

# SB1878



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1878

Introduced 2/26/2021, by Sen. Brian W. Stewart

### SYNOPSIS AS INTRODUCED:

515 ILCS 5/5-25

from Ch. 56, par. 5-25

Amends the Fish and Aquatic Life Code. In provisions concerning the value of protected species, removes the phrase "protected by this Code" from the provisions. Provides that a person who violates the Code or administrative rule (rather than only the Code) relating to specified unlawful actions concerning protected species valued in excess of a total of \$300 commits a Class 3 felony. Adds bowfin and paddlefish to a species list with a \$4 per pound or \$8 per pound fair market value or replacement cost. Removes bowfin from a species list for species with a \$1 per pound fair market value or replacement cost.

LRB102 17234 KMF 22695 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning fish.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Fish and Aquatic Life Code is amended by  
5 changing Section 5-25 as follows:

6 (515 ILCS 5/5-25) (from Ch. 56, par. 5-25)

7 Sec. 5-25. Value of protected species; violations.

8 (a) Any person who, for profit or commercial purposes,  
9 knowingly captures or kills, possesses, offers for sale,  
10 sells, offers to barter, barter, offers to purchase,  
11 purchases, delivers for shipment, ships, exports, imports,  
12 causes to be shipped, exported, or imported, delivers for  
13 transportation, transports or causes to be transported,  
14 carries or causes to be carried, or receives for shipment,  
15 transportation, carriage, or export any aquatic life, or parts  
16 thereof, ~~in part or in whole of any of the species protected by~~  
17 ~~this Code,~~ contrary to the provisions of the Code or  
18 administrative rule, and that aquatic life, in whole or in  
19 part, is valued at or in excess of a total of \$300, as per  
20 species value specified in subsection (c) of this Section,  
21 commits a Class 3 felony.

22 A person is guilty of a Class 4 felony if convicted under  
23 this Section for more than one violation within a 90-day

1 period if the aquatic life involved in each violation are not  
2 valued at or in excess of \$300 but the total value of the  
3 aquatic life involved with the multiple violations is at or in  
4 excess of \$300. The prosecution for a Class 4 felony for these  
5 multiple violations must be alleged in a single charge or  
6 indictment and brought in a single prosecution.

7 Any person who violates this subsection (a) when the total  
8 value of species is less than \$300 commits a Class A  
9 misdemeanor except as otherwise provided.

10 (b) Possession of aquatic life, in whole or in part,  
11 captured or killed in violation of this Code, valued at or in  
12 excess of \$600, as per species value specified in subsection  
13 (c) of this Section, shall be considered prima facie evidence  
14 of possession for profit or commercial purposes.

15 (c) For purposes of this Section, the fair market value or  
16 replacement cost, whichever is greater, must be used to  
17 determine the value of the species ~~protected by this Code~~, but  
18 in no case shall the minimum value of all aquatic life and  
19 their hybrids ~~protected by this Code~~, whether dressed or not  
20 dressed, be less than the following:

21 (1) For each muskellunge, northern pike, walleye,  
22 striped bass, sauger, largemouth bass, smallmouth bass,  
23 spotted bass, trout (all species), salmon (all species  
24 other than chinook caught from August 1 through December  
25 31), bowfin, paddlefish, and sturgeon (other than pallid  
26 or lake sturgeon) of a weight, dressed or not dressed, of

1 one pound or more, \$4 for each pound or fraction of a  
2 pound. For each individual fish with a dressed or not  
3 dressed weight of less than one pound, \$4. For parts of  
4 fish processed past the dressed state, \$8 per pound.

5 (2) For each warmouth, rock bass, white bass, yellow  
6 bass, sunfish (all species except largemouth, smallmouth,  
7 and spotted bass), bluegill, crappie, bullheads,  
8 pickerels, yellow perch, catfish (all species), and  
9 mussels of a weight, dressed or not dressed, of one pound  
10 or more, \$4 for each pound or fraction of a pound of  
11 aquatic life. For each individual aquatic life with a  
12 dressed or not dressed weight of less than one pound, \$4.  
13 For aquatic life parts processed past the dressed state,  
14 \$8 per pound.

15 (3) (Blank).

16 (4) (Blank).

17 (5) For goldeye, mooneye, carp, carpsuckers (all  
18 species), suckers (all species), redhorse (all species),  
19 buffalo (all species), freshwater drum, skipjack, shad  
20 (all species), alewife, smelt, gar, ~~bowfin~~, chinook salmon  
21 caught from August 1 through December 31, and all other  
22 aquatic life ~~protected by this Code~~, not listed in  
23 paragraphs (1), (2), or (5) of subsection (c) of this  
24 Section, \$1 per pound, in part or in whole.

25 (6) For each species listed on the federal or State  
26 endangered and threatened species list, and for lake and

1           pallid sturgeon, \$150 per animal in whole or in part.

2           (Source: P.A. 98-752, eff. 1-1-15.)