



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB0044

Introduced 1/15/2015, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

515 ILCS 5/1-45.5 new	
515 ILCS 5/1-215	from Ch. 56, par. 1-215
515 ILCS 5/10-80	from Ch. 56, par. 10-80
520 ILCS 5/1.2e-5 new	
520 ILCS 5/1.25	from Ch. 61, par. 1.25
520 ILCS 5/2.33	from Ch. 61, par. 2.33
520 ILCS 5/3.5	from Ch. 61, par. 3.5

Amends the Fish and Aquatic Life Code. Defines the term, "Drone". Makes the use of a drone an illegal method of taking fish and aquatic life. Provides that the use of a drone as a fishing device constitutes a public nuisance, making the drone subject to confiscation. Amends the Wildlife Code. Defines the term, "Drone". Prohibits the use of a drone in the taking of wildlife. Provides that the use of a drone as a hunting device constitutes a public nuisance, making the drone subject to confiscation. Penalizes the taking of wildlife by use of a drone as a Class A misdemeanor in addition to other statutory penalties.

LRB099 02771 RJF 22779 b

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 5. The Fish and Aquatic Life Code is amended by
5 changing Sections 1-215 and 10-80 and by adding Section 1-45.5
6 as follows:

7 (515 ILCS 5/1-45.5 new)

8 Sec. 1-45.5. Drone. "Drone" means an unmanned aerial
9 vehicle.

10 (515 ILCS 5/1-215) (from Ch. 56, par. 1-215)

11 Sec. 1-215. Illegal fishing devices; public nuisance.
12 Every fishing device, including seines, nets, or traps, or any
13 electrical device or any other devices, including vehicles,
14 watercraft, ~~or~~ aircraft, or drones, used or operated illegally
15 or attempted to be used or operated illegally by any person in
16 taking, transporting, holding, or conveying any aquatic life
17 contrary to this Code, including administrative rules, shall be
18 deemed a public nuisance and therefore illegal and subject to
19 seizure and confiscation by any authorized employee of the
20 Department. Upon the seizure of such an item the Department
21 shall take and hold the item until disposed of as provided in
22 this Code.

1 Upon the seizure of any device because of its illegal use,
2 the officer or authorized employee of the Department making the
3 seizure shall, as soon as reasonably possible, cause a
4 complaint to be filed before the Circuit Court and a summons to
5 be issued requiring the owner or person in possession of the
6 property to appear in court and show cause why the device
7 seized should not be forfeited to the State. Upon the return of
8 the summons duly served or upon posting or publication of
9 notice as provided in this Code, the court shall proceed to
10 determine the question of the illegality of the use of the
11 seized property. Upon judgment being entered to the effect that
12 the property was illegally used, an order shall be entered
13 providing for the forfeiture of the seized property to the
14 State. The owner of the property, however, may have a jury
15 determine the illegality of its use, and shall have the right
16 of an appeal as in other civil cases. Confiscation or
17 forfeiture shall not preclude or mitigate against prosecution
18 and assessment of penalties provided in Section 20-35 of this
19 Code.

20 Upon seizure of any property under circumstances
21 supporting a reasonable belief that the property was abandoned,
22 lost, stolen, or otherwise illegally possessed or used contrary
23 to this Code, except property seized during a search or arrest,
24 and ultimately returned, destroyed, or otherwise disposed of
25 under order of a court in accordance with this Code, the
26 authorized employee of the Department shall make reasonable

1 inquiry and efforts to identify and notify the owner or other
2 person entitled to possession of the property and shall return
3 the property after the person provides reasonable and
4 satisfactory proof of his or her ownership or right to
5 possession and reimburses the Department for all reasonable
6 expenses of custody. If the identity or location of the owner
7 or other person entitled to possession of the property has not
8 been ascertained within 6 months after the Department obtains
9 possession, the Department shall effectuate the sale of the
10 property for cash to the highest bidder at a public auction.
11 The owner or other person entitled to possession of the
12 property may claim and recover possession of the property at
13 any time before its sale at public auction upon providing
14 reasonable and satisfactory proof of ownership or right of
15 possession and reimbursing the Department for all reasonable
16 expenses of custody.

17 Any property forfeited to the State by court order under
18 this Section may be disposed of by public auction, except that
19 any property that is the subject of a court order shall not be
20 disposed of pending appeal of the order. The proceeds of the
21 sales at auction shall be deposited in the Wildlife and Fish
22 Fund.

23 The Department shall pay all costs of posting or
24 publication of notices required by this Section.

25 (Source: P.A. 87-833.)

1 (515 ILCS 5/10-80) (from Ch. 56, par. 10-80)

2 Sec. 10-80. Illegal methods of taking. It shall be unlawful
3 to take any aquatic life by the use of electricity or any
4 electrical device; a lime, acid, medical, chemical, or
5 mechanical compound or dope of any medicated drug; any drug or
6 any fishberry; any dynamite, giant powder, nitro glycerine, or
7 other explosives; ~~or~~ by means of a snare, treated grain,
8 firearms of any kind, air gun or gas gun, wire basket, wire
9 seine, wire net, wire trotline, or limb lines of any kind; or
10 by use of a drone.

