulation adopted hereunder, the court shall order the commissioner to seize and impound any animals in the convicted person's possession, custody or care if there are reasonable grounds to believe that the animals' health, safety or welfare is endangered. Except as provided by K.S.A. 21-6412, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold,

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placed or euthanized, at the discretion of the commissioner. Costs of care and services for such animals while seized and impounded shall be paid by the convicted person. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If the person is not convicted, the commissioner shall pay the costs of care and services provided during seizure and impoundment.

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3. ANIMAL FIGHTING

Note: Seizure, restitution, and forfeiture and possession bans statutes specific to animal fighting are located in those respective sections.

KAN. STAT. § 21-6328. Kansas racketeer influenced and corrupt organization act; definitions.

As used in the Kansas racketeer influenced and corrupt organization act:

(a)

(1) "Beneficial interest" means the interest of a person:

(A) as beneficiary under any trust arrangement pursuant to which a trustee holds legal or record title to real property for the benefit of such person; or

(B) under any other form of express fiduciary arrangement pursuant to which any other person holds legal or record title to real property for the benefit of such person.

The term "beneficial interest" does not include the interest of a stock holder in a corporation or the interest of a partner in either a general partnership or a limited partnership. A beneficial interest shall be deemed to be located where the real property owned by the trustee is located.

(b) "Covered person" means any person who:

(1) Is a criminal street gang member or criminal street gang associate, as defined in K.S.A. 21-6313, and amendments thereto;

(2) has engaged in or is engaging in any conduct prohibited by K.S.A. 21-5426, and amendments thereto, human trafficking or aggravated human trafficking, or K.S.A. 21-6422, and amendments thereto, commercial sexual exploitation of a child;

(3) has engaged in or is engaging in any conduct prohibited by K.S.A. 21-5703, and amendments thereto, unlawful manufacturing of controlled substances, or K.S.A. 21-5705, and amendments thereto, unlawful cultivation or distribution of controlled substances; or

(4) has engaged in or is engaging in any conduct prohibited by K.S.A. 21-6107, and amendments thereto, identity theft or identity fraud.

(c) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonorecord, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(d) "Enterprise" means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity; and it includes illicit as well as licit enterprises and governmental, as well as other, entities. A criminal street gang, as defined in K.S.A. 21-6313, and amendments thereto, constitutes an enterprise.

(e) "Pattern of racketeering activity" means engaging in at least two incidents of racketeering activity that have the same or similar intents, results, accomplices, victims or methods of commission or that otherwise are interrelated by distinguishing characteristics and are not isolated incidents, provided at least one of such incidents occurred after the effective date of this act and that the last of such incidents occurred within five years, excluding any period of imprisonment, after a prior incident of

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racketeering activity.

(f) *"Racketeering activity" means to commit, attempt to commit, conspire to commit or to solicit, coerce or intimidate another person to commit any:*

(1) Felony or misdemeanor violation of: The felony provisions of K.S.A. 8-1568, and amendments thereto, fleeing or attempting to elude a police officer; K.S.A. 9-508 et seq., and amendments thereto, Kansas money transmitter act; article 12a of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, Kansas uniform securities act; K.S.A. 21-5401, and amendments thereto, capital murder; K.S.A. 21-5402, and amendments thereto, murder in the first degree; K.S.A. 21-5403, and amendments thereto, murder in the second degree; K.S.A. 21-5408, and amendments thereto, kidnapping or aggravated kidnapping; K.S.A. 21-5412, and amendments thereto; K.S.A. 21-5413, and amendments thereto; K.S.A. 21-5414, and amendments thereto, domestic battery; K.S.A. 21-5415, and amendments thereto, criminal threat or aggravated criminal threat; K.S.A. 21-5420, and amendments thereto, robbery or aggravated robbery; K.S.A. 21-5421, and amendments thereto, terrorism; K.S.A. 21-5422, and amendments thereto, illegal use of weapons of mass destruction; K.S.A. 21-5423, and amendments thereto; K.S.A. 21-5426, and amendments thereto, human trafficking or aggravated human trafficking; K.S.A. 21-5428, and amendments thereto, blackmail; K.S.A. 21-5510, and amendments thereto, sexual exploitation of a child; K.S.A. 21-5601, and amendments thereto, endangering a child or aggravated endangering a child; K.S.A. 21-5602, and amendments thereto, abuse of a child; K.S.A. 21-5603, and amendments thereto, contributing to a child's misconduct or deprivation; K.S.A. 21-5607(b), and amendments thereto, furnishing alcoholic beverages to a minor for illicit purposes; article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, crimes involving controlled substances; K.S.A. 21-5801, and amendments thereto, theft; K.S.A. 21-5803, and amendments thereto, criminal deprivation of property; K.S.A. 21-5805, and amendments thereto; K.S.A. 21-5807, and amendments thereto, burglary or aggravated burglary; K.S.A. 21-5812, and amendments thereto, arson or aggravated arson; K.S.A. 21-5813, and amendments thereto, criminal damage to property; K.S.A. 21-5814, and amendments thereto, criminal use of an explosive; K.S.A. 21-5821, and amendments thereto, giving a worthless check; K.S.A. 21-5823, and amendments thereto, forgery; K.S.A. 21-5824, and amendments thereto, making false information; K.S.A. 21-5825, and amendments thereto, counterfeiting; K.S.A. 21-5826, and amendments thereto, destroying written instrument; K.S.A. 21-5828, and amendments thereto, criminal use of a financial card; K.S.A. 21-5838, and amendments thereto, conducting a pyramid promotional scheme; K.S.A. 21-5839, and amendments thereto; K.S.A. 21-5903, and amendments thereto, perjury; K.S.A. 21-5904, and amendments thereto, interference with law enforcement; K.S.A. 21-5905, and amendments thereto, interference with the judicial process; K.S.A. 21-5909, and amendments thereto, intimidation of a witness or victim or aggravated intimidation of a witness or victim; K.S.A. 21-5912, and amendments thereto, aiding escape; K.S.A. 21-5913, and amendments thereto, obstructing apprehension or prosecution; K.S.A. 21-5918, and amendments thereto; K.S.A. 21-6001, and amendments thereto, bribery; K.S.A. 21-6002, and amendments thereto, official misconduct; K.S.A. 21-6107, and amendments thereto, identity theft or identity fraud; K.S.A. 21-6301, and amendments thereto, criminal use of weapons; K.S.A. 21-6302, and amendments thereto, criminal carrying of a weapon; K.S.A. 21-6303, and amendments thereto, criminal distribution of firearms to a felon; K.S.A. 21-6304, and

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amendments thereto, criminal possession of a weapon by a convicted felon; K.S.A. 21-6305, and amendments thereto, aggravated weapons violation by a convicted felon; K.S.A. 21-6306, and amendments thereto, defacing identification marks of a firearm; K.S.A. 21-6308, and amendments thereto, criminal discharge of a firearm; K.S.A. 21-6310, and amendments thereto, unlawful endangerment; K.S.A. 21-6312, and amendments thereto; K.S.A. 21-6314, and amendments thereto, recruiting criminal street gang membership; K.S.A. 21-6315, and amendments thereto, criminal street gang intimidation; K.S.A. 21-6401, and amendments thereto, promoting obscenity or promoting obscenity to minors; K.S.A. 21-6404, and amendments thereto, gambling; K.S.A. 21-6405, and amendments thereto, illegal bingo operation; K.S.A. 21-6406, and amendments thereto, commercial gambling; K.S.A. 21-6407, and amendments thereto, dealing in gambling devices; K.S.A. 21-6408, and amendments thereto; K.S.A. 21-6409, and amendments thereto, installing communication facilities for gamblers*; K.S.A. 21-6414(a) or (b), and amendments thereto, unlawful conduct of dog fighting or unlawful possession of dog fighting paraphernalia; K.S.A. 21-6417(a) or (b), and amendments thereto, unlawful conduct of cockfighting or unlawful possession of cockfighting paraphernalia;* K.S.A. 21-6419, and amendments thereto, selling sexual relations; K.S.A. 21-6420, and amendments thereto, promoting the sale of sexual relations; K.S.A. 21-6422, and amendments thereto, commercial sexual exploitation of a child; K.S.A. 21-6501, and amendments thereto, extortion; K.S.A. 21-6502, and amendments thereto, debt adjusting; K.S.A. 21-6504, and amendments thereto, equity skimming; K.S.A. 21-6506, and amendments thereto, commercial bribery; K.S.A. 21-6507, and amendments thereto, sports bribery; K.S.A. 21-6508, and amendments thereto, tampering with a sports contest; K.S.A. 39-720, and amendments thereto, social welfare service fraud; K.S.A. 40-2,118, and amendments thereto, fraudulent insurance acts; K.S.A. 41-101 et seq., and amendments thereto, Kansas liquor control act; K.S.A. 44-5,125, and amendments thereto, workers' compensation act; K.S.A. 65-1657, and amendments thereto, nonresident pharmacy registration; K.S.A. 65-3441, and amendments thereto, hazardous waste; K.S.A. 65-4167, and amendments thereto, trafficking in counterfeit drugs; article 88 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, Kansas parimutuel racing act; or K.S.A. 79-3321, and amendments thereto, Kansas cigarette and tobacco products act; or

(2) conduct defined as "racketeering activity" under 18 U.S.C. § 1961(1).

(g) "Real property" means any real property or any interest in such real property, including, but not limited to, any lease of or mortgage upon such real property.

(h)

(1) "Trustee" means any:

(A) Person acting as trustee pursuant to a trust in which the trustee holds legal or record title to real property;

(B) person who holds legal or record title to real property in which any other person has a beneficial interest; or

(C) successor trustee or trustees to any or all of the foregoing persons.

(2) The term "trustee" does not include any person appointed or acting as a personal representative as defined in K.S.A. 59-102, and amendments thereto, or appointed or acting as a trustee of any testamentary trust or as a trustee of any indenture of trust under which any bonds have been or are to be issued.

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(i) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted in:
  (1) violation of any of the following provisions of law: Article 88 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, Kansas parimutuel racing act; K.S.A. 21-6404, and amendments thereto, gambling; K.S.A. 21-6405, and amendments thereto, illegal bingo operation; K.S.A. 21-6406, and amendments thereto, commercial gambling; K.S.A. 21-6407, and amendments thereto, dealing in gambling devices; K.S.A. 21-6408, and amendments thereto, unlawful possession of a gambling device; or K.S.A. 21-6409, and amendments thereto, installing communication facilities for gamblers; or
  (2) gambling activity in violation of federal law or in the business of lending money at a rate usurious under state or federal law.

KAN. STAT. § 21-6414. Unlawful conduct of dog fighting; unlawful attendance of dog fighting; unlawful possession of dog fighting paraphernalia.

(a) *Unlawful conduct of dog fighting is:*
  (1) *Causing, for amusement or gain, any dog to fight with or injure another dog, with no requirement of culpable mental state;*
  (2) *knowingly permitting such fighting or injuring on premises under one's ownership, charge or control; or*
  (3) *training, owning, keeping, transporting or selling any dog with the intent of having it fight with or injure another dog.*

(b) *Unlawful possession of dog fighting paraphernalia is possession, with the intent to use in the unlawful conduct of dog fighting, any breaking stick, treadmill, wheel, hot walker, cat mill, cat walker, jenni, or other paraphernalia.*

(c) *Unlawful attendance of dog fighting is, entering or remaining on the premises where the unlawful conduct of dog fighting is occurring, whether the person knows or has reason to know that dog fighting is occurring on the premises.*

(d)
  (1) *Unlawful conduct of dog fighting is a severity level 10, nonperson felony.*
  (2) *Unlawful possession of dog fighting paraphernalia is a class A nonperson misdemeanor.*
  (3) *Unlawful attendance of dog fighting is a class B nonperson misdemeanor.*

(e) When a person is arrested under this section, a law enforcement agency may take into custody any dog on the premises where the dog fight is alleged to have occurred and any dog owned or kept on the premises of any person arrested for unlawful conduct of dog fighting, unlawful attendance of dog fighting, or unlawful possession of dog fighting paraphernalia.

(f) When a law enforcement agency takes custody of a dog under this section, such agency may place the dog in the care of an animal shelter or licensed veterinarian for boarding, treatment or other care. If it appears to a licensed veterinarian that the dog is diseased or disabled beyond recovery for any useful purpose, such dog may be humanely killed. The dog may be sedated, isolated or restrained if such officer, agent or veterinarian determines it to be in the best interest of the dog, other animals at the animal shelter or personnel of the animal shelter. The law enforcement agency, district attorney's

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office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to be allowed to transfer ownership of the dog at any time after 21 days after the dog is taken into custody, unless the owner or custodian of the dog files a renewable cash or performance bond with the county clerk of the county where the dog is being held, in an amount equal to not less than the cost of care and treatment of the dog for 30 days. Upon receiving such petition, the court shall determine whether the dog may be transferred. Except as provided in subsection (g), if it appears to the licensed veterinarian by physical examination that the dog has not been trained for aggressive conduct or is a type of dog that is not commonly bred or trained for aggressive conduct, the district or county attorney shall order that the dog be returned to its owner when the dog is not needed as evidence in a case filed under this section or 21-6412 and amendments thereto. The owner or keeper of a dog transferred under this subsection shall not be entitled to damages unless the owner or keeper proves that such transfer was unwarranted.

(g) If a person is convicted of unlawful conduct of dog fighting, unlawful attendance of dog fighting or unlawful possession of dog fighting paraphernalia, a dog taken into custody pursuant to subsection (e) shall not be returned to such person and the court shall order the owner or keeper to pay to the animal shelter or licensed veterinarian all expenses incurred for the care, treatment and boarding of such dog, including any damages caused by such dog, prior to conviction of the owner or keeper. Disposition of such dog shall be in accordance with K.S.A. 21-6412, and amendments thereto. If no such conviction results, the dog shall be returned to the owner or keeper and the court shall order the county where the dog was taken into custody to pay to the law enforcement agency, veterinarian or animal shelter all expenses incurred for the care, treatment and boarding of such dog, including any damages caused by such dog, prior to its return.

(h) *A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for cruelty to animals*.

(i) As used in this section, "animal shelter" means the same as such term is defined in K.S.A. 47–1701, and amendments thereto.

Kan. Stat. § 21-6417. Unlawful conduct of cockfighting; unlawful possession of cockfighting paraphernalia; unlawful attendance of cockfighting.

