



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

January 28, 1977

ATTORNEY GENERAL OPINION NO. 77- 33

Mr. Fred Warders
Assistant Director
Forestry, Fish and Game Commission
Post Office Box 1028
Pratt, Kansas 67124

RE: Fish and Game -- Traps -- Coyotes

SYNOPSIS: Steel traps which may be set for coyotes are not limited in number by the provisions of K.S.A. 32-158.

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Dear Mr. Warders:

You have requested an interpretation of the provisions of K.S.A. 1976 Supp. 32-158, specifically asking whether that statute's limitation upon the number of steel traps individuals may use at one time applies to traps set for coyotes.

K.S.A. 32-158 in pertinent part provides:

". . . Traps may be used to take wild animals and fur-bearing animals only during such legal open trapping seasons as established by the commission. All such trapping devices, except those used for live trapping of rabbits and hares, must be tagged with the user's name and address and shall be tended and inspected at least once every twenty-four (24) hour period. Not more than twenty (20) steel traps shall be used by any one (1) person at one

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time. Any violation of this section shall constitute a class C misdemeanor." [Emphasis supplied.]

It becomes at once apparent that this portion of the statute addresses itself to traps for wild animals as well as fur-bearers. However, the reference to these categories of animals is further qualified by the provision for when such traps may be used, i.e., "only during such legal open trapping seasons as established by the commission." It is reasonable to conclude then that K.S.A. 32-158 categorically applies only to those traps used to take fur-bearing animals (statutorily defined) and those wild animals for which legal open trapping seasons have been established by the Commission. No trapping season for coyotes has been established as of this date by the Commission. Accordingly, in our judgment the limitation on the number of traps which may be used applies only to those wild animal traps falling within the requirements delineated in the statute, that is those designed to trap animals for which the Commission has established a legal open trapping season. We cannot conclude that this statute applies to "all" traps used to take wild animals. Accordingly, it is the opinion of this office that the twenty (20) steel trap limitation in K.S.A. 32-158 does not apply to those steel traps set for the taking of coyotes. If the 20-trap limitation is to apply to coyotes, it is necessary that the legislature clearly so provide. The Commission is doubtless best able to advise the legislature whether such a limitation is indeed desirable and needed.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JPS:en