



Rep. Adam Brown

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1 AMENDMENT TO HOUSE BILL 1652

2 AMENDMENT NO. _____. Amend House Bill 1652 by replacing
3 everything after the enacting clause with the following:

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

6 (720 ILCS 5/48-3)

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

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

9 "Aquatic life" means all fish, reptiles, amphibians,
10 crayfish, and mussels the taking of which is authorized by
11 the Fish and Aquatic Life Code.

12 "Interfere with" means to take any action that
13 physically impedes, hinders, or obstructs the lawful
14 taking of wildlife or aquatic life.

15 "Taking" means the capture or killing of wildlife or
16 aquatic life and includes travel, camping, and other acts

1 preparatory to taking which occur on lands or waters upon
2 which the affected person has the right or privilege to
3 take such wildlife or aquatic life.

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

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

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

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

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

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

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

26 (6) intentionally interjects himself or herself into

1 the line of fire or fishing lines of a person lawfully
2 taking wildlife or aquatic life;

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

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

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

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

21 (c) Exemptions; defenses.

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

1 necessary for the performance of their official duties.

2 (2) This Section does not apply to landowners, tenants,
3 or lease holders exercising their legal rights to the
4 enjoyment of land, including, but not limited to, farming
5 and restricting trespass.

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

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

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

1 subsection, a "second or subsequent violation" means a
2 conviction under paragraphs (1) through (8) of subsection (b)
3 of this Section within 2 years of a prior violation arising
4 from a separate set of circumstances.

5 (e) Injunctions; damages.

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

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

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

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".