



Sen. Laura M. Murphy

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10200SB1075sam001

LRB102 04896 SPS 24213 a

1 AMENDMENT TO SENATE BILL 1075

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1075 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Seizure and Forfeiture Reporting Act is  
5 amended by changing Section 5 as follows:

6 (5 ILCS 810/5)

7 Sec. 5. Applicability. This Act is applicable to property  
8 seized or forfeited under the following provisions of law:

9 (1) Section 3.23 of the Illinois Food, Drug and  
10 Cosmetic Act;

11 (2) Section 44.1 of the Environmental Protection Act;

12 (3) Section 105-55 of the Herptiles-Herps Act;

13 (4) Section 1-215 of the Fish and Aquatic Life Code;

14 (5) Section 1.25 of the Wildlife Code;

15 (6) Section 17-10.6 of the Criminal Code of 2012  
16 (financial institution fraud);

1 (7) Section 28-5 of the Criminal Code of 2012  
2 (gambling);

3 (8) Article 29B of the Criminal Code of 2012 (money  
4 laundering);

5 (9) Article 33G of the Criminal Code of 2012 (Illinois  
6 Street Gang and Racketeer Influenced And Corrupt  
7 Organizations Law);

8 (10) Article 36 of the Criminal Code of 2012 (seizure  
9 and forfeiture of vessels, vehicles, and aircraft);

10 (11) Section 47-15 of the Criminal Code of 2012  
11 (dumping garbage upon real property);

12 (12) Article 124B of the Code of Criminal Procedure of  
13 1963 procedure (forfeiture);

14 (13) the Drug Asset Forfeiture Procedure Act;

15 (14) the Narcotics Profit Forfeiture Act;

16 (15) the Illinois Streetgang Terrorism Omnibus  
17 Prevention Act; ~~and~~

18 (16) the Illinois Securities Law of 1953; ~~and.~~

19 (17) Section 16 of the Timber Buyers Licensing Act.

20 (Source: P.A. 100-512, eff. 7-1-18; revised 9-9-19.)

21 Section 10. The Timber Buyers Licensing Act is amended by  
22 changing Sections 2, 3, 4, 5, 7, 8, 9, 9a, 11, 13, and 16 and  
23 by adding Section 9b as follows:

24 (225 ILCS 735/2) (from Ch. 111, par. 702)

1           Sec. 2. When used in this Act, unless the context  
2 otherwise requires, ~~the term~~:

3           "Buying timber" means to buy, barter, cut on shares, or  
4 offer to buy, barter, cut on shares, or take possession of  
5 timber, with or without the consent of the timber grower.

6           "Department" means the Department of Natural Resources.

7           "Director" means the Director of Natural Resources.

8           "Landowner timber number" means a unique number issued by  
9 the Department to identify a forest area that may be harvested  
10 and the timber grower's information.

11           "Liability insurance" means insurance against the  
12 liability of the insured for the death, injury, or disability  
13 of an employee or other person, and insurance against the  
14 liability of the insured for damage to or destruction of  
15 another person's property.

16           "Payment receipt" means a copy, duplicate, or facsimile of  
17 an original receipt of payment for timber to a timber grower or  
18 duplicate of electronic or direct payment verification of  
19 funds received by a timber grower.

20           "Person" means any person, partnership, firm, association,  
21 business trust or corporation.

22           "Personal use" means use of timber or timber products by  
23 the timber grower other than for resale or other commercial  
24 use.

25           "Timber" means trees, standing or felled, and parts  
26 thereof which can be used for sawing or processing into lumber

1 for building or structural purposes or for the manufacture of  
2 any article. "Timber" does not include firewood, Christmas  
3 trees, fruit or ornamental trees or wood products not used or  
4 to be used for building, structural, manufacturing or  
5 processing purposes.

6 "Timber buyer" means any person licensed or unlicensed,  
7 who is engaged in the business of buying timber from the timber  
8 growers thereof for sawing into lumber, for processing or for  
9 resale, but excludes timber for personal use ~~does not include~~  
10 ~~any person who occasionally purchases timber for sawing or~~  
11 ~~processing for his own use and not for resale.~~

12 ~~"Buying timber" means to buy, barter, cut on shares, or~~  
13 ~~offer to buy, barter, cut on shares, or take possession of~~  
14 ~~timber, with or without the consent of the timber grower.~~

15 "Timber grower" means the owner, tenant or operator of  
16 land in this State who has an interest in, or is entitled to  
17 receive any part of the proceeds from the sale of timber grown  
18 in this State and includes persons exercising authority to  
19 sell timber.

20 ~~"Department" means the Department of Natural Resources.~~

21 ~~"Director" means the Director of Natural Resources.~~

22 ~~"Employee" means any person in service or under contract~~  
23 ~~for hire, expressed or implied, oral or written, who is~~  
24 ~~engaged in any phase of the enterprise or business at any time~~  
25 ~~during the license year.~~

26 (Source: P.A. 89-445, eff. 2-7-96.)

