



Rep. Jim Durkin

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09800HB5894ham002

LRB098 19043 MLW 57560 a

1 AMENDMENT TO HOUSE BILL 5894

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5894 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Wildlife Code is amended by changing  
5 Section 1.19 as follows:

6 (520 ILCS 5/1.19) (from Ch. 61, par. 1.19)

7 Sec. 1.19. All authorized employees of the Department are  
8 empowered, pursuant to law, to enter all lands and waters to  
9 enforce the provisions of this Code Act. Authorized employees  
10 with a reasonable suspicion that they will find evidence of a  
11 violation of this Code may ~~are further empowered to~~ examine all  
12 buildings, private or public clubs (except dwellings), fish  
13 markets, cold storage houses, locker plants, camps, vessels,  
14 cars (except sealed railroad cars or other sealed common  
15 carrier), conveyances, vehicles, watercraft or other means of  
16 transportation or shipping whatsoever, tents, game bags, game

1 coats or other receptacles, and to open and examine any box,  
2 barrel, package, or other receptacle in the possession of a  
3 common carrier, which might contain ~~they have reason to believe~~  
4 ~~contains~~ wild birds or any part thereof (their nests or eggs),  
5 or wild mammals or any part thereof, taken, destroyed, bought,  
6 sold or bartered, shipped, or held in possession contrary to  
7 any of the provisions of this Code Act, including  
8 administrative rules, or that the receptacle containing the  
9 same is falsely labeled.

10 All authorized employees of the Department shall be given  
11 free access to and shall not be hindered or interfered with in  
12 making such examination, and any license issued by the  
13 Department held by the person preventing such free access or  
14 interfering with or hindering such authorized employee shall be  
15 subject to confiscation by the Department; and no license or  
16 permit of any kind whatsoever shall be issued to such person  
17 for the period of one year thereafter.

18 Authorized law enforcement employees of the Department are  
19 empowered to conduct examination of equipment and devices in  
20 the field, pursuant to law, to ensure compliance with the  
21 provisions of this Code Act.

22 However, no employee of the Department shall search any  
23 home or its curtilage without a valid warrant, permission, or  
24 probable cause that the home or its curtilage contains evidence  
25 of a violation of this Code.

26 In determining what constitutes "curtilage", the

1 Department shall consider, but is not limited to considering,  
2 the proximity of the area to the home, whether the area is  
3 included within an enclosure surrounding the home, the nature  
4 of the uses to which the area is put, the steps taken by the  
5 resident to protect the area from observation by people passing  
6 by, or any combination of these factors.

7 (Source: P.A. 85-152.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.".