

**Testimony on HB 2709 relating to Civil Restitution for Illegally Taken Deer
To
The House Committee on Agriculture and Natural Resources**

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HB 2709 seeks to require the Department to file civil proceedings for restitution for unlawfully taken white-tailed deer. The bill would be effective July 1, 2012. **The Department opposes the provisions contained in the bill.**

There are several issues contained in HB 2709 that concern the Department. First, the bill requires that the Department initiate a civil action for each unlawfully taken deer over a certain score in a complex scoring system. Last year, there were 304 criminal deer cases in Kansas. It is unclear what percentage of those cases were regarding deer meeting that scoring criteria but conservatively, the proposal would require additional full time employees and expenditures reaching \$250,000. The Department would recommend that rather than the Department initiating civil actions related to the unlawfully taken deer, the judge in the criminal action order restitution in the amount suggested to the Department.

Second, the bill does not state where the restitution will go. There is a potential diversion issue if wildlife funds are used to recover civil restitution and the restitution does not go back to the wildlife fee fund.

Third, the bill does not contain provisions for the other big game species that exist in Kansas. If the bill were to move forward, the Department would recommend adding mule deer, elk and pronghorn antelope.

And finally, the complexity of the statute is troublesome. It is recommended instead that the statutes adopt by reference one scoring system for big game animals to be used at a date certain in time.

There is also a technical amendment necessary in subsection (b)(5).

In summary, the Department appreciates the support of the Committee in opposing the bill.

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