(a) *Unlawful conduct of cockfighting is:*

(1) *Causing, for amusement or gain, any gamecock to fight with or injure or kill another gamecock, with no requirement of culpable mental state;*

(2) *knowingly permitting such fighting or injuring on premises under one's ownership, charge or control; or*

(3) *training, grooming, preparing or medicating any gamecock with the intent of having it fight with or injure or kill another gamecock.*

(b) *Unlawful possession of cockfighting paraphernalia is possession of, with the intent to use in the unlawful conduct of cockfighting, spurs, gaffs, swords, leather training spur covers or anything worn by a gamecock during a fight to further the killing power of such gamecock.*

(c) *Unlawful attendance of cockfighting is entering or remaining on the premises where the unlawful conduct of cockfighting is occurring, whether or not the person knows or has reason to know that cockfighting is occurring on the premises.*

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(d)

(1) *Unlawful conduct of cockfighting is a level 10, nonperson felony.*

(2) *Unlawful possession of cockfighting paraphernalia is a class A nonperson misdemeanor.*

(3) *Unlawful attendance of cockfighting is a class B nonperson misdemeanor.*

(e) *As used in this section, "gamecock" means a domesticated fowl that is bred, reared or trained for the purpose of fighting with other fowl.*

(f) *A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for cruelty to animals.*

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4. SEXUAL ASSAULT

Kan. Stat. § 21-5501. Definitions.

The following definitions shall apply when the words and phrases defined are used in article 55 of chapter 21 of the Kansas Statutes Annotated, and K.S.A. 21-6419 through 21-6422, and amendments thereto, except when a particular context clearly requires a different meaning:

(a) "Sexual intercourse" means any penetration of the female sex organ by a finger, the male sex organ or any object. Any penetration, however slight, is sufficient to constitute sexual intercourse. "Sexual intercourse" does not include penetration of the female sex organ by a finger or object in the course of the performance of:
  (1) Generally recognized health care practices; or
  (2) a body cavity search conducted in accordance with K.S.A. 22-2520 through 22-2524, and amendments thereto.

(b) *"Sodomy" means* oral contact or oral penetration of the female genitalia or oral contact of the male genitalia; anal penetration, however slight, of a male or female by any body part or object; or *oral or anal copulation or sexual intercourse between a person and an animal*. "Sodomy" does not include penetration of the anal opening by a finger or object in the course of the performance of:
  (1) Generally recognized health care practices; or
  (2) (2) a body cavity search conducted in accordance with K.S.A. 22-2520 through 22-2524, and amendments thereto.

(c) "Spouse" means a lawful husband or wife, unless the couple is living apart in separate residences or either spouse has filed an action for annulment, separate maintenance or divorce or for relief under the protection from abuse act.

(d) "Unlawful sexual act" means any rape, indecent liberties with a child, aggravated indecent liberties with a child, criminal sodomy, aggravated criminal sodomy, lewd and lascivious behavior, sexual battery or aggravated sexual battery, as defined in this code.

KAN. STAT. § 21-5504. Criminal sodomy; aggravated criminal sodomy.

(a) *Criminal sodomy is:*
  (1) Sodomy between persons who are 16 or more years of age and members of the same sex;
  (2) *sodomy between a person and an animal;*
  (3) sodomy with a child who is 14 or more years of age but less than 16 years of age; or
  (4) causing a child 14 or more years of age but less than 16 years of age to engage in sodomy with any person or animal.

(b) *Aggravated criminal sodomy is:*
  (1) Sodomy with a child who is under 14 years of age;
  (2) *causing a child under 14 years of age to engage in sodomy with any person or an animal; or*
  (3) sodomy with a victim who does not consent to the sodomy *or causing a victim, without the victim's consent, to engage in sodomy with any person or an animal under any of the following circumstances:*

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(A) When the victim is overcome by force or fear;
(B) when the victim is unconscious or physically powerless; or
(C) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by, or was reasonably apparent to, the offender.

(c)
(1) *Criminal sodomy as defined in:*
(A) *Subsection (a)(1) or (a)(2) is a class B nonperson misdemeanor;* and
(B) subsection (a)(3) or (a)(4) is a severity level 3, person felony.
(2) Aggravated criminal sodomy as defined in:
(A) Subsection (b)(3) is a severity level 1, person felony; and
(B) subsection (b)(1) or (b)(2) is a severity level 1, person felony, except as provided in subsection (c)(3).
(3) Aggravated criminal sodomy as defined in subsection (b)(1) or (b)(2) or attempt, conspiracy or criminal solicitation to commit aggravated criminal sodomy as defined in subsection (b)(1) or (b)(2) is an off-grid person felony, when the offender is 18 years of age or older.

(d) If the offender is 18 years of age or older, the provisions of:
(1) Subsection (c) of K.S.A. 21-5301, and amendments thereto, shall not apply to a violation of attempting to commit the crime of aggravated criminal sodomy as defined in subsection (b)(1) or (b)(2);
(2) subsection (c) of K.S.A. 21-5302, and amendments thereto, shall not apply to a violation of conspiracy to commit the crime of aggravated criminal sodomy as defined in subsection (b)(1) or (b)(2); and
(3) subsection (d) of K.S.A. 21-5303, and amendments thereto, shall not apply to a violation of criminal solicitation to commit the crime of aggravated criminal sodomy as defined in subsection (b)(1) or (b)(2).

(e) It shall be a defense to a prosecution of criminal sodomy, as defined in subsection (a)(3), and aggravated criminal sodomy, as defined in subsection (b)(1), that the child was married to the accused at the time of the offense.

(f) Except as provided in subsection (b)(3)(C), it shall not be a defense that the offender did not know or have reason to know that the victim did not consent to the sodomy, that the victim was overcome by force or fear, or that the victim was unconscious or physically powerless.

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5. CRUELTY TO WORKING ANIMALS

KAN. STAT. § 21-6416. Harming or killing certain dogs.

(a) *Inflicting harm, disability or death to a police dog, arson dog, assistance dog, game warden dog or search and rescue dog is knowingly, and without lawful cause or justification poisoning, inflicting great bodily harm, permanent disability or death, upon a police dog, arson dog, assistance dog, game warden dog or search and rescue dog.*

(b) *Inflicting harm, disability or death to a police dog, arson dog, assistance dog, game warden dog or search and rescue dog is a nonperson felony. Upon conviction of this subsection, a person shall be sentenced to not less than 30 days or more than one year's imprisonment and be fined not less than $500 nor more than $5,000. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein.* During the mandatory 30 days imprisonment, such offender shall have a psychological evaluation prepared for the court to assist the court in determining conditions of probation. Such conditions shall include, but not be limited to, the completion of an anger management program.

(c) *As used in this section:*

(1) *"Arson dog" means any dog that is owned, or the service of which is employed, by the state fire marshal or a fire department for the principal purpose of aiding in the detection of liquid accelerants in the investigation of fires;*

(2) *"assistance dog" means the same as defined in K.S.A. 39-1113, and amendments thereto;*

(3) *"fire department" means a public fire department under the control of the governing body of a city, township, county, fire district or benefit district or a private fire department operated by a nonprofit corporation providing fire protection services for a city, township, county, fire district or benefit district under contract with the governing body of the city, township, county or district;*

(4) *"game warden dog" means any dog that is owned, or the service of which is employed, by the Kansas department of wildlife, parks and tourism for the purpose of aiding in detection of criminal activity, enforcement of laws, apprehension of offenders or location of persons or wildlife;*

(5) *"police dog" means any dog that is owned, or the service of which is employed, by a law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws or apprehension of offenders; and*

(6) *"search and rescue dog" means any dog that is owned or the service of which is employed, by a law enforcement or emergency response agency for the purpose of aiding in the location of persons missing in disasters or other times of need.*

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6. LAWS SPECIFIC TO FARMED ANIMALS

[None]

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7. CRUEL HUNTING, TRAPPING, AND FISHING

Editor's Note: *This section does **not** contain all state or territorial laws regarding hunting, trapping, and fishing. This section contains only criminal statutes with the primary purpose of preventing individual wild animals from suffering unnecessary pain or suffering.*

KAN. STAT. § 32-1002. Unlawful taking or dealing in wildlife; penalties; exceptions; carrying a handgun; use of suppressing devices.

(a) Unless and except as permitted by law or rules and regulations adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto, it is unlawful for any person to:
- (1) *Hunt, fish, furharvest or take any wildlife in this state by any means or manner;*
- (2) *possess any wildlife, dead or alive, at any time or in any number, in this state;*
- (3) purchase, sell, exchange, ship or offer for sale, exchange or shipment any wildlife in this state;
- (4) take any wildlife in this state for sale, exchange or other commercial purposes;
- (5) possess any seine, trammel net, hoop net, fyke net, fish gig, fish spear, fish trap or other device, contrivance or material for the purpose of taking wildlife; or
- (6) *take or use, at any time or in any manner, any game bird, game animal, coyote or furbearing animal, whether pen-raised or wild, in any field trial or for training dogs.*

(b) The provisions of subsections (a)(2) and (a)(3) do not apply to animals sold in surplus property disposal sales of department exhibit herds or animals legally taken outside this state, except the provisions of subsection (a)(3) shall apply to:
- (1) The meat of game animals legally taken outside this state; and
- (2) other restrictions as provided by rule and regulation of the secretary.

(c) The provisions of this section shall not be construed to prevent:
- (1) Any person from taking starlings or English and European sparrows;
- (2) owners or legal occupants of land from killing any animals when found in or near buildings on their premises or when destroying property, subject to the following: (A) The provisions of all federal laws and regulations governing protected species and the provisions of K.S.A. 32-957 through 32-963, and amendments thereto, and rules and regulations adopted thereunder; (B) it is unlawful to use, or possess with intent to use, any such animal so killed unless authorized by rules and regulations of the secretary; and (C) such owners or legal occupants shall make reasonable efforts to alleviate their problems with any such animals before killing them;
- (3) any person who lawfully possesses a handgun from carrying such handgun, whether concealed or openly carried, while lawfully hunting, fishing or furharvesting, if such person is either: (A) 21 years of age or older; or (B) possesses a valid provisional license issued pursuant to K.S.A. 75-7c03, and amendments thereto, or a valid license to carry a concealed handgun issued by another jurisdiction that is recognized in this state pursuant to K.S.A. 75-7c03, and amendments thereto; or
- (4) any person who lawfully possesses a device or attachment of any kind designed, used or

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intended for use in suppressing the report of any firearm from using such device or attachment in conjunction with lawful hunting, fishing or furharvesting.

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

KAN. STAT. § 32-1003. Unlawful methods of taking wildlife; penalties.

(a) It is unlawful for any person, unless authorized by law or rules and regulations of the secretary, to:
  (1) Take any game animal or furbearing animal from a motorboat, airplane, motor vehicle or other water, air or land vehicle unless such person holds a valid handicapped hunting and fishing permit issued to such person pursuant to K.S.A. 32-931, and amendments thereto;
  (2) provide or receive information concerning the location of any game animal or furbearing animal by radio or other mechanical device for purposes of taking such bird or animal;
  (3) use sodium fluoroacetate, commonly called formula 1080, except as permitted by rules and regulations of the secretary;
  (4) *use poison, poisonous gas, smoke or ferrets, or any smoke gun or other device for forcing smoke or any other asphyxiating or deadly gas or liquid into the holes, dens, runways or houses of wildlife, except as permitted by rules and regulations of the secretary;*
  (5) fish by placing in or upon any lake, pond, river, creek, stream or any other water, bordering on or within the state of Kansas, any deleterious substance or fishberries;
  (6) *place or explode any dynamite, giant powder, lime, nitroglycerine or any other explosive of any character or kind in any waters of the state of Kansas with the intent to take or stun fish;*
  (7) throw or cast the rays of a spotlight, headlight or other artificial light on any highway, roadway, field, grassland, woodland or forest for the purpose of spotting, locating or taking any wildlife while having in possession or control, either singly or as one of a group of persons, any rifle, pistol, shotgun, bow or other implement whereby wildlife could be taken, except that nothing in this subsection shall be construed to prohibit a person from carrying a weapon while using artificial light for conducting surveillance, actively caring for agricultural equipment or livestock or conducting activities described in subsection (c)(2) of K.S.A. 32-1002, and amendments thereto, when on land under the person's control, if the person owns such land, is in lawful possession of such land or is regularly employed for purposes of livestock or agricultural production or management on such land.

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

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KAN. STAT. § 32-1031. Violations; penalties.

(a) Unless otherwise provided by law or rules and regulations of the secretary, violation of any provision of the wildlife and parks laws of this state or rules and regulations adopted thereunder is a class C nonperson misdemeanor.
  (1) Upon a second conviction of a wildlife violation that is a class C nonperson misdemeanor, a fine of not less than $250 shall be imposed.
  (2) Upon a third conviction of a wildlife violation that is a class C nonperson misdemeanor, a fine of not less than $300 shall be imposed.
  (3) Upon a fourth and any subsequent convictions of a wildlife violation that is a class C nonperson misdemeanor, a fine of not less than $400 shall be imposed and a minimum of not less than 7 days in the county jail shall be served.

(b) Any conviction for a wildlife violation that is a class C nonperson misdemeanor that occurs before July 1, 2005, shall not be considered for purposes of this section.

KAN. STAT. § 32-1015. Miscellaneous violations.

(a) It is unlawful for any person to:
  (1) *Destroy any muskrat house, beaver dam, mink run or any hole, den or runway of any furbearing animal, or cut down or destroy any tree that is the home, habitat or refuge of any furbearing animal;*
  (2) hunt deer in this state in an area where a firearms season for the taking of deer is occurring, or hunt elk in this state in an area where a firearms season for the taking of elk is occurring, unless such person is wearing clothing of a highly visible nature in a color, an amount worn and a location on such person's body prescribed by rules and regulations adopted by the secretary pursuant to K.S.A. 32-805, and amendments thereto;
  (3) do any act or engage in any activity within any state park, state lake, recreational ground, wildlife area or sanctuary, natural area or other area under the control of the secretary which is in violation of or contrary to law or rules and regulations of the secretary;
  (4) use any manner or means of taking fish which may escape from a private water fishing impoundment and kill or endanger fish in another such impoundment or in public waters;
  (5) remove fish from a private water fishing impoundment without the consent of the owner or tenant having possession and control of such impoundment; or
  (6) place, erect or cause to be placed or erected any seine, screen, net, weir, fishdam or other obstruction in or across any of the waters, rivers, creeks, ponds, streams, sloughs or other watercourses within the jurisdiction of this state in such a manner as will obstruct the free passage of fish up and down and through such watercourses.