1 (225 ILCS 735/3) (from Ch. 111, par. 703)

2 Sec. 3. Application for licensure. Every person before  
3 engaging in the business of timber buyer shall obtain a  
4 license for such purpose from the Department. Application for  
5 such license shall be filed with the Department and shall set  
6 forth the name of the applicant, its principal officers if the  
7 applicant is a corporation or the partners if the applicant is  
8 a partnership, the location of any principal office or place  
9 of business of the applicant, the counties in this State in  
10 which the applicant proposes to engage in the business of  
11 timber buyer and such additional information as the Department  
12 by regulation may require.

13 All timber buyers must possess a liability insurance  
14 policy in an appropriate amount pursuant to administrative  
15 rule prior to the issuance of a timber buyers license and must  
16 keep the policy in force at all times while the license is in  
17 effect.

18 The application shall set forth the aggregate dollar  
19 amount paid to timber growers for timber purchased in this  
20 State during the applicant's last completed 12-month period  
21 ~~fiscal or calendar year. In the event the applicant has been~~  
22 ~~engaged as a timber buyer for less than one year, his~~  
23 ~~application shall set forth the dollar amount paid to timber~~  
24 ~~growers for the number of completed months during which the~~  
25 ~~applicant has been so engaged. If the applicant has not been~~

1 ~~previously engaged in buying timber in this State, the~~  
2 ~~application shall set forth the estimated aggregate dollar~~  
3 ~~amount to be paid by the applicant to timber growers for timber~~  
4 ~~to be purchased from them during the next succeeding 12 month~~  
5 ~~period.~~

6 (Source: P.A. 77-2796.)

7 (225 ILCS 735/4) (from Ch. 111, par. 704)

8 Sec. 4. Bond.

9 (a) Every applicant for a timber buyers license shall  
10 submit, on a form provided by the Department, a surety bond or  
11 letter of credit in an amount as outlined in this Section or a  
12 letter of credit in the same amount for work performed in  
13 accordance with this Act and the rules adopted under this Act.  
14 The surety bond or letter of credit is to secure payment to the  
15 timber growers and to insure the timber grower against all  
16 fraudulent or negligent acts of the licensee for actions under  
17 this Act as well as for payment to the Department for any  
18 moneys due under this Act. Unless otherwise required under  
19 this Act, the surety bond or letter of credit is required to be  
20 valid for the calendar year of the buyers license plus 60 days.  
21 ~~person licensed as a timber buyer shall file with the~~  
22 ~~Department, on a form prescribed and furnished by the~~  
23 ~~Department, a performance bond payable to the State of~~  
24 ~~Illinois by and through the Department and conditioned on the~~  
25 ~~faithful performance of and compliance with all requirements~~

1 ~~of the license and this Act.~~ The bond shall be a surety bond or  
2 letter of credit signed by the person to be licensed as  
3 principal and by a good and sufficient corporate surety  
4 authorized to engage in the business of executing surety bonds  
5 or letters of credit within the State of Illinois as surety  
6 ~~thereon. In lieu of a surety bond an applicant for a timber~~  
7 ~~buyers license may, with the approval of the Department,~~  
8 ~~deposit with the Department as security a certificate of~~  
9 ~~deposit or irrevocable letter of credit of any bank organized~~  
10 ~~or transacting business in the United States in an amount~~  
11 ~~equal to or greater than the amount of the required bond. Such~~  
12 ~~deposits shall be made, held, and disposed of as provided in~~  
13 ~~this Act and by the Department by rule. A bond or certificate~~  
14 ~~of deposit shall be made payable upon demand to the Director,~~  
15 ~~subject to the provisions of this Act, and any rules adopted~~  
16 ~~under this Act, and shall be for the use and benefit of the~~  
17 people of the State of Illinois, for the use and benefit of any  
18 timber grower from whom the timber buyer applicant purchased  
19 timber and who is not paid by the timber buyer, applicant or  
20 for the use and benefit of any timber grower whose timber has  
21 been cut by the timber buyer applicant ~~or licensee or his or~~  
22 ~~her agents~~ and who has not been paid therefor; and for the use  
23 and benefit of any person aggrieved by the actions of the  
24 timber buyer, including the Department.

25 (b) Except as otherwise provided, in this Section, such  
26 surety bond or letter of credit shall be 10% of the dollar

1 ~~amount in the principal amount of \$500 for an applicant who~~  
2 ~~paid to timber growers for timber purchased during the~~  
3 ~~preceding year, but shall at no time be less than \$5,000 or~~  
4 ~~exceed \$150,000 or less for timber during the immediate~~  
5 ~~preceding year, and an additional \$100 for each additional~~  
6 ~~\$1,000 or fraction thereof paid to timber growers for timber~~  
7 ~~purchased during the preceding year, but shall not be more~~  
8 ~~than \$10,000.~~ In the case of an applicant not previously  
9 engaged in business as a timber buyer, the amount of such  
10 surety bond or letter of credit shall be 10% of ~~based on the~~  
11 estimated dollar amount to be paid by such timber buyer to  
12 timber growers for timber purchased during the next succeeding  
13 year, as set forth in the application. ~~The surety, such bond or~~  
14 letter of credit shall, in no event, be in the principal amount  
15 of less than \$5,000 or exceed \$150,000 ~~\$500~~. In the case of a  
16 timber buyer whose surety bond or letter of credit has  
17 previously been forfeited in Illinois or in any other state,  
18 the Department shall double the applicable minimum bond  
19 amounts under this Section.

