

1 AN ACT concerning wildlife.

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

4 Section 2. The Fish and Aquatic Life Code is amended by
5 changing Section 20-105 as follows:

6 (515 ILCS 5/20-105) (from Ch. 56, par. 20-105)

7 Sec. 20-105. Revocation and suspension; refusal to issue.

8 (a) Whenever a license or permit is issued to any person
9 under this Code and its holder is found guilty of any
10 misrepresentation in obtaining the license or permit or of a
11 violation of Section 48-3 of the Criminal Code of 2012 or a
12 violation of any of the provisions of this Code, including
13 administrative rules, the license or permit may be revoked by
14 the Department and the Department may refuse to issue any
15 permit or license to that person and may suspend the person
16 from engaging in the activity requiring the permit or license
17 for a period of time not to exceed 5 years following the
18 revocation. Department revocation procedure shall be
19 established by administrative rule.

20 (b) Whenever any person who has not been issued a license
21 or a permit under the provisions of this Code is found guilty
22 of a violation of Section 48-3 of the Criminal Code of 2012 or
23 a violation of the provisions of this Code, including

1 administrative rules, the Department may refuse to issue any
2 permit or license to that person, and suspend that person from
3 engaging in the activity requiring the permit or license for a
4 period of time not to exceed 5 years.

5 (c) Any person who knowingly or intentionally violates any
6 of the provisions of this Code, including administrative rules,
7 during the 5 years following the revocation of his or her
8 license or permit under subsection (a) or during the time he is
9 suspended under subsection (b), shall be guilty of a Class A
10 misdemeanor as provided in Section 20-35. The penalties for a
11 violation of Section 48-3 of the Criminal Code of 2012 shall be
12 as provided in that Section.

13 (d) A person whose license or permit to engage in any
14 activity regulated by this Code has been suspended or revoked
15 may not, during the period of the suspension or revocation or
16 until obtaining such a license or permit, (i) be in the company
17 of any person engaging in the activity covered by the
18 suspension or revocation or (ii) serve as a guide, outfitter,
19 or facilitator for a person who is engaged or prepared to
20 engage in the activity covered by the suspension or revocation.

21 (e) No person may be issued or obtain a license or permit
22 or engage in any activity regulated by this Code during the
23 time that the person's privilege to engage in the same or
24 similar activities is suspended or revoked by another state, by
25 a federal agency, or by a province of Canada.

26 (Source: P.A. 91-545, eff. 8-14-99.)

1 Section 3. The Wildlife Code is amended by changing Section
2 3.36 as follows:

3 (520 ILCS 5/3.36) (from Ch. 61, par. 3.36)

4 Sec. 3.36. Revocation and suspension.

5 (a) Whenever a license or permit is issued to any person
6 under this Act, and the holder thereof is found guilty of any
7 misrepresentation in obtaining such license or permit or of a
8 violation of Section 48-3 of the Criminal Code of 2012 or a
9 violation of any of the provisions of this Act, including
10 administrative rules, his license or permit may be revoked by
11 the Department, and the Department may refuse to issue any
12 permit or license to such person and may suspend the person
13 from engaging in the activity requiring the permit or license
14 for a period of time not to exceed 5 years following such
15 revocation.

16 Department revocation procedures shall be established by
17 Administrative rule.

18 (b) Whenever any person who has not been issued a license
19 or a permit under the provisions of this Code is found guilty
20 of a violation of Section 48-3 of the Criminal Code of 2012 or
21 a violation of the provisions of this Code, including
22 administrative rules, the Department may refuse to issue any
23 permit or license to that person, and suspend that person from
24 engaging in the activity requiring the permit or license for a

1 period of time not to exceed 5 years.

2 (c) Any person who knowingly or intentionally violates any
3 of the provisions of this Act, including administrative rules,
4 during such period when his license or permit is revoked or
5 denied by virtue of this Section or during the time he is
6 suspended under subsection (b), shall be guilty of a Class A
7 misdemeanor. The penalties for a violation of Section 48-3 of
8 the Criminal Code of 2012 shall be as provided in that Section.

9 (d) Licenses and permits authorized to be issued under the
10 provisions of this Act shall be prepared by the Department and
11 be in such form as prescribed by the Department. The
12 information required on each license shall be completed thereon
13 by the issuing agent or his sub-agent at the time of issuance
14 and each license shall be signed by the licensee, or initialed
15 by the designated purchaser and then signed immediately upon
16 receipt by the licensee, and countersigned by the issuing agent
17 or his sub-agent at the time of issuance. All such licenses
18 shall be supplied by the Department, subject to such rules and
19 regulations as the Department may prescribe. Any license not
20 properly prepared, obtained and signed as required by this Act
21 shall be void.

22 (e) A person whose license or permit to engage in any
23 activity regulated by this Code has been suspended or revoked
24 may not, during the period of the suspension or revocation or
25 until obtaining such a license or permit, (i) be in the company
26 of any person engaging in the activity covered by the

1 suspension or revocation or (ii) serve as a guide, outfitter,
2 or facilitator for a person who is engaged or prepared to
3 engage in the activity covered by the suspension or revocation.

4 (f) No person may be issued or obtain a license or permit
5 or engage in any activity regulated by this Code during the
6 time that the person's privilege to engage in the same or
7 similar activities is suspended or revoked by another state, by
8 a federal agency, or by a province of Canada.

9 (Source: P.A. 90-225, eff. 7-25-97; 91-545, eff. 8-14-99.)