(b) Subsection (a)(1) shall not be construed to prohibit a legal owner or occupant of land from cutting trees on such land.

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8. CROSS REPORTING

[None]

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9. VETERINARY REPORTING

NOTE: *Under administrative regulation K.A.R. § 70-8-1, veterinarians are required to report cruel or inhumane treatment of animals if the veterinarian has direct knowledge of such treatment*.

KAN. STAT. § 47-839. Confidentiality; exceptions; waiver.

(a) Except as otherwise provided under K.S.A. 47-622 and 47-624, and amendments thereto, a licensed veterinarian shall not disclose any information concerning the veterinarian's care of an animal except on written authorization or other waiver by the veterinarian's client or on appropriate court order or subpoena. Any veterinarian who releases information under written authorization or other waiver by the client or under court order or subpoena shall not be liable to the client or any other person. *The privilege provided by this section shall be waived under the following circumstances:*

(1) *Reporting cruel or inhumane treatment of any animal to federal, state or local governmental agencies;*

(2) where information is necessary to provide care in an emergency where the absence of immediate medical attention could reasonably be expected to place the animal's health in serious jeopardy or impair bodily function;

(3) where the failure to disclose vaccination information may endanger the public's health, safety or welfare;

(4) where the veterinarian's client or the owner of the animal places the veterinarian's care and treatment of the animal or the nature and extent of injuries to the animal at issue in any civil or criminal proceeding; or

(5) in relation to any investigation by the board and any subsequent administrative disciplinary action brought by the board.

This section shall be part of and supplemental to the Kansas veterinary practice act.

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10. "AG-GAG" LAWS

KAN. STAT. § 47-1826. Definitions.

As used in the farm animal and field crop and research facilities protection act:

(a) "Animal" means any warm or coldblooded animal used in food, fur or fiber production, agriculture, research, testing or education and includes dogs, cats, poultry, fish and invertebrates.

(b) "Animal facility" includes any vehicle, building, structure, research facility or premises where an animal is kept, handled, housed, exhibited, bred or offered for sale.

(c) "Consent" means assent in fact, whether express or apparent.

(d) "Deprive" means to:

(1) Withhold an animal or other property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the animal or property is lost to the owner;

(2) restore the animal or other property only upon payment of reward or other compensation; or

(3) dispose of an animal or other property in a manner that makes recovery of the animal or property by the owner unlikely.

(e) "Effective consent" includes consent by a person legally authorized to act for the owner. Consent is not effective if:

(1) Induced by force, fraud, deception, duress or threat;

(2) given by a person the offender knows is not legally authorized to act for the owner; or

(3) given by a person who by reason of youth, mental disease or defect or under the influence of drugs or alcohol is known by the offender to be unable to make reasonable decisions.

(f) "Owner" means a person who has title to the property, possession of the property, whether lawful or not, or a greater right to possession of the property than the actor.

(g) "Person" means any individual, state agency, corporation, association, nonprofit corporation, joint stock company, firm, trust, partnership, two or more persons having a joint or common interest or other legal entity.

(h) "Possession" means actual care, custody, control or management.

(i) "Research facility" means any place, laboratory, institution, medical care facility, elementary school, secondary school, college or university, at which any scientific test, experiment or investigation involving the use of any living animal or field crop product is carried out, conducted or attempted.

KAN. STAT. § 47-1827. Prohibited acts; criminal penalties.

NOTE: Subsections (b), (c) and (d) held unconstitutional (*ALDF v. Kelly,* 9 F.4th 1219 (10th Cir. 2021).

(a) No person shall, without the effective consent of the owner and with the intent to damage the enterprise conducted at the animal facility, damage or destroy an animal facility or any animal or property in or on an animal facility.

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(b) *No person shall, without the effective consent of the owner, acquire or otherwise exercise control over an animal facility, an animal from an animal facility or other property from an animal facility, with the intent to deprive the owner of such facility, animal or property and to damage the enterprise conducted at the animal facility.*

(c) *No person shall, without the effective consent of the owner and with the intent to damage the enterprise conducted at the animal facility:*

(1) *Enter an animal facility, not then open to the public, with intent to commit an act prohibited by this section;*

(2) *remain concealed, with intent to commit an act prohibited by this section, in an animal facility;*

(3) *enter an animal facility and commit or attempt to commit an act prohibited by this section; or*

(4) *enter an animal facility to take pictures by photograph, video camera or by any other means.*

(d)

(1) *No person shall, without the effective consent of the owner and with the intent to damage the enterprise conducted at the animal facility, enter or remain on an animal facility if the person:*

(A) *Had notice that the entry was forbidden; or*

(B) *received notice to depart but failed to do so.*

(2) For purposes of this subsection (d), "notice" means:

(A) Oral or written communication by the owner or someone with apparent authority to act for the owner;

(B) fencing or other enclosure obviously designed to exclude intruders or to contain animals; or

(C) a sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden.

(e) No person shall, without the effective consent of the owner and with the intent to damage or destroy the field crop product, damage or destroy any field crop product that is grown in the context of a product development program in conjunction or coordination with a private research facility or a university or any federal, state or local governmental agency.

(f) No person shall, without the effective consent of the owner and with the intent to damage or destroy the field crop product, enter any property, with the intent to damage or destroy any field crop product that is grown in the context of a product development program in conjunction or coordination with a private research facility or a university or any federal, state or local governmental agency.

(g)

(1) Violation of subsection (a) or (e) is a severity level 7, nonperson felony if the facility, animals, field crop product or property is damaged or destroyed to the extent of $25,000 or more. Violation of subsection (a) or (e) is a severity level 9, nonperson felony if the facility, animals, field crop product or property is damaged or destroyed to the extent of at least $1,000 but less than $25,000. Violation of subsection (a) or (e) is a class A nonperson misdemeanor if the facility, animals, field crop product or property damaged or destroyed is of the value of less than $1,000 or is of the value of $1,000 or more and is damaged to the extent of less than $1,000.

(2) Violation of subsection (b) is a severity level 10, nonperson felony.

(3) *Violation of subsection (c) is a class A, nonperson misdemeanor.*

(4) Violation of subsection (d) or (f) is a class B nonperson misdemeanor.

(h) The provisions of this section shall not apply to lawful activities of any governmental agency or

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employees or agents thereof carrying out their duties under law.

KAN. STAT. § 47-1828. Recovery of damages.

(a) *Any person who has been damaged by reason of a violation of K.S.A. 47-1827, and amendments thereto, may bring an action in the district court against the person causing the damage to recover:*
   (1) *An amount equal to three times all actual and consequential damages. Actual and consequential damages shall include the damages involving production, research, testing, replacement and crop or animal development costs directly related to the field crop or animal that has been damaged or destroyed; and*
   (2) *court costs and reasonable attorney fees.*

(b) Nothing in this act shall be construed to affect any other rights of a person who has been damaged by reason of a violation of this act. Subsection (a) shall not be construed to limit the exercise of any such rights arising out of or relating to a violation of K.S.A. 47-1827, and amendments thereto.

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11. EMERGENCY RESCUE AND RELIEF

KAN. STAT. § 60-5401. Immunity for person removing vulnerable person or domestic animal from motor vehicle; requirements [caption editorially supplied].

(a) *As used in this section:*
  (1) *"Domestic animal" means a dog, cat or other animal that is domesticated and may be kept as a household pet. "Domestic animal" does not include livestock, as defined in K.S.A. 47-1001, and amendments thereto, or other farm animals.*
  (2) *"Motor vehicle" means the same as specified in K.S.A. 8-126, and amendments thereto.*
  (3) *"Vulnerable person" means an adult whose ability to perform the normal activities of daily living or to provide for such adult's own care or protection is impaired or a minor.*

(b) *A person who enters a motor vehicle, by force or otherwise, for the purpose of removing a vulnerable person or domestic animal is immune from civil liability for damage to the motor vehicle if such person:*
  (1) *Determines the motor vehicle is locked or there is otherwise no reasonable method for the vulnerable person or domestic animal to exit the motor vehicle without assistance;*
  (2) *has a good faith and reasonable belief, based upon known circumstances, that entry into the motor vehicle is necessary because the vulnerable person or domestic animal is in imminent danger of suffering harm;*
  (3) *ensures that law enforcement is notified or calls 911 before entering the motor vehicle or immediately thereafter;*
  (4) *uses no more force to enter the motor vehicle and remove the vulnerable person or domestic animal than is necessary; and*
  (5) *remains with the vulnerable person or domestic animal in a safe location, in reasonable proximity to the motor vehicle, until law enforcement or a first responder arrives.*

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12. CIVIL ENFORCEMENT

[None]

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13. DOMESTIC VIOLENCE AND PROTECTION ORDERS

[None]

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14. MAXIMUM PENALTIES AND STATUTE OF LIMITATIONS

NOTE: Penalties for violations of KAN. STAT. § 21-6412 and § 21-6416 are provided in the substantive statutes, available in the General Cruelty section of this document.

KAN. STAT. § 21-5107. Time limitations for commencement of prosecution.

(a)

(1) A prosecution for any of the following crimes may be commenced at any time:

(A) Rape as defined in K.S.A. 21–3502, prior to its repeal, or K.S.A. 2022 Supp. 21–5503, and amendments thereto;

(B) aggravated criminal sodomy as defined in K.S.A. 21–3506, prior to its repeal, or K.S.A. 2022 Supp. 21–5504(b), and amendments thereto;

(C) murder as described in K.S.A. 21–3401, 21–3402 or 21–3439, prior to their repeal, or K.S.A. 2022 Supp. 21–5401, 21–5402 or 21–5403, and amendments thereto;

(D) terrorism as defined in K.S.A. 21–3449, prior to its repeal, or K.S.A. 2022 Supp. 21–5421, and amendments thereto; or

(E) illegal use of weapons of mass destruction as defined in K.S.A. 21–3450, prior to its repeal, or K.S.A. 2022 Supp. 21–5422, and amendments thereto.

(2) A prosecution for childhood sexual abuse may be commenced at any time. As used in this paragraph, "childhood sexual abuse" means any of the following crimes when the victim is under 18 years of age:

(A) Indecent liberties with a child as defined in K.S.A. 21–3503, prior to its repeal, or K.S.A. 2022 Supp. 21–5506(a), and amendments thereto;

(B) aggravated indecent liberties with a child as defined in K.S.A. 21–3504, prior to its repeal, or K.S.A. 2022 Supp. 21–5506(b), and amendments thereto;

(C) criminal sodomy as defined in K.S.A. 21–3505(a)(2) and (a) (3), prior to its repeal, or K.S.A. 2022 Supp. 21–5504(a)(3) and (a)(4), and amendments thereto;

(D) enticement of a child as defined in K.S.A. 21–3509, prior to its repeal;

(E) indecent solicitation of a child as defined in K.S.A. 21–3510, prior to its repeal, or K.S.A. 2022 Supp. 21–5508(a), and amendments thereto;

(F) aggravated indecent solicitation of a child as defined in K.S.A. 21–3511, prior to its repeal, or K.S.A. 2022 Supp. 21–5508(b), and amendments thereto;

(G) sexual exploitation of a child as defined in K.S.A. 21–3516, prior to its repeal, or K.S.A. 2022 Supp. 21–5510, and amendments thereto;

(H) aggravated sexual battery as defined in K.S.A. 21–3518, prior to its repeal, or K.S.A. 2022 Supp. 21–5505(b), and amendments thereto;

(I) aggravated incest as defined in K.S.A. 21–3603, prior to its repeal, or K.S.A. 2022 Supp. 21–5604(b), and amendments thereto;

(J) aggravated human trafficking as defined in K.S.A. 21–3447, prior to its repeal, or K.S.A. 2022 Supp. 21–5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

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(K) internet trading in child pornography or aggravated internet trading in child pornography as defined in K.S.A. 2022 Supp. 21–5514, and amendments thereto; or

(L) commercial sexual exploitation of a child as defined in K.S.A. 2022 Supp. 21–6422, and amendments thereto.

(b) Except as provided in subsections (a) and (e), a prosecution for any crime shall be commenced within 10 years after its commission if the victim is the Kansas public employees retirement system.

(c) Except as provided in subsection (e), a prosecution for a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto:

(1) When the victim is 18 years of age or older shall be commenced within 10 years or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later; or

(2) when the victim is under 18 years of age shall be commenced within 10 years of the date the victim turns 18 years of age or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later.

(d) *Except as provided in subsection (e), a prosecution for any crime, as defined in K.S.A. 21-5102, and amendments thereto, not governed by subsection (a), (b) or (c) shall be commenced within five years after it is committed.*

(e) The period within which a prosecution shall be commenced shall not include any period in which:

(1) The accused is absent from the state;

(2) the accused is concealed within the state so that process cannot be served upon the accused;

(3) the fact of the crime is concealed;

(4) a prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings thereon are set aside, or are reversed on appeal;

(5) an administrative agency is restrained by court order from investigating or otherwise proceeding on a matter before it as to any criminal conduct defined as a violation of any of the provisions of article 41 of chapter 25 and article 2 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, which may be discovered as a result thereof regardless of who obtains the order of restraint; or

(6) whether the fact of the crime is concealed by the active act or conduct of the accused, there is substantially competent evidence to believe two or more of the following factors are present:

(A) The victim was a child under 15 years of age at the time of the crime;

(B) the victim was of such age or intelligence that the victim was unable to determine that the acts constituted a crime;

(C) the victim was prevented by a parent or other legal authority from making known to law enforcement authorities the fact of the crime whether or not the parent or other legal authority is the accused; and

(D) there is substantially competent expert testimony indicating the victim psychologically repressed such victim's memory of the fact of the crime, and in the expert's professional opinion the recall of such memory is accurate and free of undue manipulation, and substantial corroborating evidence can be produced in support of the allegations contained in the complaint or information but in no event may a prosecution be commenced as provided in subsection (e)(6) later than the date the victim turns 28 years of age. Corroborating evidence may include, but is not limited to,

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evidence the defendant committed similar acts against other persons or evidence of contemporaneous physical manifestations of the crime.

(f) An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing offense plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

(g) A prosecution is commenced when a complaint or information is filed, or an indictment returned, and a warrant thereon is delivered to the sheriff or other officer for execution. No such prosecution shall be deemed to have been commenced if the warrant so issued is not executed without unreasonable delay.

(h) As used in this section, "parent or other legal authority" shall include, but not be limited to, natural and stepparents, grandparents, aunts, uncles or siblings.

KAN. STAT. § 21-6602. Classification of misdemeanors and terms of confinement; possible disposition.