20 (c) A surety bond or letter of credit filed in accordance  
21 with this Act shall not be cancelled or altered during the  
22 period for which the timber buyer remains licensed by the  
23 Department except upon at least 60 days written notice ~~in~~  
24 ~~writing~~ to the Department and then only upon written approval  
25 of the Department, ~~in the event that the applicant has~~  
26 ~~deposited certificates of deposit in lieu of a corporate~~



1 ~~surety the Department may retain possession of such~~  
2 ~~certificates of deposit for a period of 60 days following the~~  
3 ~~expiration or revocation of his or her license.~~

4 (d) At any such time as a licensee, without written  
5 approval of the Department, fails to have the necessary surety  
6 bond or letter of credit bonds, certificates of deposit, or  
7 irrevocable letters of credit on deposit with the Department  
8 in an amount equal or greater than 10% of a timber buyer's  
9 current total amount paid to timber growers as required by  
10 this Section, the Department shall notify the licensee by mail  
11 of the failure and the licensee shall have 30 days from the  
12 date that the notice is sent to bring the surety bond or letter  
13 of credit to the level required by this Act. If the licensee,  
14 after receiving notice, fails to bring the surety bond or  
15 letter of credit to the level required by this Act, the  
16 Department shall suspend the license of the licensee and shall  
17 not issue a new license to the licensee for a period of 2 years  
18 ~~as required herein, the Department may immediately, and~~  
19 ~~without notice, suspend the privileges of such licensee.~~ In  
20 the event of such suspension, the Department shall give  
21 immediate notice of the same to the licensee and shall further  
22 reinstate such license upon the posting of the required surety  
23 bond, ~~certificates of deposit, or irrevocable~~ letters of  
24 credit.

25 (e) A surety bond or letter of credit that is posted after  
26 a license has been suspended for failure to maintain the

1 required level of surety bond or letter of credit pursuant to  
2 subsection (d) shall remain in effect for one year from the  
3 date of the posting of the bond or letter of credit. A failure  
4 to maintain a surety bond or letter of credit as required by  
5 this subsection shall result in the Department suspending any  
6 active license of the licensee, and the Department shall not  
7 issue a new license to the licensee for a period of 5 years  
8 from the date the Department is made aware of a violation of  
9 this subsection.

10 (f) The timber grower or owner of timber cut may commence  
11 his or her own action for forfeiture of the licensee's surety  
12 bond or letter of credit in the circuit court where the cutting  
13 occurred.

14 (g) The Department may commence an action for forfeiture  
15 of the licensee's surety bond in the circuit court of Sangamon  
16 County.

17 ~~Bonds shall be in such form and contain such terms and~~  
18 ~~conditions as may be approved from time to time by the~~  
19 ~~Director, be conditioned to secure an honest cutting and~~  
20 ~~accounting for timber purchased by the licensee, secure~~  
21 ~~payment to the timber growers and to insure the timber growers~~  
22 ~~against all fraudulent acts of the licensee in the purchase~~  
23 ~~and cutting of the timber of this State.~~

24 ~~In the event the timber buyer fails to pay when owing any~~  
25 ~~amount due a timber grower for timber purchased, or fails to~~  
26 ~~pay judicially determined damages for timber wrongfully cut by~~

1 ~~a timber buyer or his agent, whether such wrongful cutting has~~  
2 ~~occurred on or adjacent to the land which was the subject of~~  
3 ~~timber purchase from a timber grower, or commits any violation~~  
4 ~~of this Act, then an action on the bond or deposit for~~  
5 ~~forfeiture may be commenced. Such action is not exclusive and~~  
6 ~~is in addition to any other judicial remedies available.~~

7 ~~In the event that the timber grower or owner of timber cut~~  
8 ~~considers himself or herself aggrieved by a timber buyer, he~~  
9 ~~or she shall notify the Department in writing of such~~  
10 ~~grievance and thereafter the Department shall within 10 days~~  
11 ~~give written notice to the timber buyer of the alleged~~  
12 ~~violation of this Act or of any violation or noncompliance~~  
13 ~~with the regulations hereunder of which the timber grower or~~  
14 ~~owner of timber complains. The written notice to the timber~~  
15 ~~buyer shall be from the Department by registered or certified~~  
16 ~~mail to the licensee and his or her sureties stating in general~~  
17 ~~terms the nature of the violation and that an action seeking~~  
18 ~~forfeiture of the bond may be commenced at any time after the~~  
19 ~~10 days from the date of said notice if at the end of that~~  
20 ~~period the violation still remains. In the event the~~  
21 ~~Department shall fail to give notice to the timber buyer as~~  
22 ~~provided herein, the timber grower or owner of timber cut may~~  
23 ~~commence his or her own action for forfeiture of the~~  
24 ~~licensee's bond.~~

25 ~~The timber buyer, after receiving notice from the~~  
26 ~~Department as provided herein, may within 10 days from the~~

1 ~~date of such notice, request in writing to appear and be heard~~  
2 ~~regarding the alleged violation.~~