11 (Source: P.A. 87-833.)

12 Section 10. The Wildlife Code is amended by changing
13 Sections 1.25, 2.33, and 3.5 and by adding Section 1.2e-5 as
14 follows:

15 (520 ILCS 5/1.2e-5 new)

16 Sec. 1.2e-5. Drone. "Drone" means an unmanned aerial
17 vehicle.

18 (520 ILCS 5/1.25) (from Ch. 61, par. 1.25)

19 Sec. 1.25. Every hunting or trapping device, drone, vehicle
20 or conveyance, when used or operated illegally, or attempted to
21 be used or operated illegally by any person in taking,
22 transporting, holding, or conveying any wild bird or wild
23 mammal, contrary to the provisions of this Act, including

1 administrative rules, is a public nuisance and subject to
2 seizure and confiscation by any authorized employee of the
3 Department; upon the seizure of such item the Department shall
4 take and hold the same until disposed of as hereinafter
5 provided.

6 Upon the seizure of any property as herein provided, the
7 authorized employee of the Department making such seizure shall
8 forthwith cause a complaint to be filed before the Circuit
9 Court and a summons to be issued requiring the person who
10 illegally used or operated or attempted to use or operate such
11 property and the owner and person in possession of such
12 property to appear in court and show cause why the property
13 seized should not be forfeited to the State. Upon the return of
14 the summons duly served or other notice as herein provided, the
15 court shall proceed to determine the question of the illegality
16 of the use of the seized property and upon judgment being
17 entered to the effect that such property was illegally used, an
18 order may be entered providing for the forfeiture of such
19 seized property to the Department and shall thereupon become
20 the property of the Department; but the owner of such property
21 may have a jury determine the illegality of its use, and shall
22 have the right of an appeal, as in other cases. Such
23 confiscation or forfeiture shall not preclude or mitigate
24 against prosecution and assessment of penalties otherwise
25 provided in this Act.

26 Upon seizure of any property under circumstances

1 supporting a reasonable belief that such property was
2 abandoned, lost or stolen or otherwise illegally possessed or
3 used contrary to the provisions of this Act, except property
4 seized during a search or arrest, and ultimately returned,
5 destroyed, or otherwise disposed of pursuant to order of a
6 court in accordance with this Act, the authorized employee of
7 the Department shall make reasonable inquiry and efforts to
8 identify and notify the owner or other person entitled to
9 possession thereof, and shall return the property after such
10 person provides reasonable and satisfactory proof of his
11 ownership or right to possession and reimburses the Department
12 for all reasonable expenses of such custody. If the identity or
13 location of the owner or other person entitled to possession of
14 the property has not been ascertained within 6 months after the
15 Department obtains such possession, the Department shall
16 effectuate the sale of the property for cash to the highest
17 bidder at a public auction. The owner or other person entitled
18 to possession of such property may claim and recover possession
19 of the property at any time before its sale at public auction,
20 upon providing reasonable and satisfactory proof of ownership
21 or right of possession and reimbursing the Department for all
22 reasonable expenses of custody thereof.

23 Any property, including guns, forfeited to the State by
24 court order pursuant to this Section, may be disposed of by
25 public auction, except that any property which is the subject
26 of such a court order shall not be disposed of pending appeal

1 of the order. The proceeds of the sales at auction shall be
2 deposited in the Wildlife and Fish Fund.

3 The Department shall pay all costs of notices required by
4 this Section.

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

6 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

7 Sec. 2.33. Prohibitions.

8 (a) It is unlawful to carry or possess any gun in any State
9 refuge unless otherwise permitted by administrative rule.

10 (b) It is unlawful to use or possess any snare or
11 snare-like device, deadfall, net, or pit trap to take any
12 species, except that snares not powered by springs or other
13 mechanical devices may be used to trap fur-bearing mammals, in
14 water sets only, if at least one-half of the snare noose is
15 located underwater at all times.

16 (c) It is unlawful for any person at any time to take a
17 wild mammal protected by this Act from its den by means of any
18 mechanical device, spade, or digging device or to use smoke or
19 other gases to dislodge or remove such mammal except as
20 provided in Section 2.37.

21 (d) It is unlawful to use a ferret or any other small
22 mammal which is used in the same or similar manner for which
23 ferrets are used for the purpose of frightening or driving any
24 mammals from their dens or hiding places.

25 (e) (Blank).

1 (f) It is unlawful to use spears, gigs, hooks or any like
2 device to take any species protected by this Act.

3 (g) It is unlawful to use poisons, chemicals or explosives
4 for the purpose of taking any species protected by this Act.

5 (h) It is unlawful to hunt adjacent to or near any peat,
6 grass, brush or other inflammable substance when it is burning.