(a) *For the purpose of sentencing, the following classes of misdemeanors and the punishment and the terms of confinement authorized for each class are established:*
  (1) *Class A, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed one year;*
  (2) *class B, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed six months;*
  (3) class C, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed one month; and
  (4) unclassified misdemeanors, which shall include all crimes declared to be misdemeanors without specification as to class, the sentence for which shall be in accordance with the sentence specified in the statute that defines the crime; if no penalty is provided in such law, the sentence shall be the same penalty as provided herein for a class C misdemeanor.

(b) *Upon conviction of a misdemeanor, a person may be punished by a fine, as provided in K.S.A. 21-6611, and amendments thereto, instead of or in addition to confinement, as provided in this section.*

(c) In addition to or in lieu of any other sentence authorized by law, whenever there is evidence that the act constituting the misdemeanor was substantially related to the possession, use or ingestion of cereal malt beverage or alcoholic liquor by such person, the court may order such person to attend and satisfactorily complete an alcohol or drug education or training program certified by the chief judge of the judicial district or licensed by the secretary for aging and disability services.

(d) Except as provided in subsection (e), in addition to or in lieu of any other sentence authorized by law, whenever a person is convicted of having committed, while under 21 years of age, a misdemeanor under K.S.A. 8-1599, 41-719 or 41-727 or K.S.A. 21-5701 through 21-5717, and amendments thereto, the court shall order such person to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. If the court finds that the person is indigent, the fee may be waived.

(e) If the person is 18 or more years of age but less than 21 years of age and is convicted of a violation of K.S.A. 41-727, and amendments thereto, involving cereal malt beverage, the provisions of subsection (d) are permissive and not mandatory.

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KAN. STAT. § 21-6611. Fines; crimes committed on or after July 1, 1993.

(a) A person who has been convicted of a felony may, in addition to the sentence authorized by law, be ordered to pay a fine which shall be fixed by the court as follows:
  (1) *For any off-grid felony crime, or any felony ranked in severity level 1 of the drug grid committed prior to July 1, 2012,* or in severity levels 1 or 2 of the drug grid committed on or after July 1, 2012, as provided in K.S.A. 2012 Supp. 21-6805, and amendments thereto, *a sum not exceeding $500,000;*
  (2) for any felony ranked in severity levels 1 through 5 of the nondrug grid as provided in K.S.A. 2012 Supp. 21-6804, and amendments thereto, or in severity levels 2 or 3 of the drug grid committed prior to July 1, 2012, or in severity levels 3 or 4 of the drug grid committed on or after July 1, 2012, as provided in K.S.A. 2012 Supp. 21-6805, and amendments thereto, a sum not exceeding $300,000; and
  (3) *for any felony ranked in severity levels 6 through 10 of the nondrug grid as provided in K.S.A. 2012 Supp. 21-6804,* and amendments thereto, or in severity level 4 of the drug grid committed prior to July 1, 2012, or in severity level 5 of the drug grid committed on or after July 1, 2012, as provided in K.S.A. 2012 Supp. 21-6805, and amendments thereto, *a sum not exceeding $100,000.*

(b) *A person who has been convicted of a misdemeanor, in addition to or instead of the imprisonment authorized by law, may be sentenced to pay a fine which shall be fixed by the court as follows:*
  (1) *For a class A misdemeanor, a sum not exceeding $2,500;*
  (2) *for a class B misdemeanor, a sum not exceeding $1,000;*
  (3) for a class C misdemeanor, a sum not exceeding $500; and
  (4) for an unclassified misdemeanor, any sum authorized by the statute that defines the crime. If no penalty is provided in such law, the fine shall not exceed the fine provided herein for a class C misdemeanor.

(c) As an alternative to any of the above fines, the fine imposed may be fixed at any greater sum not exceeding double the pecuniary gain derived from the crime by the offender.

(d) A person who has been convicted of a traffic infraction may be sentenced to pay a fine which shall be fixed by the court, not exceeding $500.

(e) A person who has been convicted of a cigarette or tobacco infraction shall be sentenced to pay a fine of $25.

(f) The provisions of this section shall apply to crimes committed on or after July 1, 1993.

KAN. STAT. § 21-6627. Mandatory term of imprisonment of 25 or 40 years for certain offenders; exceptions.

(a)
  (1) *Except as provided in subsection (b) or (d), a defendant who is 18 years of age or older and is convicted of the following crimes committed on or after July 1, 2006, shall be sentenced to a term of imprisonment for life with a mandatory minimum term of imprisonment of not less than 25 years unless the court determines that the defendant should be sentenced as determined in subsection (a)(2):*

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(A) Aggravated human trafficking, as defined in K.S.A. 21-5426(b), and amendments thereto, if the victim is less than 14 years of age;
(B) rape, as defined in K.S.A. 21-5503(a)(3), and amendments thereto;
(C) aggravated indecent liberties with a child, as defined in K.S.A. 21-5506(b)(3), and amendments thereto;
(D) aggravated criminal sodomy, as defined in K.S.A. 21-5504(b)(1) or (b)(2), and amendments thereto;
(E) commercial sexual exploitation of a child, as defined in K.S.A. 21-6422, and amendments thereto, if the victim is less than 14 years of age;
(F) sexual exploitation of a child, as defined in K.S.A. 21-5510(a)(1) or (a)(4), and amendments thereto, if the child is less than 14 years of age;
(G) aggravated internet trading in child pornography, as defined in K.S.A. 21-5514(b), and amendments thereto, if the child is less than 14 years of ages; and
(H) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-5301, 21-5302 or 21-5303, and amendments thereto, of an offense defined in subsections (a)(1)(A) through (a)(1)(G).

(2) *The provision of subsection (a)(1) requiring a mandatory minimum term of imprisonment of not less than 25 years shall not apply if the court finds:*
(A) *The defendant is an aggravated habitual sex offender and sentenced pursuant to K.S.A. 21-6626, and amendments thereto; or*
(B) *the defendant, because of the defendant's criminal history classification, would be subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range would exceed 300 months if the sentence established for a severity level 1 crime was imposed. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established for a severity level 1 crime pursuant to the sentencing range.*

(b)
(1) On and after July 1, 2006, if a defendant who is 18 years of age or older is convicted of a crime listed in subsection (a)(1) and such defendant has previously been convicted of a crime listed in subsection (a)(1), a crime in effect at any time prior to July 1, 2011, which is substantially the same as a crime listed in subsection (a)(1) or a crime under a law of another jurisdiction which is substantially the same as a crime listed in subsection (a)(1), the court shall sentence the defendant to a term of imprisonment for life with a mandatory minimum term of imprisonment of not less than 40 years. The provisions of this paragraph shall not apply to a crime committed under K.S.A. 21-5507, and amendments thereto, or a crime under a law of another jurisdiction which is substantially the same as K.S.A. 21-5507, and amendments thereto.
(2) The provision of subsection (b)(1) requiring a mandatory minimum term of imprisonment of not less than 40 years shall not apply if the court finds:
(A) The defendant is an aggravated habitual sex offender and sentenced pursuant to K.S.A. 21-6626, and amendments thereto; or
(B) the defendant, because of the defendant's criminal history classification, would be subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range would exceed 480 months if the sentence established for a severity level 1 crime was imposed. In such case, the defendant is

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required to serve a mandatory minimum term equal to the sentence established for a severity level 1 crime pursuant to the sentencing range.

(c) When a person is sentenced pursuant to subsection (a) or (b), such person shall be sentenced to a mandatory minimum term of imprisonment of not less than 25 years, 40 years or be sentenced as determined in subsection (a)(2) or subsection (b)(2), whichever is applicable, and shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, a person sentenced pursuant to this section shall not be eligible for parole prior to serving such mandatory term of imprisonment, and such imprisonment shall not be reduced by the application of good time credits. Except as provided in subsection (d), no other sentence shall be permitted.

(d)

(1) On or after July 1, 2006, for a first time conviction of an offense listed in subsection (a)(1), the sentencing judge shall impose the mandatory minimum term of imprisonment provided by subsection (a), unless the judge finds substantial and compelling reasons, following a review of mitigating circumstances, to impose a departure. If the sentencing judge departs from such mandatory minimum term of imprisonment, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. The departure sentence shall be the sentence pursuant to the revised Kansas sentencing guidelines act, article 68 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, and, subject to the provisions of K.S.A. 21-6818, and amendments thereto, no sentence of a mandatory minimum term of imprisonment shall be imposed hereunder.

(2) As used in this subsection, "mitigating circumstances" shall include, but are not limited to, the following:

(A) The defendant has no significant history of prior criminal activity;

(B) the crime was committed while the defendant was under the influence of extreme mental or emotional disturbances;

(C) the victim was an accomplice in the crime committed by another person, and the defendant's participation was relatively minor;

(D) the defendant acted under extreme distress or under the substantial domination of another person;

(E) the capacity of the defendant to appreciate the criminality of the defendant's conduct or to conform the defendant's conduct to the requirements of law was substantially impaired; and

(F) the age of the defendant at the time of the crime.

(e) The provisions of K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-5301, 21-5302 or 21-5303, and amendments thereto, shall not apply to any defendant sentenced pursuant to this section.

KAN. STAT. § 21-6804. Sentencing grid for nondrug crimes; authority and responsibility of sentencing court; presumptive disposition.

(a) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. The following sentencing guidelines grid shall be applicable to nondrug felony crimes:

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ANIMAL PROTECTION LAWS OF KANSAS

SENTENCING RANGE - NONDRUG OFFENSES

Category → / Severity Level ↓	A 3 + Person Felonies	B 2 Person Felonies	C 1 Person & 1 Nonperson Felonies	D 1 Person Felony	E 3 + Nonperson Felonies	F 2 Nonperson Felonies	G 1 Nonperson Felony	H 2 + Misdemeanors	I 1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment

(b) Sentences expressed in the sentencing guidelines grid for nondrug crimes represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to the sentencing court's discretion to enter a departure sentence. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e)

(1) The sentencing court has discretion to sentence at any place within the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:

(A) Prison sentence;

(B) maximum potential reduction to such sentence as a result of good time; and

(C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the:

(A) Prison sentence; and

(B) duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense

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is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence as provided in subsection (q).

(g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or a violation of K.S.A. 21-5412(d), and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(i)

(1) The sentence for the violation of the felony provision of K.S.A. 21-5414(c)(1)(C), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 21-6807, and amendments thereto.

(2) If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 21-6807, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 21-5823, and amendments thereto.

(3) Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 21-5414(c)(1)(C), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections. Prior to imposing any sentence pursuant to this subsection, the court may consider assigning the defendant to a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto.

(j)

(1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, “persistent sex offender” means a person who:

(A)

(i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto; and

(ii) at the time of the conviction under clause(i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto, in this state or comparable felony under the laws of another state, the federal government or a foreign government; or

(B)

(i) has been convicted of rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and amendments thereto; and

(ii) at the time of the conviction under clause(i) has at least one conviction for rape

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in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in subsection (j)(2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k)

(1) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(2) As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities:

(A) The commission of one or more person felonies; or

(B) the commission of felony violations of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 21-36a01 through 21-36a17, prior to their transfer, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009; and

(C) its members have a common name or common identifying sign or symbol; and

(D) its members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 21-36a01 through 21-36a17, prior to their transfer, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or any substantially similar offense from another jurisdiction.

(l) Except as provided in subsection (o), the sentence for a violation of K.S.A. 21-5807(a)(1), and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 21-5301and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-3715(a) or (b), prior to its repeal, 21-3716, prior to its repeal, K.S.A. 21-5807(a)(1) or (a)(2) or 21-5807(b), and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment.

(m) The sentence for a violation of K.S.A. 22-4903 or K.S.A. 21-5913(a)(2), and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence as provided in subsection (q).

(n) The sentence for a violation of criminal deprivation of property, as defined in K.S.A. 21-5803, and amendments thereto, when such property is a motor vehicle, and when such person being sentenced has any combination of two or more prior convictions of K.S.A. 21-3705(b), prior to its repeal, or of criminal deprivation of property, as defined in K.S.A. 21-5803, and amendments thereto, when such property is a motor vehicle, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(o)

(1) The sentence for a felony violation of theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary as defined in K.S.A. 21-5807(a), and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and amendments thereto, or

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burglary as defined in K.S.A. 21-5807(a), and amendments thereto; or the sentence for a felony violation of theft of property as defined in K.S.A. 21-5801, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 21-5807, and amendments thereto; or the sentence for a felony violation of burglary as defined in K.S.A. 21-5807(a), and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 21-5807, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved aftercare plan, if the court makes the following findings on the record:

(A) Substance abuse was an underlying factor in the commission of the crime;

(B) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and

(C) participation in an intensive substance abuse treatment program will serve community safety interests.

(2) A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of K.S.A. 21-6824(f)(1), and amendments thereto, shall apply to a defendant sentenced under this subsection. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(p)

(1) The sentence for a felony violation of theft of property as defined in K.S.A. 21-5801, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 21-5807, and amendments thereto; or the sentence for a violation of burglary as defined in K.S.A. 21-5807(a), and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 21-5807, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:

(A) Substance abuse was an underlying factor in the commission of the crime;

(B) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and

(C) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.

(2) The intensive substance abuse treatment program shall be determined by the secretary of

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corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(q)

(1) As used in this section, an "optional nonprison sentence" is a sentence which the court may impose, in lieu of the presumptive sentence, upon making the following findings on the record:
   (A) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and
   (B) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or
   (C) the nonprison sanction will serve community safety interests by promoting offender reformation.

(2) Any decision made by the court regarding the imposition of an optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(r) The sentence for a violation of K.S.A. 21-5413(c)(2), and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(s) The sentence for a violation of K.S.A. 21-5512, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(t)

(1) If the trier of fact makes a finding beyond a reasonable doubt that an offender wore or used ballistic resistant material in the commission of, or attempt to commit, or flight from any felony, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 30 months' imprisonment.

(2) The sentence imposed pursuant to paragraph (1) shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(3) As used in this subsection, "ballistic resistant material" means any:
   (A) Commercially produced material designed with the purpose of providing ballistic and trauma protection, including, but not limited to, bulletproof vests and Kevlar vests; and
   (B) homemade or fabricated substance or item designed with the purpose of providing ballistic and trauma protection.

(u) The sentence for a violation of K.S.A. 21-6107, and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 21-5301 and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-4018, prior to its repeal, or K.S.A. 21-6107, and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(v) The sentence for a third or subsequent violation of K.S.A. 8-1568, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to

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appeal.