3 ~~Upon such request from the timber buyer, the Department~~  
4 ~~shall schedule a hearing, designating the time and place~~  
5 ~~thereof. At such hearing the timber buyer may present for~~  
6 ~~consideration of the Department any evidence, statements,~~  
7 ~~documents or other information relevant to the alleged~~  
8 ~~violation. The hearing shall be presided over by the Director~~  
9 ~~or by any hearing officer he or she may designate. The hearing~~  
10 ~~officer shall take evidence offered by the timber buyer or the~~  
11 ~~Department and shall, if requested by the Department, submit~~  
12 ~~his or her conclusions and findings which shall be advisory to~~  
13 ~~the Director. Any hearings provided for in this Section shall~~  
14 ~~be commenced within 30 days from the request therefor.~~

15 ~~Should the timber buyer fail to make timely request for a~~  
16 ~~hearing after receipt of the notice from the Department as~~  
17 ~~provided herein, or after a hearing is concluded, the~~  
18 ~~Department may either withdraw the notice of violation or~~  
19 ~~request the Attorney General to institute proceedings to have~~  
20 ~~the bond of the timber buyer forfeited. The Attorney General,~~  
21 ~~upon such request from the Department, shall institute~~  
22 ~~proceedings to have the bond of the timber buyer forfeited for~~  
23 ~~violation of any of the provisions of this Act or for~~  
24 ~~noncompliance with any Department regulation.~~

25 (h) In the event that the licensee's surety bond or letter  
26 of credit is forfeited, the proceeds thereof shall first be

1 applied to any sums determined to be owed to the ~~timber~~ grower  
2 or owner of timber cut and then to any sums owed to the  
3 Department ~~to defray expenses incurred by the Department in~~  
4 ~~converting the security into money. Thereafter, the Department~~  
5 ~~shall pay such excess to the timber buyer who furnished such~~  
6 ~~security.~~

7 ~~In the event the Department realizes less than the amount~~  
8 ~~of liability from the security, after deducting expenses~~  
9 ~~incurred by the Department in converting the security into~~  
10 ~~money, it shall be grounds for the revocation of the timber~~  
11 ~~buyer's license.~~

12 (i) If the surety bond or letter of credit does not cover  
13 the amount that is owed to the Department, the Department  
14 shall immediately suspend the licensee and shall not issue a  
15 new license to the licensee for a period of 5 years.

16 (Source: P.A. 92-805, eff. 8-21-02.)

17 (225 ILCS 735/5) (from Ch. 111, par. 705)

18 Sec. 5. Prohibited acts. It shall be unlawful and a  
19 violation of this Act:

20 (a) (blank); ~~For any timber buyer to knowingly and~~  
21 ~~willfully fail to pay, as agreed, for any timber purchased,~~

22 (b) for ~~For~~ any timber buyer to knowingly and willfully  
23 cut or cause to be cut or take ~~appropriate~~ any timber without  
24 the consent of the timber grower;17

25 (c) for ~~For~~ a timber buyer to knowingly and willfully make

1 any false statement in connection with the application, surety  
2 bond or letter of credit, liability insurance, or other  
3 information required to be given to the Department ~~;~~ ~~or a~~  
4 ~~timber grower,~~

5 (d) to knowingly and willfully providing false information  
6 ~~to~~ ~~To fail to honestly account to the timber grower or the~~  
7 Department for timber purchased or cut; ~~if the buyer is under a~~  
8 ~~duty to do so,~~

9 (d-5) to knowingly and willfully buy timber from a timber  
10 grower not possessing a landowner timber number issued by the  
11 Department;

12 (e) (blank); ~~For a timber buyer to commit any fraudulent~~  
13 ~~act in connection with the purchase or cutting of timber,~~

14 (f) (blank): ~~For a timber buyer or land owner or operator~~  
15 ~~to fail to file the report or pay the fees required in Section~~  
16 ~~9a of this Act, and~~

17 (g) for ~~For~~ any person to resist or obstruct any officer,  
18 employee, or agent of the Department or any member of a law  
19 enforcement agency in the discharge of that person's ~~his~~  
20 duties under the provisions of this Act; ~~hereof.~~

21 (h) for any person to fail to maintain valid liability  
22 insurance in an amount required by this Act at any time during  
23 a period in which they hold a timber buyers license; and

24 (i) for any person to fail to allow inspection of required  
25 records by an authorized employee of the Department or by an  
26 authorized State or federal law enforcement officer during

1 reasonable business hours.

2 (Source: P.A. 86-208.)

3 (225 ILCS 735/7) (from Ch. 111, par. 707)

4 Sec. 7. License; issuance, validity, and ~~renewal;~~  
5 certificate. All persons buying timber under this Act must  
6 possess a valid timber buyers license. Licenses authorized  
7 under this Act shall be prepared by the Department and be in a  
8 form as prescribed by the Department. The information required  
9 on each license shall be completed by the issuing agent at the  
10 time of issuance and each license shall be signed by the  
11 licensee. All licenses shall be supplied by the Department,  
12 subject to rules as the Department may prescribe. Any license  
13 that is not properly prepared, obtained, and signed as  
14 required by this Act shall be void.