10 Section 5. The Criminal Code of 2012 is amended by changing
11 Section 48-3 as follows:

12 (720 ILCS 5/48-3)

13 Sec. 48-3. Hunter or fisherman interference.

14 (a) Definitions. As used in this Section:

15 "Aquatic life" means all fish, reptiles, amphibians,
16 crayfish, and mussels the taking of which is authorized by
17 the Fish and Aquatic Life Code.

18 "Interfere with" means to take any action that
19 physically impedes, hinders, or obstructs the lawful
20 taking of wildlife or aquatic life.

21 "Taking" means the capture or killing of wildlife or
22 aquatic life and includes travel, camping, and other acts
23 preparatory to taking which occur on lands or waters upon
24 which the affected person has the right or privilege to

1 take such wildlife or aquatic life.

2 "Wildlife" means any wildlife the taking of which is
3 authorized by the Wildlife Code and includes those species
4 that are lawfully released by properly licensed permittees
5 of the Department of Natural Resources.

6 (b) A person commits hunter or fisherman interference when
7 he or she intentionally or knowingly:

8 (1) obstructs or interferes with the lawful taking of
9 wildlife or aquatic life by another person with the
10 specific intent to prevent that lawful taking;

11 (2) drives or disturbs wildlife or aquatic life for the
12 purpose of disrupting a lawful taking of wildlife or
13 aquatic life;

14 (3) blocks, impedes, or physically harasses another
15 person who is engaged in the process of lawfully taking
16 wildlife or aquatic life;

17 (4) uses natural or artificial visual, aural,
18 olfactory, gustatory, or physical stimuli to affect
19 wildlife or aquatic life behavior in order to hinder or
20 prevent the lawful taking of wildlife or aquatic life;

21 (5) erects barriers with the intent to deny ingress or
22 egress to or from areas where the lawful taking of wildlife
23 or aquatic life may occur;

24 (6) intentionally interjects himself or herself into
25 the line of fire or fishing lines of a person lawfully
26 taking wildlife or aquatic life;

1 (7) affects the physical condition or placement of
2 personal or public property intended for use in the lawful
3 taking of wildlife or aquatic life in order to impair the
4 usefulness of the property or prevent the use of the
5 property;

6 (8) enters or remains upon or over private lands
7 without the permission of the owner or the owner's agent,
8 with the intent to violate this subsection; ~~or~~

9 (9) fails to obey the order of a peace officer to
10 desist from conduct in violation of this subsection (b) if
11 the officer observes the conduct, or has reasonable grounds
12 to believe that the person has engaged in the conduct that
13 day or that the person plans or intends to engage in the
14 conduct that day on a specific premises; or ~~-~~

15 (10) uses a drone in a way that interferes with another
16 person's lawful taking of wildlife or aquatic life. For the
17 purposes of this paragraph (10), "drone" means any aerial
18 vehicle that does not carry a human operator.

19 (c) Exemptions; defenses.

20 (1) This Section does not apply to actions performed by
21 authorized employees of the Department of Natural
22 Resources, duly accredited officers of the U.S. Fish and
23 Wildlife Service, sheriffs, deputy sheriffs, or other
24 peace officers if the actions are authorized by law and are
25 necessary for the performance of their official duties.

26 (2) This Section does not apply to landowners, tenants,

1 or lease holders exercising their legal rights to the
2 enjoyment of land, including, but not limited to, farming
3 and restricting trespass.

4 (3) It is an affirmative defense to a prosecution for a
5 violation of this Section that the defendant's conduct is
6 protected by his or her right to freedom of speech under
7 the constitution of this State or the United States.

8 (4) Any interested parties may engage in protests or
9 other free speech activities adjacent to or on the
10 perimeter of the location where the lawful taking of
11 wildlife or aquatic life is taking place, provided that
12 none of the provisions of this Section are being violated.

13 (d) Sentence. A first violation of paragraphs (1) through
14 (8) of subsection (b) is a Class B misdemeanor. A second or
15 subsequent violation of paragraphs (1) through (8) of
16 subsection (b) is a Class A misdemeanor for which imprisonment
17 for not less than 7 days shall be imposed. A person guilty of a
18 second or subsequent violation of paragraphs (1) through (8) of
19 subsection (b) is not eligible for court supervision. A
20 violation of paragraph (9) or (10) of subsection (b) is a Class
21 A misdemeanor. A court shall revoke, for a period of one year
22 to 5 years, any Illinois hunting, fishing, or trapping
23 privilege, license or permit of any person convicted of
24 violating any provision of this Section. For purposes of this
25 subsection, a "second or subsequent violation" means a
26 conviction under paragraphs (1) through (8) of subsection (b)

1 of this Section within 2 years of a prior violation arising
2 from a separate set of circumstances.

3 (e) Injunctions; damages.

4 (1) Any court may enjoin conduct which would be in
5 violation of paragraphs (1) through (8) or (10) of
6 subsection (b) upon petition by a person affected or who
7 reasonably may be affected by the conduct, upon a showing
8 that the conduct is threatened or that it has occurred on a
9 particular premises in the past and that it is not
10 unreasonable to expect that under similar circumstances it
11 will be repeated.

12 (2) A court shall award all resulting costs and damages
13 to any person adversely affected by a violation of
14 paragraphs (1) through (8) or (10) of subsection (b), which
15 may include an award for punitive damages. In addition to
16 other items of special damage, the measure of damages may
17 include expenditures of the affected person for license and
18 permit fees, travel, guides, special equipment and
19 supplies, to the extent that these expenditures were
20 rendered futile by prevention of the taking of wildlife or
21 aquatic life.

22 (Source: P.A. 97-1108, eff. 1-1-13.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.