(w) The sentence for aggravated criminal damage to property as defined in K.S.A. 21-5813(b), and amendments thereto, when such person being sentenced has a prior conviction for any nonperson felony shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(x) The sentence for a violation of K.S.A. 21-5807(a)(1), and amendments thereto, shall be presumptive imprisonment if the offense under such paragraph is classified in grid blocks 7-C, 7-D or 7-E. Such sentence shall not be considered a departure and shall not be subject to appeal.

(y)

(1) Except as provided in paragraph(3), if the trier of fact makes a finding beyond a reasonable doubt that an offender committed a nondrug felony offense, or any attempt or conspiracy, as defined in K.S.A. 21-5301 and 21-5302, and amendments thereto, to commit a nondrug felony offense, against a law enforcement officer, as defined in K.S.A. 21-5111(p)(1) and (3), and amendments thereto, while such officer was engaged in the performance of such officer's duty, or in whole or in any part because of such officer's status as a law enforcement officer, the sentence for such offense shall be:

(A) If such offense is classified in severity level 2 through 10, one severity level above the appropriate level for such offense; and

(B)

(i) if such offense is classified in severity level 1, except as otherwise provided in clause(ii), imprisonment for life, and such offender shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, such offender shall not be eligible for parole prior to serving 25 years' imprisonment, and such 25 years' imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(ii) The provisions of clause(i) requiring the court to impose a mandatory minimum term of imprisonment of 25 years shall not apply if the court finds the offender, because of the offender's criminal history classification, is subject to presumptive imprisonment and the sentencing range exceeds 300 months. In such case, the offender is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(2) The sentence imposed pursuant to paragraph(1) shall not be considered a departure and shall not be subject to appeal.

(3) The provisions of this subsection shall not apply to an offense described in paragraph(1) if the factual aspect concerning a law enforcement officer is a statutory element of such offense.

(z)

(1) Notwithstanding K.S.A. 2022 Supp. 21–5109(b)(2), and amendments thereto, or any other provision of law to the contrary, the sentence for a violation of criminal possession of a weapon by a convicted felon as defined in K.S.A. 2022 Supp. 21–6304, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed if the trier of fact makes a finding beyond a reasonable doubt that:

(A) The weapon the offender possessed during such violation was a firearm; and

(B) such firearm was used by the offender during the commission of any violent felony.

(2) The sentence imposed pursuant to paragraph (1) shall not be considered a departure and shall not

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be subject to appeal. No other sentence shall be permitted.

(3) The provisions of this subsection shall not apply to an offender who is prohibited from possessing a weapon pursuant to K.S.A. 2022 Supp. 21–6304, and amendments thereto, as a result of a juvenile adjudication.

(4) As used in this subsection, "violent felony" means any of the following:

(A) Capital murder, as defined in K.S.A. 2022 Supp. 21–5401, and amendments thereto;

(B) murder in the first degree, as defined in K.S.A. 2022 Supp. 21–5402, and amendments thereto;

(C) murder in the second degree, as defined in K.S.A. 2022 Supp. 21–5403, and amendments thereto;

(D) voluntary manslaughter, as defined in K.S.A. 2022 Supp. 21–5404, and amendments thereto;

(E) kidnapping, as defined in K.S.A. 2022 Supp. 21–5408(a)(1), and amendments thereto, or aggravated kidnapping, as defined in K.S.A. 2022 Supp. 21–5408(b), and amendments thereto;

(F) aggravated assault, as defined in K.S.A. 2022 Supp. 21–5412(b)(1), and amendments thereto, and aggravated assault of a law enforcement officer, as defined in K.S.A. 2022 Supp. 21–5412(d)(1), and amendments thereto;

(G) aggravated battery, as defined in K.S.A. 2022 Supp. 21–5413(b)(1)(A) or (b)(1)(B), and amendments thereto, and aggravated battery against a law enforcement officer, as defined in K.S.A. 2022 Supp. 21–5413(d)(1) or (d)(2), and amendments thereto;

(H) mistreatment of a dependent adult or mistreatment of an elder person, as defined in K.S.A. 2022 Supp. 21–5417(a)(1), and amendments thereto;

(I) rape, as defined in K.S.A. 2022 Supp. 21–5503, and amendments thereto;

(J) aggravated criminal sodomy, as defined in K.S.A. 2022 Supp. 21–5504(b), and amendments thereto;

(K) abuse of a child, as defined in K.S.A. 2022 Supp. 21–5602(a)(1) or (a)(3), and amendments thereto;

(L) any felony offense described in K.S.A. 2022 Supp. 21–5703 or 21–5705, and amendments thereto;

(M) treason, as defined in K.S.A. 2022 Supp. 21–5901, and amendments thereto;

(N) criminal discharge of a firearm, as defined in K.S.A. 2022 Supp. 21–6308(a)(1), and amendments thereto;

(O) fleeing or attempting to elude a police officer, as defined in K.S.A. 8–1568(b), and amendments thereto;

(P) any felony that includes the domestic violence designation pursuant to K.S.A. 2022 Supp. 22–4616, and amendments thereto; or

(Q) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 2022 Supp. 21–5301, 21–5302 and 21–5303, and amendments thereto, of any felony offense defined in this subsection.

(aa)(1) The sentence for a violation of K.S.A. 2022 Supp. 21–6308(a)(1)(A) or (a)(1)(B), and amendments thereto, if the trier of fact makes a finding beyond a reasonable doubt that the offender discharged a firearm and that the offender knew or reasonably should have known that:

(A) A person was present in the dwelling, building, structure or motor vehicle at which the

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offender discharged a firearm, shall be presumptive imprisonment and, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 60 months of imprisonment; and

(B) a person less than 14 years of age was present in the dwelling, building, structure or motor vehicle at which the offender discharged a firearm, shall be presumptive imprisonment and, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 120 months of imprisonment.

(2) The sentence imposed pursuant to paragraph (1) shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

KAN. STAT. § 21-6806. Sentences of imprisonment, good time; pronouncement of sentence in felony cases; off-grid crimes.

(a) Sentences of imprisonment shall represent the time a person shall actually serve, subject to a reduction of the primary sentence for good time as authorized by K.S.A. 21-6821, and amendments thereto.

(b) The sentencing court shall pronounce sentence in all felony cases.

(c) Violations of K.S.A. 21-5401, 21-5402, 21-5421, 21-5422 and 21-5901, and amendments thereto, are off-grid crimes for the purpose of sentencing. Except as otherwise provided by K.S.A. 21-6617, 21-6618, 21-6619, 21-6622, 21-6624, 21-6625, 21-6628 and 21-6629, and amendments thereto, the sentence shall be imprisonment for life and shall not be subject to statutory provisions for suspended sentence, community service or probation.

(d) *As identified in K.S.A. 21-5426, 21-5503, 21-5504, 21-5506, 21-5510, 21-5514 and 21-6422, and amendments thereto, if the offender is 18 years of age or older and the victim is under 14 years of age, such violations are off-grid crimes for the purposes of sentencing. Except as provided in K.S.A. 21-6626, and amendments thereto, the sentence shall be imprisonment for life pursuant to K.S.A. 21-6627, and amendments thereto.*

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15. LAW ENFORCEMENT POLICIES

KAN. STAT. § 21-6412. Cruelty to animals.

(a) Cruelty to animals is:
  (1) Knowingly and maliciously killing, injuring, maiming, torturing, burning or mutilating any animal;
  (2) knowingly abandoning any animal in any place without making provisions for its proper care;
  (3) having physical custody of any animal and knowingly failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal;
  (4) intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment;
  (5) knowingly but not maliciously killing or injuring any animal; or
  (6) knowingly and maliciously administering any poison to any domestic animal.

(b) Cruelty to animals as defined in:
  (1) Subsection (a)(1) or (a)(6) is a nonperson felony. Upon conviction of subsection (a)(1) or (a)(6), a person shall be sentenced to not less than 30 days or more than one year's imprisonment and be fined not less than $500 nor more than $5,000. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein. During the mandatory 30 days imprisonment, such offender shall have a psychological evaluation prepared for the court to assist the court in determining conditions of probation. Such conditions shall include, but not be limited to, the completion of an anger management program; and
  (2) subsection (a)(2), (a)(3), (a)(4) or (a)(5) is a:
    (A) Class A nonperson misdemeanor, except as provided in subsection (b)(2)(B); and
    (B) nonperson felony upon the second or subsequent conviction of cruelty to animals as defined in subsection (a)(2), (a)(3), (a)(4) or (a)(5). Upon such conviction, a person shall be sentenced to not less than five days or more than one year's imprisonment and be fined not less than $500 nor more than $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein.

(c) The provisions of this section shall not apply to:
  (1) Normal or accepted veterinary practices;
  (2) bona fide experiments carried on by commonly recognized research facilities;
  (3) killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated, and amendments thereto;
  (4) rodeo practices accepted by the rodeo cowboys' association;
  (5) the humane killing of an animal that is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner residing outside of a city or the owner thereof within a city if no animal shelter or licensed veterinarian is within the city, or by a licensed veterinarian at the request of the owner thereof, or by any officer of an animal shelter, a local or state health officer or a

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licensed veterinarian three business days following the receipt of any such animal at such shelter;

(6) with respect to farm animals, normal or accepted practices of animal husbandry, including the normal and accepted practices for the slaughter of such animals for food or by-products and the careful or thrifty management of one's herd or animals, including animal care practices common in the industry or region;

(7) the killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property;

(8) an animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;

(9) laying an equine down for medical or identification purposes;

(10) normal or accepted practices of pest control, as defined in K.S.A. 2-2438a(x), and amendments thereto; or

(11) accepted practices of animal husbandry pursuant to regulations promulgated by the United States department of agriculture for domestic pet animals under the animal welfare act, public law 89-544, as amended and in effect on July 1, 2006.

(d) The provisions of subsection (a)(6) shall not apply to any person exposing poison upon their premises for the purpose of destroying wolves, coyotes or other predatory animals.

(e) *Any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any animal shelter or other appropriate facility may take into custody any animal, upon either private or public property, that clearly shows evidence of cruelty to animals. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of an animal shelter or licensed veterinarian for treatment, boarding or other care or, if an officer of such animal shelter or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane killing.* The owner or custodian, if known or reasonably ascertainable, shall be notified in writing. If the owner or custodian is charged with a violation of this section, the law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal at any time after 21 days after the owner or custodian is notified, unless the owner or custodian of the animal files and maintains a renewable cash or performance bond with the county clerk of the county which the animal was taken into custody in an amount equal to not less than the cost of care and treatment of the animal for 30 days. Such cash or performance bond shall be maintained and renewed every 30 days as necessary to cover the cost of care and treatment of such animal until disposition of the animal by the court. If the owner or custodian is not known or reasonably ascertainable after 21 days after the animal is taken into custody, the law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal. Upon receiving such petition, the court shall determine whether the animal may be transferred.

(f) The owner or custodian of an animal transferred pursuant to subsection (e) shall not be entitled to recover damages for the transfer of such animal unless the owner proves that such transfer was unwarranted.

(g) Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to

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subsection (e), pending prosecution of the owner or custodian of such animal for the crime of cruelty to animals, shall be assessed to the owner or custodian as a cost of the case if the owner or custodian is adjudicated guilty of such crime. Any costs collected by the court or through the cash or performance bond described in subsection (e) shall be transferred to the entity responsible for paying the cost of the care, treatment or boarding of the animal.

(h) If a person is adjudicated guilty of the crime of cruelty to animals, such animal shall not be returned to or remain with such person. Such animal may be turned over to an animal shelter or licensed veterinarian for sale or other disposition.

(i) As used in this section:

(1) "Animal shelter" means the same as such term is defined in K.S.A. 47–1701, and amendments thereto;

(2) "equine" means a horse, pony, mule, jenny, donkey or hinny; and

(3) "maliciously" means a state of mind characterized by actual evil-mindedness or specific intent to do a harmful act without a reasonable justification or excuse.

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16. SEIZURE

KAN. STAT. § 21-6412. Cruelty to animals.

(a) Cruelty to animals is:
  (1) Knowingly and maliciously killing, injuring, maiming, torturing, burning or mutilating any animal;
  (2) knowingly abandoning any animal in any place without making provisions for its proper care;
  (3) having physical custody of any animal and knowingly failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal;
  (4) intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment;
  (5) knowingly but not maliciously killing or injuring any animal; or
  (6) knowingly and maliciously administering any poison to any domestic animal.

(b) Cruelty to animals as defined in:
  (1) Subsection (a)(1) or (a)(6) is a nonperson felony. Upon conviction of subsection (a)(1) or (a)(6), a person shall be sentenced to not less than 30 days or more than one year's imprisonment and be fined not less than $500 nor more than $5,000. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein. During the mandatory 30 days imprisonment, such offender shall have a psychological evaluation prepared for the court to assist the court in determining conditions of probation. Such conditions shall include, but not be limited to, the completion of an anger management program; and
  (2) subsection (a)(2), (a)(3), (a)(4) or (a)(5) is a:
    (A) Class A nonperson misdemeanor, except as provided in subsection (b)(2)(B); and
    (B) nonperson felony upon the second or subsequent conviction of cruelty to animals as defined in subsection (a)(2), (a)(3), (a)(4) or (a)(5). Upon such conviction, a person shall be sentenced to not less than five days or more than one year's imprisonment and be fined not less than $500 nor more than $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein.

(c) The provisions of this section shall not apply to:
  (1) Normal or accepted veterinary practices;
  (2) bona fide experiments carried on by commonly recognized research facilities;
  (3) killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated, and amendments thereto;
  (4) rodeo practices accepted by the rodeo cowboys' association;
  (5) the humane killing of an animal that is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner residing outside of a city or the owner thereof within a city if no animal shelter or licensed veterinarian is within the city, or by a licensed veterinarian at the request of

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the owner thereof, or by any officer of an animal shelter, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such shelter;

(6) with respect to farm animals, normal or accepted practices of animal husbandry, including the normal and accepted practices for the slaughter of such animals for food or by-products and the careful or thrifty management of one's herd or animals, including animal care practices common in the industry or region;

(7) the killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property;

(8) an animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;

(9) laying an equine down for medical or identification purposes;

(10) normal or accepted practices of pest control, as defined in K.S.A. 2-2438a(x), and amendments thereto; or

(11) accepted practices of animal husbandry pursuant to regulations promulgated by the United States department of agriculture for domestic pet animals under the animal welfare act, public law 89-544, as amended and in effect on July 1, 2006.