15 If the Department is satisfied that the timber buyer  
16 ~~applicant~~ has fulfilled the requirements set forth in the  
17 timber buyer's application and if the bond and sureties ~~or~~  
18 ~~bank certificate of deposit~~ filed by the applicant is  
19 approved, the Department may issue a license to the applicant.  
20 The licenses issued shall be valid for a calendar year ~~and may~~  
21 ~~be renewed annually.~~ A copy of the license certificate issued  
22 by the Department shall be posted in the principal office of  
23 the licensee in this State. The timber buyer identification  
24 card issued by the Department shall be carried upon the person  
25 of the timber buyer when conducting activities covered under

1 this Act for immediate presentation for inspection to the  
2 officers and authorized employees of the Department, any  
3 sheriff, deputy sheriff, or any other peace officer making  
4 demand for it. No person charged with violating this Section,  
5 however, shall be convicted if he or she produces in court  
6 satisfactory evidence that a timber buyer identification card  
7 that was valid at the time of the offense had been issued to  
8 the timber buyer.

9 Upon request for a license and payment of the fee, the  
10 Department shall issue to the timber buyer licensee a  
11 certificate that a license has been granted and a bond filed as  
12 required by this Act.

13 (Source: P.A. 92-805, eff. 8-21-02.)

14 (225 ILCS 735/8) (from Ch. 111, par. 708)

15 Sec. 8. Application. The application for a license for an  
16 Illinois resident or company to operate as an Illinois a  
17 timber buyer, ~~or a renewal thereof,~~ shall be accompanied by a  
18 filing fee of \$230 ~~\$25~~. The application for a license for an  
19 out-of-state individual or company to operate as an Illinois  
20 timber buyer shall be accompanied by a filing fee of \$480. The  
21 fee to be paid for a certificate that a license has been issued  
22 and security filed is \$20 ~~\$5~~.

23 The fees required by this Section shall be deposited in  
24 the Illinois Forestry Development Fund for the purposes of the  
25 "Illinois Forestry Development Act".



1 (Source: P.A. 85-287.)

2 (225 ILCS 735/9) (from Ch. 111, par. 709)

3 Sec. 9. Records. The Department may inspect the premises  
4 used by any timber buyer in the conduct of his or her business  
5 at any reasonable time and the books, accounts, records, and  
6 papers of every such timber buyer shall at all times during  
7 business hours be subject to inspection by the Department. Any  
8 person licensed as a timber buyer as defined in this Act, or  
9 any person who has purchased, bartered, or attempted to  
10 purchase or barter timber, or any person having possession or  
11 who has had possession of timber as defined in this Act shall  
12 prima facie be considered a timber buyer. A timber buyer shall  
13 retain the books, accounts, records, and papers used in the  
14 conduct of his or her business, or other documentation  
15 required under this Act, for a period of 7 3 years after any  
16 purchase of timber made by the timber buyer.

17 (Source: P.A. 85-287.)

18 (225 ILCS 735/9a) (from Ch. 111, par. 709a)

19 Sec. 9a. Reporting a harvest fee.

20 (a) When a timber buyer purchases timber in this State,  
21 the timber buyer and timber grower shall determine the amount  
22 to be paid for such timber, or the value of items to be  
23 bartered for such timber, and the timber buyer shall deduct  
24 from the payment to the timber grower an amount which equals 4%

1 of the purchase price or 4% of the minimum fair market value  
2 when the purchase price cannot otherwise be determined  
3 pursuant to administrative rule and shall forward such amount  
4 to the Department of Natural Resources, ~~along with a report of~~  
5 ~~the purchase on forms provided by the Department.~~

6 (b) When a timber buyer purchases timber in this State,  
7 the timber buyer shall submit a report to the Department of the  
8 purchase on a report form provided by the Department. The  
9 information provided on the report form shall include the  
10 amount paid for the timber and the 4% that is due to the  
11 Department. A timber buyer shall provide the timber grower  
12 with a written or electronic payment receipt for each  
13 transaction of timber purchased from the timber grower and  
14 keep a duplicate or copy of payment receipt in his or her  
15 records. The timber buyer shall provide a written receipt upon  
16 request of the Department.

17 (c) Every timber grower who utilizes timber produced on  
18 land he owns or operates for sawing into lumber, for  
19 processing, or for resale, ~~except a person who occasionally~~  
20 ~~uses his own timber for sawing or processing for his own use~~  
21 ~~and not for resale, shall report periodically, as required by~~  
22 ~~regulation of the Department, the quantity of timber produced~~  
23 ~~and utilized by the owner or operator during the reporting~~  
24 ~~period. Such timber grower shall pay to the Department, when~~  
25 the periodic report is submitted, an amount equal to 4% of the  
26 minimum fair market ~~gross~~ value of the timber utilized during

1 the period. The value of such timber shall be determined  
2 pursuant to rule of the Department. ~~Such rules shall include a~~  
3 ~~voluntary arbitration program for use in situations in which a~~  
4 ~~dispute arises as to the gross value of the timber.~~

5 (d) Every timber grower who utilizes timber produced on  
6 land he or she owns or operates for sawing into lumber, for  
7 processing, or for resale shall report periodically, as  
8 required by rule of the Department, the quantity of timber  
9 produced and utilized by the owner or operator during the  
10 reporting period.

