



Rep. Jim Durkin

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09800HB5894ham003

LRB098 19043 MLW 57708 a

1 AMENDMENT TO HOUSE BILL 5894

2 AMENDMENT NO. _____. Amend House Bill 5894, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (520 ILCS 5/1.19) (from Ch. 61, par. 1.19)

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

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

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

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

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

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

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

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