(d) The provisions of subsection (a)(6) shall not apply to any person exposing poison upon their premises for the purpose of destroying wolves, coyotes or other predatory animals.

(e) *Any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any animal shelter or other appropriate facility may take into custody any animal, upon either private or public property, that clearly shows evidence of cruelty to animals. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of an animal shelter or licensed veterinarian for treatment, boarding or other care* or, if an officer of such animal shelter or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane killing. The owner or custodian, if known or reasonably ascertainable, shall be notified in writing. If the owner or custodian is charged with a violation of this section, the law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal at any time after 21 days after the owner or custodian is notified, unless the owner or custodian of the animal files and maintains a renewable cash or performance bond with the county clerk of the county which the animal was taken into custody in an amount equal to not less than the cost of care and treatment of the animal for 30 days. Such cash or performance bond shall be maintained and renewed every 30 days as necessary to cover the cost of care and treatment of such animal until disposition of the animal by the court. If the owner or custodian is not known or reasonably ascertainable after 21 days after the animal is taken into custody, the law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal. Upon receiving such petition, the court shall determine whether the animal may be transferred.

(f) The owner or custodian of an animal transferred pursuant to subsection (e) shall not be entitled to recover damages for the transfer of such animal unless the owner proves that such transfer was

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unwarranted.

(g) Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to subsection (e), pending prosecution of the owner or custodian of such animal for the crime of cruelty to animals, shall be assessed to the owner or custodian as a cost of the case if the owner or custodian is adjudicated guilty of such crime. Any costs collected by the court or through the cash or performance bond described in subsection (e) shall be transferred to the entity responsible for paying the cost of the care, treatment or boarding of the animal.

(h) If a person is adjudicated guilty of the crime of cruelty to animals, such animal shall not be returned to or remain with such person. Such animal may be turned over to an animal shelter or licensed veterinarian for sale or other disposition.

(i) As used in this section:

(1) "Animal shelter" means the same as such term is defined in K.S.A. 47–1701, and amendments thereto;

(2) "equine" means a horse, pony, mule, jenny, donkey or hinny; and

(3) "maliciously" means a state of mind characterized by actual evil-mindedness or specific intent to do a harmful act without a reasonable justification or excuse.

KAN. STAT. § 21-6414. Unlawful conduct of dog fighting; unlawful attendance of dog fighting; unlawful possession of dogfighting paraphernalia.

(a) Unlawful conduct of dog fighting is:

(1) Causing, for amusement or gain, any dog to fight with or injure another dog, with no requirement of culpable mental state;

(2) knowingly permitting such fighting or injuring on premises under one's ownership, charge or control; or

(3) training, owning, keeping, transporting or selling any dog with the intent of having it fight with or injure another dog.

(b) Unlawful possession of dog fighting paraphernalia is possession, with the intent to use in the unlawful conduct of dog fighting, any breaking stick, treadmill, wheel, hot walker, cat mill, cat walker, jenni, or other paraphernalia.

(c) Unlawful attendance of dog fighting is, entering or remaining on the premises where the unlawful conduct of dog fighting is occurring, whether the person knows or has reason to know that dog fighting is occurring on the premises.

(d)

(1) Unlawful conduct of dog fighting is a severity level 10, nonperson felony.

(2) Unlawful possession of dog fighting paraphernalia is a class A nonperson misdemeanor.

(3) Unlawful attendance of dog fighting is a class B nonperson misdemeanor.

(e) *When a person is arrested under this section, a law enforcement agency may take into custody any dog on the premises where the dog fight is alleged to have occurred and any dog owned or kept on the premises of any person arrested for unlawful conduct of dog fighting, unlawful attendance of dog fighting or unlawful possession of dog fighting paraphernalia.*

(f) *When a law enforcement agency takes custody of a dog under this section, such agency may place the dog in the care of an animal shelter or licensed veterinarian for boarding, treatment or other care.* If it

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appears to a licensed veterinarian that the dog is diseased or disabled beyond recovery for any useful purpose, such dog may be humanely killed. The dog may be sedated, isolated or restrained if such officer, agent or veterinarian determines it to be in the best interest of the dog, other animals at the animal shelter or personnel of the animal shelter. The law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to be allowed to transfer ownership of the dog at any time after 21 days after the dog is taken into custody, unless the owner or custodian of the dog files a renewable cash or performance bond with the county clerk of the county where the dog is being held, in an amount equal to not less than the cost of care and treatment of the dog for 30 days. Upon receiving such petition, the court shall determine whether the dog may be transferred. Except as provided in subsection (g), if it appears to the licensed veterinarian by physical examination that the dog has not been trained for aggressive conduct or is a type of dog that is not commonly bred or trained for aggressive conduct, the district or county attorney shall order that the dog be returned to its owner when the dog is not needed as evidence in a case filed under this section or K.S.A. 21-6412, and amendments thereto. The owner or keeper of a dog transferred under this subsection shall not be entitled to damages unless the owner or keeper proves that such transfer was unwarranted.

(g) If a person is convicted of unlawful conduct of dog fighting, unlawful attendance of dog fighting or unlawful possession of dog fighting paraphernalia, a dog taken into custody pursuant to subsection (e) shall not be returned to such person and the court shall order the owner or keeper to pay to the animal shelter or licensed veterinarian all expenses incurred for the care, treatment and boarding of such dog, including any damages caused by such dog, prior to conviction of the owner or keeper. Disposition of such dog shall be in accordance with K.S.A. 21-6412, and amendments thereto. If no such conviction results, the dog shall be returned to the owner or keeper and the court shall order the county where the dog was taken into custody to pay to the law enforcement agency, veterinarian or animal shelter all expenses incurred for the care, treatment and boarding of such dog, including any damages caused by such dog, prior to its return.

(h) A person who violates the provisions of this section may also be prosecuted for, convicted of and punished for cruelty to animals.

(i) As used in this section, “animal shelter” means the same as such term is defined in K.S.A. 47-1701, and amendments thereto.

KAN. STAT. § 47-1706. Refusal to issue or renew or suspension or revocation of license or permit; grounds; judicial review; seizure and disposition of animals, when.

(a) The commissioner may refuse to issue or renew or may suspend or revoke any license or permit required under K.S.A. 47-1701 et seq., and amendments thereto, for any one or more of the following reasons:

(1) Material misstatement in the application for the original license or permit, or in the application for any renewal of a license or permit;

(2) willful disregard of any provision of the Kansas pet animal act or any rule and regulation adopted hereunder, or any willful aiding or abetting of another in the violation of any provision of the Kansas pet animal act or any rule and regulation adopted hereunder;

(3) permitting any license or permit issued hereunder to be used by an unlicensed or unpermitted

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person or transferred to unlicensed or unpermitted premises;
(4) the conviction of any crime relating to the theft of animals;
(5) substantial misrepresentation;
(6) misrepresentation or false promise, made through advertising, salespersons, agents or otherwise, in connection with the operation of business of the licensee or permittee;
(7) fraudulent bill of sale;
(8) the housing facility or the primary enclosure is inadequate;
(9) the feeding, watering, sanitizing and housing practices at the licensee's or permittee's premises are not consistent with the Kansas pet animal act or the rules and regulations adopted hereunder;
(10) failure to provide adequate veterinary medical care to the animals in such licensee or permittee's custody or care; or
(11) failure to maintain or provide documentation of the provision of adequate veterinary medical care, as required in K.S.A. 47-1701(dd), and amendments thereto, to animals in such licensee or permittee's custody or care when access to such is requested by the commissioner or the commissioner's authorized representatives.

(b) The commissioner shall refuse to issue or renew and shall suspend or revoke any license or permit required under K.S.A. 47-1701 et seq., and amendments thereto, for a conviction of cruelty to animals, K.S.A. 21-4310, prior to its repeal, or subsections (a)(1) through (a)(5) of K.S.A. 21-6412, and amendments thereto.

(c) Any refusal to issue or renew a license or permit, and any suspension or revocation of a license or permit, under this section shall be issued only after notice and opportunity for a hearing are provided in accordance with the provisions of the Kansas administrative procedure act and shall be subject to review in accordance with the Kansas judicial review act.

(d) Notwithstanding subsection (c), nothing shall preclude the commissioner from issuing a quarantine order in accordance with K.S.A. 77-536, and amendments thereto, on any premises regulated under this act wherein the animals are found to be infected with a contagious or zoonotic disease which may infect animals or humans that may come into contact with or be exposed to such animals.

(e) *Whenever the commissioner denies, suspends or revokes a license or permit under this section, the commissioner or the commissioner's authorized, trained representatives shall seize and impound any animals in the possession, custody or care of the person whose license or permit is denied, suspended or revoked if there are reasonable grounds to believe that the animals' health, safety or welfare is endangered. Except as provided by K.S.A. 21-6412, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care and services for such animals while seized and impounded shall be paid by the person from whom the animals were seized and impounded, if that person's license or permit is denied, suspended or revoked. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If such person's license or permit is not denied, suspended or revoked, the commissioner shall pay the costs of care and services provided during seizure and impoundment*.

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KAN. STAT. § 47-1707. Penalties for violations of act; judicial review; seizure and disposition of animals, when.

(a) In addition to or in lieu of any other civil or criminal penalty provided by law, the commissioner, upon a finding that a person has violated or failed to comply with any provision of the Kansas pet animal act or any rule and regulation adopted hereunder, may impose on such person a civil penalty not exceeding $1,000 for each violation or require such person to attend an educational course regarding animals and their care and treatment. If the commissioner imposes the educational course, such person may choose either the penalty or the educational course. If such person chooses the penalty, the commissioner shall establish the amount pursuant to the penalty provisions of this section. The educational course shall be administered by the commissioner in consultation with Kansas state university college of veterinary medicine.

(b) Any imposition of a civil penalty pursuant to this section shall be only upon notice and opportunity for a hearing in accordance with the Kansas administrative procedure act and shall be subject to review in accordance with the Kansas judicial review act.

(c) *Whenever the commissioner has reasonable grounds to believe that a person or premises required to be licensed or permitted under the Kansas pet animal act has failed to comply with or has violated any provision of the Kansas pet animal act or any rule and regulation adopted hereunder and that the health, safety or welfare of animals in such person's possession, custody or care is endangered thereby, the commissioner shall seize and impound such animals using emergency adjudicative proceedings in accordance with the Kansas administrative procedure act. Except as provided by K.S.A. 21-6412, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care and services for such animals while seized and impounded shall be paid by the person from whom the animals were seized and impounded, if that person is found to be in violation of the Kansas pet animal act or any rules and regulations adopted hereunder. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If such person is not found to be in violation of the Kansas pet animal act or any rules and regulations adopted hereunder, the commissioner shall pay the costs of care and services provided during seizure and impoundment.*

KAN. STAT. § 47-1715. Violation of act or rules or regulations; penalty; seizure and disposition of animals, when.

(a) Any violation of or failure to comply with any provision of the Kansas pet animal act, or any rule and regulation adopted hereunder, shall constitute a class A nonperson misdemeanor. Continued operation, after a conviction, shall constitute a separate offense for each day of operation.

(b) *Upon a conviction of a person for any violation of the Kansas pet animal act, or any rule and regulation adopted hereunder, the court shall order the commissioner to seize and impound any animals in the convicted person's possession, custody or care if there are reasonable grounds to believe that the animals' health, safety or welfare is endangered. Except as provided by K.S.A. 21-6412, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory*

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evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care and services for such animals while seized and impounded shall be paid by the convicted person. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If the person is not convicted, the commissioner shall pay the costs of care and services provided during seizure and impoundment.

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17. COURTROOM ANIMAL ADVOCATE PROGRAM

[None]

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18. RESTITUTION

KAN. STAT. § 21-6412. Cruelty to animals.

(a) Cruelty to animals is:
  (1) Knowingly and maliciously killing, injuring, maiming, torturing, burning or mutilating any animal;
  (2) knowingly abandoning any animal in any place without making provisions for its proper care;
  (3) having physical custody of any animal and knowingly failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal;
  (4) intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment;
  (5) knowingly but not maliciously killing or injuring any animal; or
  (6) knowingly and maliciously administering any poison to any domestic animal.

(b) Cruelty to animals as defined in:
  (1) Subsection (a)(1) or (a)(6) is a nonperson felony. Upon conviction of subsection (a)(1) or (a)(6), a person shall be sentenced to not less than 30 days or more than one year's imprisonment and be fined not less than $500 nor more than $5,000. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein. During the mandatory 30 days imprisonment, such offender shall have a psychological evaluation prepared for the court to assist the court in determining conditions of probation. Such conditions shall include, but not be limited to, the completion of an anger management program; and
  (2) subsection (a)(2), (a)(3), (a)(4) or (a)(5) is a:
    (A) Class A nonperson misdemeanor, except as provided in subsection (b)(2)(B); and
    (B) nonperson felony upon the second or subsequent conviction of cruelty to animals as defined in subsection (a)(2), (a)(3), (a)(4) or (a)(5). Upon such conviction, a person shall be sentenced to not less than five days or more than one year's imprisonment and be fined not less than $500 nor more than $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein.

(c) The provisions of this section shall not apply to:
  (1) Normal or accepted veterinary practices;
  (2) bona fide experiments carried on by commonly recognized research facilities;
  (3) killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated, and amendments thereto;
  (4) rodeo practices accepted by the rodeo cowboys' association;
  (5) the humane killing of an animal that is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner residing outside of a city or the owner thereof within a city if no animal shelter or licensed veterinarian is within the city, or by a licensed veterinarian at the request of

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the owner thereof, or by any officer of an animal shelter, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such shelter;

(6) with respect to farm animals, normal or accepted practices of animal husbandry, including the normal and accepted practices for the slaughter of such animals for food or by-products and the careful or thrifty management of one's herd or animals, including animal care practices common in the industry or region;

(7) the killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property;

(8) an animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;

(9) laying an equine down for medical or identification purposes;

(10) normal or accepted practices of pest control, as defined in K.S.A. 2-2438a(x), and amendments thereto; or

(11) accepted practices of animal husbandry pursuant to regulations promulgated by the United States department of agriculture for domestic pet animals under the animal welfare act, public law 89-544, as amended and in effect on July 1, 2006.

(d) The provisions of subsection (a)(6) shall not apply to any person exposing poison upon their premises for the purpose of destroying wolves, coyotes or other predatory animals.