11 (e) Subsections (c) and (d) shall not apply to a person who  
12 uses his or her own timber for sawing or processing for  
13 personal use and not for resale.

14 (f) It shall be a violation of this Act for a timber buyer  
15 to knowingly and willfully:

16 (1) fail to file the report with the Department as  
17 required under subsection (a) or (c) of this Section; or

18 (2) fail to pay to the Department the timber grower's  
19 fees required under subsection (b) or (d) of this Section.

20 (g) The fees required by this Section shall be deposited  
21 in the Illinois Forestry Development Fund, a special fund in  
22 the State Treasury, for the purposes of the "Illinois Forestry  
23 Development Act".

24 (Source: P.A. 89-445, eff. 2-7-96.)

1       Sec. 9b. Landowner timber number. The Department, in order  
2 to monitor and conserve Illinois forests, shall require timber  
3 growers who own 5 acres or more of timberland in any county to  
4 obtain a landowner timber number, or similar unique identifier  
5 from the Department, associated with their timberland in that  
6 county before timber is cut for commercial purposes. Landowner  
7 timber numbers shall be issued to timber growers at no cost to  
8 timber growers. Issuance of landowner timber numbers may be  
9 accompanied by information and resources about forests,  
10 forestry, and timber harvesting.

11       Timber buyers shall enter the landowner timber number on  
12 each applicable reporting form when submitting the 4% fee.  
13 Landowner timber numbers shall be dated and expire after 2  
14 years, unless extended by the Department by rule.

15       (225 ILCS 735/11) (from Ch. 111, par. 711)

16       Sec. 11. Penalties.

17       (a) Except as otherwise provided in this Act ~~Section~~ any  
18 person in violation of any of the provisions of this Act, or  
19 administrative rules thereunder, shall be guilty of a Class C  
20 ~~A~~ misdemeanor.

21       (a-5) Any person convicted of violating Section 3 of this  
22 Act shall be guilty of a Class A misdemeanor and fined at least  
23 \$500 for a first offense and guilty of a Class 4 felony and  
24 fined at least \$1,000 for a second or subsequent offense.

25       (a-10) Any person convicted of violating subsection (b) of

1 Section 5 of this Act is guilty of a Class A misdemeanor if the  
2 aggregate value of the timber cut, caused to be cut, or  
3 appropriated is equal to or less than \$500.

4 (b) Any person convicted of violating subsection  
5 ~~subsections (a) or~~ (b) of Section 5 of this Act is guilty of a  
6 Class 4 felony if the aggregate value of the timber ~~purchased,~~  
7 cut, caused to be cut or appropriated is over \$500 ~~\$300~~ but not  
8 more than \$2,500.

9 (b-5) Any person convicted of violating subsection ~~(a) or~~  
10 (b) of Section 5 of this Act is guilty of a Class 3 felony if  
11 the aggregate value of the timber ~~purchased,~~ cut, caused to be  
12 cut, or appropriated is over \$2,500 but not more than \$10,000.

13 (b-10) Any person convicted of violating subsection ~~(a) or~~  
14 (b) of Section 5 of this Act is guilty of a Class 2 felony if  
15 the aggregate value of the timber ~~purchased,~~ cut, caused to be  
16 cut, or appropriated is over \$10,000.

17 (b-15) The aggregate value of the timber ~~purchased,~~ cut,  
18 caused to be cut, or appropriated shall be determined as  
19 provided by administrative rule.

20 (c) A person convicted of violating subsection (c) ~~(f)~~ of  
21 Section 5 of this Act is guilty of a Class A misdemeanor. A  
22 person convicted of a second or subsequent violation is guilty  
23 of a Class 4 felony.

24 (c-5) A person convicted of violating subsection (d) of  
25 Section 5 of this Act is guilty of a Class A misdemeanor.

26 (c-10) A person convicted of violating subsection (d-5) of

1 Section 5 of this Act is guilty of a Class A misdemeanor and  
2 shall be assessed a fine of not less than \$1,000. A person  
3 convicted of a second or subsequent violation is guilty of a  
4 Class 4 felony and shall be assessed a fine of not less than  
5 \$2,000.

6 (c-15) A person convicted of violating subsection (g) of  
7 Section 5 of this Act is guilty of a Class A misdemeanor.

8 (c-20) A person convicted of violating subsection (h) of  
9 Section 5 of this Act is guilty of a Class B misdemeanor.

10 (c-25) A person convicted of violating subsection (i) of  
11 Section 5 of this Act is guilty of a Class C misdemeanor.

12 (d) All amounts collected as fines imposed as penalties  
13 for violation of this Act shall be deposited in the Illinois  
14 Forestry Development Fund for the purposes of the "Illinois  
15 Forestry Development Act".

16 (e) Failure ~~In case of a failure~~ to pay any purchase  
17 harvest fee required under Section 9a of this Act on the date  
18 as required by regulation of the Department, there shall be  
19 added as a penalty an amount equal to 7.5% of the harvest fee  
20 due the Department for each month or fraction thereof during  
21 which such failure continues, not to exceed 37.5% in the  
22 aggregate. This penalty shall be in addition to any other  
23 penalty determined under this Act or by the circuit court.

