

1 AN ACT concerning criminal law.

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

4 Section 5. The Wildlife Code is amended by changing Section
5 3.5 and by adding Section 2.33b as follows:

6 (520 ILCS 5/2.33b new)

7 Sec. 2.33b. Computer-assisted remote hunting; prohibition.

8 A person may not operate, provide, sell, use, or offer to
9 operate, provide, sell, or use any computer software or service
10 that allows a person not physically present at the hunt site to
11 remotely control a weapon that could be used to take wildlife
12 by remote operation, including, but not limited to, weapons or
13 devices set up to fire through the use of the Internet or
14 through a remote control device.

15 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

16 Sec. 3.5. Penalties; probation.

17 (a) Any person who violates any of the provisions of
18 Section 2.36a, including administrative rules, shall be guilty
19 of a Class 3 felony, except as otherwise provided in subsection
20 (b) of this Section and subsection (a) of Section 2.36a.

21 (b) Whenever any person who has not previously been
22 convicted of, or placed on probation or court supervision for,
23 any offense under Section 1.22, 2.36, or 2.36a or subsection
24 (i) or (cc) of Section 2.33, the court may, without entering a
25 judgment and with the person's consent, sentence the person to
26 probation for a violation of Section 2.36a.

27 (1) When a person is placed on probation, the court
28 shall enter an order specifying a period of probation of 24
29 months and shall defer further proceedings in the case
30 until the conclusion of the period or until the filing of a
31 petition alleging violation of a term or condition of

1 probation.

2 (2) The conditions of probation shall be that the
3 person:

4 (A) Not violate any criminal statute of any
5 jurisdiction.

6 (B) Perform no less than 30 hours of community
7 service, provided community service is available in
8 the jurisdiction and is funded and approved by the
9 county board.

10 (3) The court may, in addition to other conditions:

11 (A) Require that the person make a report to and
12 appear in person before or participate with the court
13 or courts, person, or social service agency as directed
14 by the court in the order of probation.

15 (B) Require that the person pay a fine and costs.

16 (C) Require that the person refrain from
17 possessing a firearm or other dangerous weapon.

18 (D) Prohibit the person from associating with any
19 person who is actively engaged in any of the activities
20 regulated by the permits issued or privileges granted
21 by the Department of Natural Resources.

22 (4) Upon violation of a term or condition of probation,
23 the court may enter a judgment on its original finding of
24 guilt and proceed as otherwise provided.

25 (5) Upon fulfillment of the terms and conditions of
26 probation, the court shall discharge the person and dismiss
27 the proceedings against the person.

28 (6) A disposition of probation is considered to be a
29 conviction for the purposes of imposing the conditions of
30 probation, for appeal, and for administrative revocation
31 and suspension of licenses and privileges; however,
32 discharge and dismissal under this Section is not a
33 conviction for purposes of disqualification or
34 disabilities imposed by law upon conviction of a crime.

35 (7) Discharge and dismissal under this Section may
36 occur only once with respect to any person.

1 (8) If a person is convicted of an offense under this
2 Act within 5 years subsequent to a discharge and dismissal
3 under this Section, the discharge and dismissal under this
4 Section shall be admissible in the sentencing proceeding
5 for that conviction as a factor in aggravation.

6 (9) The Circuit Clerk shall notify the Department of
7 State Police of all persons convicted of or placed under
8 probation for violations of Section 2.36a.

9 (c) Any person who violates any of the provisions of
10 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,
11 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),
12 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 - 3.16, 3.19 - 3.21,
13 and 3.24 - 3.26, including administrative rules, shall be
14 guilty of a Class B misdemeanor.

15 A person who violates Section 2.33b by using any computer
16 software or service to remotely control a weapon that takes
17 wildlife by remote operation is guilty of a Class B
18 misdemeanor. A person who violates Section 2.33b by
19 facilitating a violation of Section 2.33b, including an owner
20 of land in which remote control hunting occurs, a computer
21 programmer who designs a program or software to facilitate
22 remote control hunting, or a person who provides weapons or
23 equipment to facilitate remote control hunting is guilty of a
24 Class A misdemeanor.

25 Any person who violates any of the provisions of Sections
26 1.22, 2.4, 2.36 and 2.38, including administrative rules, shall
27 be guilty of a Class A misdemeanor. Any second or subsequent
28 violations of Sections 2.4 and 2.36 shall be a Class 4 felony.

29 Any person who violates any of the provisions of this Act,
30 including administrative rules, during such period when his
31 license, privileges, or permit is revoked or denied by virtue
32 of Section 3.36, shall be guilty of a Class A misdemeanor.

33 Any person who violates subsection (g), (i), (o), (p), (y),
34 or (cc) of Section 2.33 shall be guilty of a Class A
35 misdemeanor and subject to a fine of no less than \$500 and no
36 more than \$5,000 in addition to other statutory penalties.

1 Any person who violates any other of the provisions of this
2 Act including administrative rules, unless otherwise stated,
3 shall be guilty of a petty offense. Offenses committed by
4 minors under the direct control or with the consent of a parent
5 or guardian may subject the parent or guardian to the penalties
6 prescribed in this Section.

7 In addition to any fines imposed pursuant to the provisions
8 of this Section or as otherwise provided in this Act, any
9 person found guilty of unlawfully taking or possessing any
10 species protected by this Act, shall be assessed a civil
11 penalty for such species in accordance with the values
12 prescribed in Section 2.36a of this Act. This civil penalty
13 shall be imposed by the Circuit Court for the county within
14 which the offense was committed at the time of the conviction.
15 All penalties provided for in this Section shall be remitted to
16 the Department in accordance with the same provisions provided
17 for in Section 1.18 of this Act.

18 (Source: P.A. 90-743, eff. 1-1-99.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.