(e) Any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any animal shelter or other appropriate facility may take into custody any animal, upon either private or public property, that clearly shows evidence of cruelty to animals. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of an animal shelter or licensed veterinarian for treatment, boarding or other care or, if an officer of such animal shelter or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane killing. *The owner or custodian, if known or reasonably ascertainable, shall be notified in writing. If the owner or custodian is charged with a violation of this section, the law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal at any time after 21 days after the owner or custodian is notified, unless the owner or custodian of the animal files and maintains a renewable cash or performance bond with the county clerk of the county in which the animal was taken into custody in an amount equal to not less than the cost of care and treatment of the animal for 30 days. Such cash or performance bond shall be maintained and renewed every 30 days as necessary to cover the cost of care and treatment of such animal until disposition of the animal by the court. If the owner or custodian is not known or reasonably ascertainable after 21 days after the animal is taken into custody the law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal. Upon receiving such petition, the court shall determine whether the animal may be transferred.*

(f) *The owner or custodian of an animal transferred pursuant to subsection (e) shall not be entitled to recover damages for the transfer of such animal unless the owner proves that such transfer was unwarranted.*

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(g) *Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to subsection (e), pending prosecution of the owner or custodian of such animal for the crime of cruelty to animals, shall be assessed to the owner or custodian as a cost of the case if the owner or custodian is adjudicated guilty of such crime. Any costs collected by the court or through the cash or performance bond described in subsection (e) shall be transferred to the entity responsible for paying the cost of the care, treatment or boarding of the animal.*

(h) If a person is adjudicated guilty of the crime of cruelty to animals, such animal shall not be returned to or remain with such person. Such animal may be turned over to an animal shelter or licensed veterinarian for sale or other disposition.

(i) As used in this section:

(1) "Animal shelter" means the same as such term is defined in K.S.A. 47–1701, and amendments thereto;

(2) "equine" means a horse, pony, mule, jenny, donkey or hinny; and

(3) "maliciously" means a state of mind characterized by actual evil-mindedness or specific intent to do a harmful act without a reasonable justification or excuse.

KAN. STAT. § 21-6414. Unlawful conduct of dog fighting; unlawful attendance of dog fighting; unlawful possession of dogfighting paraphernalia.

(a) Unlawful conduct of dog fighting is:

(1) Causing, for amusement or gain, any dog to fight with or injure another dog, with no requirement of culpable mental state;

(2) knowingly permitting such fighting or injuring on premises under one's ownership, charge or control; or

(3) training, owning, keeping, transporting or selling any dog with the intent of having it fight with or injure another dog.

(b) Unlawful possession of dog fighting paraphernalia is possession, with the intent to use in the unlawful conduct of dog fighting, any breaking stick, treadmill, wheel, hot walker, cat mill, cat walker, jenni, or other paraphernalia.

(c) Unlawful attendance of dog fighting is, entering or remaining on the premises where the unlawful conduct of dog fighting is occurring, whether the person knows or has reason to know that dog fighting is occurring on the premises.

(d)

(1) Unlawful conduct of dog fighting is a severity level 10, nonperson felony.

(2) Unlawful possession of dog fighting paraphernalia is a class A nonperson misdemeanor.

(3) Unlawful attendance of dog fighting is a class B nonperson misdemeanor.

(e) When a person is arrested under this section, a law enforcement agency may take into custody any dog on the premises where the dog fight is alleged to have occurred and any dog owned or kept on the premises of any person arrested for unlawful conduct of dog fighting, unlawful attendance of dog fighting or unlawful possession of dog fighting paraphernalia.

(f) When a law enforcement agency takes custody of a dog under this section, such agency may place the dog in the care of an animal shelter or licensed veterinarian for boarding, treatment or other care. If it

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appears to a licensed veterinarian that the dog is diseased or disabled beyond recovery for any useful purpose, such dog may be humanely killed. The dog may be sedated, isolated or restrained if such officer, agent or veterinarian determines it to be in the best interest of the dog, other animals at the animal shelter or personnel of the animal shelter. *The law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to be allowed to transfer ownership of the dog at any time after 21 days after the dog is taken into custody, unless the owner or custodian of the dog files a renewable cash or performance bond with the county clerk of the county where the dog is being held, in an amount equal to not less than the cost of care and treatment of the dog for 30 days.* Upon receiving such petition, the court shall determine whether the dog may be transferred. Except as provided in subsection (g), if it appears to the licensed veterinarian by physical examination that the dog has not been trained for aggressive conduct or is a type of dog that is not commonly bred or trained for aggressive conduct, the district or county attorney shall order that the dog be returned to its owner when the dog is not needed as evidence in a case filed under this section or K.S.A. 21-6412, and amendments thereto. The owner or keeper of a dog transferred under this subsection shall not be entitled to damages unless the owner or keeper proves that such transfer was unwarranted.

(g) *If a person is convicted of unlawful conduct of dog fighting, unlawful attendance of dog fighting or unlawful possession of dog fighting paraphernalia, a dog taken into custody pursuant to subsection (e) shall not be returned to such person and the court shall order the owner or keeper to pay to the animal shelter or licensed veterinarian all expenses incurred for the care, treatment and boarding of such dog, including any damages caused by such dog, prior to conviction of the owner or keeper.* Disposition of such dog shall be in accordance with K.S.A. 21-6412, and amendments thereto. If no such conviction results, the dog shall be returned to the owner or keeper and the court shall order the county where the dog was taken into custody to pay to the law enforcement agency, veterinarian or animal shelter all expenses incurred for the care, treatment and boarding of such dog, including any damages caused by such dog, prior to its return.

(h) A person who violates the provisions of this section may also be prosecuted for, convicted of and punished for cruelty to animals.

(i) As used in this section, "animal shelter" means the same as such term is defined in K.S.A. 47-1701, and amendments thereto.

KAN. STAT. § 47-1706a. Bond to prevent disposition of animals seized or impounded; approval; additional bond; notice.

(a) *When an animal is seized or impounded pursuant to K.S.A. 47-1706, 47-1707 or 47-1715, and amendments thereto, the owner or person who was in possession of the animal at the time such animal was seized or impounded may post a cash or security bond as provided in this section which shall prevent the sale, placement or euthanasia of the animal. Such cash or security bond shall be in an amount sufficient to pay for the animal's care and keeping for a period of at least 30 days, commencing on the date which the animal was seized or impounded. Any such security bond or any security bond as provided in subsection (b) shall be approved by the Kansas department of agriculture division of animal health*.

(b) *Such bond shall be filed with the Kansas department of agriculture division of animal health and shall*

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be posted on or before the date of the disposition hearing or within 10 days after the animal is seized or impounded, whichever is earlier. At the end of the time for which expenses are covered by the bond if the owner or person who was in possession of the animal at the time it was seized or impounded desires to prevent disposition of the animal, such owner or person shall post a new cash or security bond prior to the previous bond's expiration. At the end of the time for which expenses are covered by the bond, the animal may be sold, placed or euthanized.

(c) The authority seizing or impounding an animal shall give notice by delivering a copy of this section to a person residing on the property where the animal was seized or by posting a copy at the place where the animal was seized.

(d) Nothing in this section shall prevent the euthanasia at any time of an animal seized or impounded which is determined by a licensed veterinarian to be diseased or disabled beyond recovery for any useful purpose.

(e) This act is supplemental to and shall become a part of the Kansas pet animal act.

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19. FORFEITURE AND POSSESSION BANS

KAN. STAT. § 21-6412. Cruelty to animals.

(a) Cruelty to animals is:
  (1) Knowingly and maliciously killing, injuring, maiming, torturing, burning or mutilating any animal;
  (2) knowingly abandoning any animal in any place without making provisions for its proper care;
  (3) having physical custody of any animal and knowingly failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal;
  (4) intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment;
  (5) knowingly but not maliciously killing or injuring any animal; or
  (6) knowingly and maliciously administering any poison to any domestic animal.

(b) Cruelty to animals as defined in:
  (1) Subsection (a)(1) or (a)(6) is a nonperson felony. Upon conviction of subsection (a)(1) or (a)(6), a person shall be sentenced to not less than 30 days or more than one year's imprisonment and be fined not less than $500 nor more than $5,000. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein. During the mandatory 30 days imprisonment, such offender shall have a psychological evaluation prepared for the court to assist the court in determining conditions of probation. Such conditions shall include, but not be limited to, the completion of an anger management program; and
  (2) subsection (a)(2), (a)(3), (a)(4) or (a)(5) is a:
    (A) Class A nonperson misdemeanor, except as provided in subsection (b)(2)(B); and
    (B) nonperson felony upon the second or subsequent conviction of cruelty to animals as defined in subsection (a)(2), (a)(3), (a)(4) or (a)(5). Upon such conviction, a person shall be sentenced to not less than five days or more than one year's imprisonment and be fined not less than $500 nor more than $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein.

(c) The provisions of this section shall not apply to:
  (1) Normal or accepted veterinary practices;
  (2) bona fide experiments carried on by commonly recognized research facilities;
  (3) killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated, and amendments thereto;
  (4) rodeo practices accepted by the rodeo cowboys' association;
  (5) the humane killing of an animal that is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner residing outside of a city or the owner thereof within a city if no animal shelter or licensed veterinarian is within the city, or by a licensed veterinarian at the request of

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the owner thereof, or by any officer of an animal shelter, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such shelter;

(6) with respect to farm animals, normal or accepted practices of animal husbandry, including the normal and accepted practices for the slaughter of such animals for food or by-products and the careful or thrifty management of one's herd or animals, including animal care practices common in the industry or region;

(7) the killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property;

(8) an animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;

(9) laying an equine down for medical or identification purposes;

(10) normal or accepted practices of pest control, as defined in K.S.A. 2-2438a(x), and amendments thereto; or

(11) accepted practices of animal husbandry pursuant to regulations promulgated by the United States department of agriculture for domestic pet animals under the animal welfare act, public law 89-544, as amended and in effect on July 1, 2006.

(d) The provisions of subsection (a)(6) shall not apply to any person exposing poison upon their premises for the purpose of destroying wolves, coyotes or other predatory animals.

(e) Any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any animal shelter or other appropriate facility may take into custody any animal, upon either private or public property, that clearly shows evidence of cruelty to animals. *Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of an animal shelter or licensed veterinarian for treatment, boarding or other care or, if an officer of such animal shelter or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane killing. The owner or custodian, if known or reasonably ascertainable, shall be notified in writing. If the owner or custodian is charged with a violation of this section, the law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal at any time after 21 days after the owner or custodian is notified, unless the owner or custodian of the animal files and maintains a renewable cash or performance bond with the county clerk of the county in which the animal was taken into custody in an amount equal to not less than the cost of care and treatment of the animal for 30 days. Such cash or performance bond shall be maintained and renewed every 30 days as necessary to cover the cost of care and treatment of such animal until disposition of the animal by the court. If the owner or custodian is not known or reasonably ascertainable after 21 days after the animal is taken into custody, the law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal. Upon receiving such petition, the court shall determine whether the animal may be transferred.*

(f) The owner or custodian of an animal transferred pursuant to subsection (e) shall not be entitled to recover damages for the transfer of such animal unless the owner proves that such transfer was unwarranted.

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(g) Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to subsection (e), pending prosecution of the owner or custodian of such animal for the crime of cruelty to animals, shall be assessed to the owner or custodian as a cost of the case if the owner or custodian is adjudicated guilty of such crime. Any costs collected by the court or through the cash or performance bond described in subsection (e) shall be transferred to the entity responsible for paying the cost of the care, treatment or boarding of the animal.

(h) *If a person is adjudicated guilty of the crime of cruelty to animals, such animal shall not be returned to or remain with such person. Such animal may be turned over to an animal shelter or licensed veterinarian for sale or other disposition.*

(i) As used in this section:

(1) "Animal shelter" means the same as such term is defined in K.S.A. 47–1701, and amendments thereto;

(2) "equine" means a horse, pony, mule, jenny, donkey or hinny; and

(3) "maliciously" means a state of mind characterized by actual evil-mindedness or specific intent to do a harmful act without a reasonable justification or excuse.

KAN. STAT. § 21-6414. Unlawful conduct of dog fighting; unlawful attendance of dog fighting; unlawful possession of dogfighting paraphernalia.

(a) Unlawful conduct of dog fighting is:

(1) Causing, for amusement or gain, any dog to fight with or injure another dog, with no requirement of culpable mental state;

(2) knowingly permitting such fighting or injuring on premises under one's ownership, charge or control; or

(3) training, owning, keeping, transporting or selling any dog with the intent of having it fight with or injure another dog.

(b) Unlawful possession of dog fighting paraphernalia is possession, with the intent to use in the unlawful conduct of dog fighting, any breaking stick, treadmill, wheel, hot walker, cat mill, cat walker, jenni, or other paraphernalia.

(c) Unlawful attendance of dog fighting is, entering or remaining on the premises where the unlawful conduct of dog fighting is occurring, whether the person knows or has reason to know that dog fighting is occurring on the premises.

(d)

(1) Unlawful conduct of dog fighting is a severity level 10, nonperson felony.

(2) Unlawful possession of dog fighting paraphernalia is a class A nonperson misdemeanor.

(3) Unlawful attendance of dog fighting is a class B nonperson misdemeanor.

(e) When a person is arrested under this section, a law enforcement agency may take into custody any dog on the premises where the dog fight is alleged to have occurred and any dog owned or kept on the premises of any person arrested for unlawful conduct of dog fighting, unlawful attendance of dog fighting or unlawful possession of dog fighting paraphernalia.

(f) When a law enforcement agency takes custody of a dog under this section, such agency may place the dog in the care of an animal shelter or licensed veterinarian for boarding, treatment or other care. *If it appears to a licensed veterinarian that the dog is diseased or disabled beyond recovery for any useful*

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purpose, such dog may be humanely killed. The dog may be sedated, isolated or restrained if such officer, agent or veterinarian determines it to be in the best interest of the dog, other animals at the animal shelter or personnel of the animal shelter. *The law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to be allowed to transfer ownership of the dog at any time after 21 days after the dog is taken into custody, unless the owner or custodian of the dog files a renewable cash or performance bond with the county clerk of the county where the dog is being held, in an amount equal to not less than the cost of care and treatment of the dog for 30 days. Upon receiving such petition, the court shall determine whether the dog may be transferred.* Except as provided in subsection (g), if it appears to the licensed veterinarian by physical examination that the dog has not been trained for aggressive conduct or is a type of dog that is not commonly bred or trained for aggressive conduct, the district or county attorney shall order that the dog be returned to its owner when the dog is not needed as evidence in a case filed under this section or K.S.A. 21-6412, and amendments thereto. The owner or keeper of a dog transferred under this subsection shall not be entitled to damages unless the owner or keeper proves that such transfer was unwarranted.