24 (e-5) Any person convicted of violating subsection (a) or  
25 (c) of Section 9a of this Act is guilty of a Class A  
26 misdemeanor if the aggregate value of the timber cut, caused

1 to be cut, or sold is equal to or less than \$500.

2 (e-10) Any person convicted of violating subsection (a) or  
3 (c) of Section 9a of this Act is guilty of a Class 4 felony if  
4 the aggregate value of the timber cut, caused to be cut, or  
5 sold is over \$500 but not more than \$2,500.

6 (e-15) Any person convicted of violating subsection (a) or  
7 (c) of Section 9a of this Act is guilty of a Class 3 felony if  
8 the aggregate value of the timber cut, caused to be cut, or  
9 sold is over \$2,500 but not more than \$10,000.

10 (e-20) Any person convicted of violating subsection (a) or  
11 (c) of Section 9a of this Act is guilty of a Class 2 felony if  
12 the aggregate value of the timber cut, caused to be cut, or  
13 appropriated is over \$10,000.

14 (f) A person convicted of violating subsection (b) or (d)  
15 of ~~In case of failure to file the appropriate report of the~~  
16 ~~purchase harvest fee form stipulated under~~ Section 9a of this  
17 Act shall be guilty of a Class C misdemeanor and shall be  
18 ~~assessed on the date prescribed therefore,~~ a penalty in the  
19 amount of \$25 for each individual report shall be added to the  
20 amount due the Department.

21 (g) All fines required by this Section ~~This penalty~~ shall  
22 be in addition to any other penalty authorized ~~determined~~  
23 under this Act or the Unified Code of Corrections or imposed by  
24 the circuit court.

25 (Source: P.A. 92-805, eff. 8-21-02.)

1 (225 ILCS 735/13) (from Ch. 111, par. 713)

2 Sec. 13. License revocation.

3 (a) Unless otherwise specified in this Act, the ~~The~~  
4 Department may revoke the license of any person who violates  
5 the provisions of this Act or administrative rules, and may  
6 refuse to issue any permit or license to such person for a  
7 period not to exceed 5 years following such revocation.

8 License revocation or suspension or refusal to issue any  
9 permit or license under this Act ~~procedures~~ shall be  
10 established by administrative rule.

11 (b) Whenever the holder of a license issued under this Act  
12 is found guilty of any misrepresentation in obtaining his or  
13 her license or of a violation of any of the provisions of this  
14 Act or rules adopted pursuant to this Act, the Department may:

15 (1) revoke his or her license;

16 (2) refuse to issue a license to that person; and

17 (3) suspend the person from engaging in the activity  
18 requiring the license for up to 5 years following the  
19 revocation.

20 (c) Whenever the holder of a license issued under this Act  
21 is found guilty of any misrepresentation in obtaining his or  
22 her license or of a violation of any of the provisions of this  
23 Act or rules adopted pursuant to this Act, and his or her  
24 license has been previously revoked or his or her ability to  
25 engage in the activity requiring the license has been  
26 previously suspended, the Department may:



- 1           (1) revoke his or her license;
- 2           (2) refuse to issue any license to that person; and
- 3           (3) suspend the person from engaging in the activity
- 4           requiring the license for at least 5 years but not more
- 5           than 10 years following the revocation or suspension.

6           (d) Whenever the holder of a license issued under this Act

7           is found guilty of any misrepresentation in obtaining that

8           license or of a violation of any of the provisions of this Act

9           or rules adopted under this Act, and his or her license has

10          been previously revoked or his or her ability to engage in the

11          activity requiring the license has been suspended on 2 or more

12          occasions, the Department may:

- 13           (1) revoke his or her license;
- 14           (2) refuse to issue any license to that person; and
- 15           (3) suspend the person from engaging in the activity
- 16           requiring the license for at least 10 years but not more
- 17           than 20 ~~75~~ years following the revocation or suspension.
- 18          Department revocation procedures shall be established by
- 19          administrative rule.

20          ~~If the holder of a license is found negligent with respect~~

21          ~~to any duty required under this Act, the Department may~~

22          ~~suspend or revoke his or her privilege to engage in the~~

23          ~~activity for which the license is required, his or her~~

24          ~~license, or both.~~

25           (e) Whenever a person who has not been issued a license

26          under this Act is found guilty of a violation of the provisions

1 of this Act or rules adopted under this Act, the Department  
2 may:

3 (1) refuse to issue any license to that person; and

4 (2) suspend that person from engaging in the activity  
5 requiring the license for up to 5 years following the  
6 revocation.

7 (f) Whenever a person who has not been issued a license  
8 under this Act is found guilty of a violation of this Act or  
9 rules adopted under this Act and his or her license has been  
10 previously revoked or his or her ability to engage in the  
11 activity requiring the license has been previously suspended,  
12 the Department may:

13 (1) refuse to issue any license to that person; and

14 (2) suspend that person from engaging in the activity  
15 requiring the license for at least 5 years but not more  
16 than 10 years following the revocation or suspension.

17 (g) Whenever a person who has not been issued a license  
18 under this Act is found guilty of a violation of this Act or  
19 rules adopted under this Act and his or her license has been  
20 previously revoked or his or her ability to engage in the  
21 activity requiring the license has been suspended on 2 or more  
22 occasions, the Department may:

23 (1) refuse to issue any license to that person; and

24 (2) suspend that person from engaging in the activity  
25 requiring the license for at least 10 years but not more  
26 than 20 ~~75~~ years following the revocation or suspension.

1           (h) (Blank). ~~Licenses authorized under this Act shall be~~  
2 ~~prepared by the Department and be in such form as prescribed by~~  
3 ~~the Department. The information required on each license shall~~  
4 ~~be completed thereon by the issuing agent at the time of~~  
5 ~~issuance and each license shall be signed by the licensee. All~~  
6 ~~such licenses shall be supplied by the Department, subject to~~  
7 ~~such rules as the Department may prescribe. Any license that~~  
8 ~~is not properly prepared, obtained, and signed as required by~~  
9 ~~this Act shall be void.~~

10           (i) Any person whose license to engage in an activity  
11 regulated by this Act has been revoked or whose ability to  
12 engage in the activity requiring the license has been  
13 suspended may not, during the period of suspension or  
14 revocation:

15                 (1) hold any license authorized by this Act;

16                 (2) perform directly or indirectly any privileges  
17 authorized by any license issued in accordance with this  
18 Act; or

19                 (3) buy, sell, barter, trade, or take possession of  
20 any timber as defined in this Act, regardless of any  
21 contractual agreements entered into prior to the  
22 revocation or suspension.

23           (j) No person may be issued a license or engage in any  
24 activity regulated by this Act for which a license is required  
25 during the time that the person's privilege to engage in the  
26 same or similar activities is suspended or revoked by another

1 state, by a federal agency, or by a province of Canada.

2 Any person who knowingly or intentionally violates any of  
3 the provisions of this Act, or administrative rules  
4 thereunder, when his or her license has been revoked or denied  
5 or his or her ability to engage in the activity requiring the  
6 license has been suspended under this Section, is guilty of a  
7 Class 4 felony.

8 (Source: P.A. 92-805, eff. 8-21-02.)

9 (225 ILCS 735/16) (from Ch. 111, par. 716)

10 Sec. 16. Seizure. Any timber, forestry or wood cutting  
11 device or equipment, including vehicles and conveyances used  
12 or operated in violation of this Act, including administrative  
13 rules, or attempted to be used in violation of this Act or  
14 administrative rules shall be deemed a public nuisance and  
15 subject to the seizure and confiscation by any authorized  
16 employee of the Department; upon the seizure of such item the  
17 Department shall take and hold the same until disposed of as  
18 hereinafter provided.

19 Upon the seizure of any property as herein provided, the  
20 authorized employee of the Department making such seizure  
21 shall forthwith cause a complaint to be filed before the  
22 Circuit Court and a summons to be issued requiring the person  
23 who illegally used or operated or attempted to use or operate  
24 such property and the owner and person in possession of such  
25 property to appear in court and show cause why the property

1 seized should not be forfeited to the State. Upon the return of  
2 the summons duly served or other notice as herein provided,  
3 the court shall proceed to determine the question of the  
4 illegality of the use of the seized property and upon judgment  
5 being entered to the effect that such property was illegally  
6 used, an order may be entered providing for the forfeiture of  
7 such seized property to the Department and shall thereupon  
8 become the property of the Department; but the owner of such  
9 property may have a jury determine the illegality of its use,  
10 and shall have the right of an appeal, as in other cases. Such  
11 confiscation or forfeiture shall not preclude or mitigate  
12 against prosecution and assessment of penalties otherwise  
13 provided in this Act.

14 Upon seizure of any property under circumstances  
15 supporting a reasonable belief that such property was  
16 abandoned, lost or stolen or otherwise illegally possessed or  
17 used contrary to the provisions of this Act, except property  
18 seized during a search or arrest, and ultimately returned,  
19 destroyed, or otherwise disposed of pursuant to order of a  
20 court in accordance with this Act, the authorized employee of  
21 the Department shall make reasonable inquiry and efforts to  
22 identify and notify the owner or other person entitled to  
23 possession thereof, and shall return the property after such  
24 person provides reasonable and satisfactory proof of his  
25 ownership or right to possession and reimburses the Department  
26 for all reasonable expenses of such custody. If the identity

1 or location of the owner or other person entitled to  
2 possession of the property has not been ascertained within 6  
3 months after the Department obtains such possession, the  
4 Department shall effectuate the sale of the property for cash  
5 to the highest bidder at a public auction. The owner or other  
6 person entitled to possession of such property may claim and  
7 recover possession of the property at any time before its sale  
8 at public auction, upon providing reasonable and satisfactory  
9 proof of ownership or right of possession and reimbursing the  
10 Department for all reasonable expenses of custody thereof.

11 Any property forfeited to the State by court order  
12 pursuant to this Section may be disposed of by public auction,  
13 except that any property which is the subject of such a court  
14 order shall not be disposed of pending appeal of the order. The  
15 proceeds of the sales at auction shall be deposited in the  
16 Illinois Forestry Development Fund.

17 The Department shall pay all costs of notices required by  
18 this Section.

19 Property seized or forfeited under this Section is subject  
20 to reporting under the Seizure and Forfeiture Reporting Act.

21 (Source: P.A. 86-208.)".