(g) *If a person is convicted of unlawful conduct of dog fighting, unlawful attendance of dog fighting or unlawful possession of dog fighting paraphernalia, a dog taken into custody pursuant to subsection (e) shall not be returned to such person* and the court shall order the owner or keeper to pay to the animal shelter or licensed veterinarian all expenses incurred for the care, treatment and boarding of such dog, including any damages caused by such dog, prior to conviction of the owner or keeper. *Disposition of such dog shall be in accordance with K.S.A. 21-6412, and amendments thereto.* If no such conviction results, the dog shall be returned to the owner or keeper and the court shall order the county where the dog was taken into custody to pay to the law enforcement agency, veterinarian or animal shelter all expenses incurred for the care, treatment and boarding of such dog, including any damages caused by such dog, prior to its return.

(h) A person who violates the provisions of this section may also be prosecuted for, convicted of and punished for cruelty to animals.

(i) As used in this section, "animal shelter" means the same as such term is defined in K.S.A. 47-1701, and amendments thereto.

KAN. STAT. § 21-6415. Illegal ownership or keeping of an animal.

(a) *Illegal ownership or keeping of an animal is, with no requirement of a culpable mental state, owning, or keeping on one's premises, an animal by a person convicted of unlawful conduct of dog fighting as defined in K.S.A. 21-6414, and amendments thereto, or cruelty to animals as defined in subsection (a)(1) of K.S.A. 21-6412, and amendments thereto, within five years of the date of such conviction.*

(b) *Illegal ownership or keeping of an animal is a class B nonperson misdemeanor.*

KAN. STAT. § 47-1706a. Bond to prevent disposition of animals seized or impounded; approval; additional bond; notice.

(a) *When an animal is seized or impounded pursuant to K.S.A. 47-1706, 47-1707 or 47-1715, and*

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amendments thereto, the owner or person who was in possession of the animal at the time such animal was seized or impounded may post a cash or security bond as provided in this section which shall prevent the sale, placement or euthanasia of the animal. Such cash or security bond shall be in an amount sufficient to pay for the animal's care and keeping for a period of at least 30 days, commencing on the date which the animal was seized or impounded. Any such security bond or any security bond as provided in subsection (b) shall be approved by the Kansas department of agriculture division of animal health.

(b) *Such bond shall be filed with the Kansas department of agriculture division of animal health and shall be posted on or before the date of the disposition hearing or within 10 days after the animal is seized or impounded, whichever is earlier. At the end of the time for which expenses are covered by the bond if the owner or person who was in possession of the animal at the time it was seized or impounded desires to prevent disposition of the animal, such owner or person shall post a new cash or security bond prior to the previous bond's expiration. At the end of the time for which expenses are covered by the bond, the animal may be sold, placed or euthanized*.

(c) The authority seizing or impounding an animal shall give notice by delivering a copy of this section to a person residing on the property where the animal was seized or by posting a copy at the place where the animal was seized.

(d) Nothing in this section shall prevent the euthanasia at any time of an animal seized or impounded which is determined by a licensed veterinarian to be diseased or disabled beyond recovery for any useful purpose.

(e) This act is supplemental to and shall become a part of the Kansas pet animal act.

KAN. STAT. § 60-4104. Covered offenses and conduct giving rise to forfeiture.

Conduct and offenses giving rise to forfeiture under this act, whether or not there is a prosecution or conviction related to the offense, are:

(a) All offenses which statutorily and specifically authorize forfeiture;

(b) violations involving controlled substances, as described in K.S.A. 2011 Supp. 21–5701 through 21–5717, and amendments thereto;

(c) theft, as defined in K.S.A. 2011 Supp. 21–5801, and amendments thereto;

(d) criminal discharge of a firearm, as defined in subsections (a)(1) and (a)(2) of K.S.A. 2011 Supp. 21–6308, and amendments thereto;

(e) gambling, as defined in K.S.A. 2011 Supp. 21–6404, and amendments thereto, and commercial gambling, as defined in subsection (a)(1) of K.S.A. 2011 Supp. 21–6406, and amendments thereto;

(f) counterfeiting, as defined in K.S.A. 2011 Supp. 21–5825, and amendments thereto;

(g) unlawful possession of a scanning device or reencoder, as described in K.S.A. 2011 Supp. 21–6108, and amendments thereto;

(h) Medicaid fraud, as described in K.S.A. 2011 Supp. 21–5925 through 21–5934, and amendments thereto;

(i) an act or omission occurring outside this state, which would be a violation in the place of occurrence and would be described in this section if the act occurred in this state, whether or not it is prosecuted in any state;

(j) an act or omission committed in furtherance of any act or omission described in this section including

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any inchoate or preparatory offense, whether or not there is a prosecution or conviction related to the act or omission;

(k) any solicitation or conspiracy to commit any act or omission described in this section, whether or not there is a prosecution or conviction related to the act or omission;

(l) terrorism, as defined in K.S.A. 2013 Supp. 21-5421, and amendments hereto, illegal use of weapons of mass destruction, as defined in K.S.A. 20113 Supp. 21-5422, and amendments thereto, and furtherance of terrorism or illegal use of weapons of mass destruction, as described in K.S.A. 2011 Supp. 21–5423, and amendments thereto;

(m) *unlawful conduct of dog fighting and unlawful possession of dog fighting paraphernalia, as defined in subsections (a) and (b) of K.S.A. 2011 Supp. 21–6414, and amendments thereto;*

(n) *unlawful conduct of cockfighting and unlawful possession of cockfighting paraphernalia, as defined in subsections (a) and (b) of K.S.A. 2011 Supp. 21–6417, and amendments thereto;*

(o) selling sexual relations, as defined in K.S.A. 2015 Supp. 21-6419, and amendments thereto, promoting the sale of sexual relations, as defined in K.S.A. 2015 Supp. 21-6420, and amendments thereto, and buying sexual relations, as defined in K.S.A. 2015 Supp. 21-6421, and amendments thereto;

(p) human trafficking and aggravated human trafficking, as defined in K.S.A. 2011 Supp. 21–5426, and amendments thereto;

(q) violations of the banking code, as described in K.S.A. 9–2012, and amendments thereto;

(r) mistreatment of a dependent adult, as defined in K.S.A. 2011 Supp. 21–5417, and amendments thereto;

(s) giving a worthless check, as defined in K.S.A. 2011 Supp. 21–5821, and amendments thereto;

(t) forgery, as defined in K.S.A. 2011 Supp. 21–5823, and amendments thereto;

(u) making false information, as defined in K.S.A. 2011 Supp. 21–5824, and amendments thereto;

(v) criminal use of a financial card, as defined in K.S.A. 2011 Supp. 21–5828, and amendments thereto;

(w) unlawful acts concerning computers, as described in K.S.A. 2011 Supp. 21–5839, and amendments thereto;

(x) identity theft and identity fraud, as defined in subsections (a) and (b) of K.S.A. 2011 Supp. 21–6107, and amendments thereto;

(y) electronic solicitation, as defined in K.S.A. 2011 Supp. 21–5509, and amendments thereto;

(z) felony violations of fleeing or attempting to elude a police officer, as described in K.S.A. 8–1568, and amendments thereto;

(aa) commercial sexual exploitation of a child, as defined in K.S.A. 2013 Supp. 21-6422, and amendments thereto;

(bb) violations of the Kansas racketeer influenced and corrupt organization act, as described in K.S.A. 2013 Supp. 21-6329, and amendments thereto;

(cc) indecent solicitation of a child and aggravated indecent solicitation of a child, as defined in K.S.A. 2013 Supp. 21-5508, and amendments thereto; and

(dd) sexual exploitation of a child, as defined in K.S.A. 2013 Supp. 21-5510, and amendments thereto.

(ee) violation of a consumer protection order as defined in section 4, and amendments thereto.

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20. REHABILITATIVE SENTENCING

KAN. STAT. § 21-6412. Cruelty to animals.

(a) Cruelty to animals is:
  (1) Knowingly and maliciously killing, injuring, maiming, torturing, burning or mutilating any animal;
  (2) knowingly abandoning any animal in any place without making provisions for its proper care;
  (3) having physical custody of any animal and knowingly failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal;
  (4) intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment;
  (5) knowingly but not maliciously killing or injuring any animal; or
  (6) knowingly and maliciously administering any poison to any domestic animal.

(b) Cruelty to animals as defined in:
  (1) Subsection (a)(1) or (a)(6) is a nonperson felony. Upon conviction of subsection (a)(1) or (a)(6), a person shall be sentenced to not less than 30 days or more than one year's imprisonment and be fined not less than $500 nor more than $5,000. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein*. During the mandatory 30 days imprisonment, such offender shall have a psychological evaluation prepared for the court to assist the court in determining conditions of probation. Such conditions shall include, but not be limited to, the completion of an anger management program; and*
  (2) subsection (a)(2), (a)(3), (a)(4) or (a)(5) is a:
    (A) Class A nonperson misdemeanor, except as provided in subsection (b)(2)(B); and
    (B) nonperson felony upon the second or subsequent conviction of cruelty to animals as defined in subsection (a)(2), (a)(3), (a)(4) or (a)(5). Upon such conviction, a person shall be sentenced to not less than five days or more than one year's imprisonment and be fined not less than $500 nor more than $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein.

(c) The provisions of this section shall not apply to:
  (1) Normal or accepted veterinary practices;
  (2) bona fide experiments carried on by commonly recognized research facilities;
  (3) killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated, and amendments thereto;
  (4) rodeo practices accepted by the rodeo cowboys' association;
  (5) the humane killing of an animal that is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner residing outside of a city or the owner thereof within a city if no animal

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shelter or licensed veterinarian is within the city, or by a licensed veterinarian at the request of the owner thereof, or by any officer of an animal shelter, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such shelter;

(6) with respect to farm animals, normal or accepted practices of animal husbandry, including the normal and accepted practices for the slaughter of such animals for food or by-products and the careful or thrifty management of one's herd or animals, including animal care practices common in the industry or region;

(7) the killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property;

(8) an animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;

(9) laying an equine down for medical or identification purposes;

(10) normal or accepted practices of pest control, as defined in K.S.A. 2-2438a(x), and amendments thereto; or

(11) accepted practices of animal husbandry pursuant to regulations promulgated by the United States department of agriculture for domestic pet animals under the animal welfare act, public law 89-544, as amended and in effect on July 1, 2006.

(d) The provisions of subsection (a)(6) shall not apply to any person exposing poison upon their premises for the purpose of destroying wolves, coyotes or other predatory animals.

(e) Any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any animal shelter or other appropriate facility may take into custody any animal, upon either private or public property, that clearly shows evidence of cruelty to animals. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of an animal shelter or licensed veterinarian for treatment, boarding or other care or, if an officer of such animal shelter or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane killing. The owner or custodian, if known or reasonably ascertainable, shall be notified in writing. If the owner or custodian is charged with a violation of this section, the law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal at any time after 21 days after the owner or custodian is notified, unless the owner or custodian of the animal files and maintains a renewable cash or performance bond with the county clerk of county in which the animal was taken into custody in an amount equal to not less than the cost of care and treatment of the animal for 30 days. Such cash or performance bond shall be maintained and renewed every 30 days as necessary to cover the cost of care and treatment of such animal until disposition of the animal by the court. If the owner or custodian is not known or reasonably ascertainable after 21 days after the animal is taken into custody, the law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal. Upon receiving such petition, the court shall determine whether the animal may be transferred.

(f) The owner or custodian of an animal transferred pursuant to subsection (e) shall not be entitled to

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recover damages for the transfer of such animal unless the owner proves that such transfer was unwarranted.

(g) Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to subsection (e), pending prosecution of the owner or custodian of such animal for the crime of cruelty to animals, shall be assessed to the owner or custodian as a cost of the case if the owner or custodian is adjudicated guilty of such crime. Any costs collected by the court or through the cash or performance bond described in subsection (e) shall be transferred to the entity responsible for paying the cost of the care, treatment or boarding of the animal.

(h) If a person is adjudicated guilty of the crime of cruelty to animals, such animal shall not be returned to or remain with such person. Such animal may be turned over to an animal shelter or licensed veterinarian for sale or other disposition.

(i) As used in this section:

(1) "Animal shelter" means the same as such term is defined in K.S.A. 47–1701, and amendments thereto;

(2) "equine" means a horse, pony, mule, jenny, donkey or hinny; and

(3) "maliciously" means a state of mind characterized by actual evil-mindedness or specific intent to do a harmful act without a reasonable justification or excuse.

KAN. STAT. § 21-6416. Harming or killing certain dogs.

(a) Inflicting harm, disability or death to a police dog, arson dog, assistance dog, game warden dog or search and rescue dog is knowingly, and without lawful cause or justification poisoning, inflicting great bodily harm, permanent disability or death, upon a police dog, arson dog, assistance dog, game warden dog or search and rescue dog.

(b) Inflicting harm, disability or death to a police dog, arson dog, assistance dog, game warden dog or search and rescue dog is a nonperson felony. Upon conviction of this subsection, a person shall be sentenced to not less than 30 days or more than one year's imprisonment and be fined not less than $500 nor more than $5,000. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein. *During the mandatory 30 days imprisonment, such offender shall have a psychological evaluation prepared for the court to assist the court in determining conditions of probation. Such conditions shall include, but not be limited to, the completion of an anger management program.*

(c) As used in this section:

(1) "Arson dog" means any dog which is owned, or the service of which is employed, by the state fire marshal or a fire department for the principal purpose of aiding in the detection of liquid accelerants in the investigation of fires;

(2) "assistance dog" has the meaning provided by K.S.A. 39-1113, and amendments thereto;

(3) "fire department" means a public fire department under the control of the governing body of a city, township, county, fire district or benefit district or a private fire department operated by a nonprofit corporation providing fire protection services for a city, township, county, fire district or benefit district under contract with the governing body of the city, township, county or district;

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(4) “game warden dog” means any dog which is owned, or the service of which is employed, by the Kansas department of wildlife, parks and tourism for the purpose of aiding in detection of criminal activity, enforcement of laws, apprehension of offenders or location of persons or wildlife;
(5) “police dog” means any dog which is owned, or the service of which is employed, by a law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws or apprehension of offenders; and
(6) “search and rescue dog” means any dog which is owned or the service of which is employed, by a law enforcement or emergency response agency for the purpose of aiding in the location of persons missing in disasters or other times of need.

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