7 (i) It is unlawful to take, pursue or intentionally harass
8 or disturb in any manner any wild birds or mammals by use or
9 aid of any vehicle or conveyance, except as permitted by the
10 Code of Federal Regulations for the taking of waterfowl. It is
11 also unlawful to use the lights of any vehicle or conveyance or
12 any light from or any light connected to the vehicle or
13 conveyance in any area where wildlife may be found except in
14 accordance with Section 2.37 of this Act; however, nothing in
15 this Section shall prohibit the normal use of headlamps for the
16 purpose of driving upon a roadway. Striped skunk, opossum, red
17 fox, gray fox, raccoon and coyote may be taken during the open
18 season by use of a small light which is worn on the body or
19 hand-held by a person on foot and not in any vehicle.

20 (j) It is unlawful to use any shotgun larger than 10 gauge
21 while taking or attempting to take any of the species protected
22 by this Act.

23 (k) It is unlawful to use or possess in the field any
24 shotgun shell loaded with a shot size larger than lead BB or
25 steel T (.20 diameter) when taking or attempting to take any
26 species of wild game mammals (excluding white-tailed deer),

1 wild game birds, migratory waterfowl or migratory game birds
2 protected by this Act, except white-tailed deer as provided for
3 in Section 2.26 and other species as provided for by subsection
4 (l) or administrative rule.

5 (l) It is unlawful to take any species of wild game, except
6 white-tailed deer and fur-bearing mammals, with a shotgun
7 loaded with slugs unless otherwise provided for by
8 administrative rule.

9 (m) It is unlawful to use any shotgun capable of holding
10 more than 3 shells in the magazine or chamber combined, except
11 on game breeding and hunting preserve areas licensed under
12 Section 3.27 and except as permitted by the Code of Federal
13 Regulations for the taking of waterfowl. If the shotgun is
14 capable of holding more than 3 shells, it shall, while being
15 used on an area other than a game breeding and shooting
16 preserve area licensed pursuant to Section 3.27, be fitted with
17 a one piece plug that is irremovable without dismantling the
18 shotgun or otherwise altered to render it incapable of holding
19 more than 3 shells in the magazine and chamber, combined.

20 (n) It is unlawful for any person, except persons who
21 possess a permit to hunt from a vehicle as provided in this
22 Section and persons otherwise permitted by law, to have or
23 carry any gun in or on any vehicle, conveyance or aircraft,
24 unless such gun is unloaded and enclosed in a case, except that
25 at field trials authorized by Section 2.34 of this Act,
26 unloaded guns or guns loaded with blank cartridges only, may be

1 carried on horseback while not contained in a case, or to have
2 or carry any bow or arrow device in or on any vehicle unless
3 such bow or arrow device is unstrung or enclosed in a case, or
4 otherwise made inoperable.

5 (o) It is unlawful to use any crossbow for the purpose of
6 taking any wild birds or mammals, except as provided for in
7 Section 2.5.

8 (p) It is unlawful to take game birds, migratory game birds
9 or migratory waterfowl with a rifle, pistol, revolver or
10 airgun.

11 (q) It is unlawful to fire a rifle, pistol, revolver or
12 airgun on, over or into any waters of this State, including
13 frozen waters.

14 (r) It is unlawful to discharge any gun or bow and arrow
15 device along, upon, across, or from any public right-of-way or
16 highway in this State.

17 (s) It is unlawful to use a silencer or other device to
18 muffle or mute the sound of the explosion or report resulting
19 from the firing of any gun.

20 (t) It is unlawful for any person to take or attempt to
21 take any species of wildlife or parts thereof, intentionally or
22 wantonly allow a dog to hunt, within or upon the land of
23 another, or upon waters flowing over or standing on the land of
24 another, or to knowingly shoot a gun or bow and arrow device at
25 any wildlife physically on or flying over the property of
26 another without first obtaining permission from the owner or

1 the owner's designee. For the purposes of this Section, the
2 owner's designee means anyone who the owner designates in a
3 written authorization and the authorization must contain (i)
4 the legal or common description of property for such authority
5 is given, (ii) the extent that the owner's designee is
6 authorized to make decisions regarding who is allowed to take
7 or attempt to take any species of wildlife or parts thereof,
8 and (iii) the owner's notarized signature. Before enforcing
9 this Section the law enforcement officer must have received
10 notice from the owner or the owner's designee of a violation of
11 this Section. Statements made to the law enforcement officer
12 regarding this notice shall not be rendered inadmissible by the
13 hearsay rule when offered for the purpose of showing the
14 required notice.

15 (u) It is unlawful for any person to discharge any firearm
16 for the purpose of taking any of the species protected by this
17 Act, or hunt with gun or dog, or intentionally or wantonly
18 allow a dog to hunt, within 300 yards of an inhabited dwelling
19 without first obtaining permission from the owner or tenant,
20 except that while trapping, hunting with bow and arrow, hunting
21 with dog and shotgun using shot shells only, or hunting with
22 shotgun using shot shells only, or providing outfitting
23 services under a waterfowl outfitter permit, or on licensed
24 game breeding and hunting preserve areas, as defined in Section
25 3.27, on federally owned and managed lands and on Department
26 owned, managed, leased, or controlled lands, a 100 yard

1 restriction shall apply.

2 (v) It is unlawful for any person to remove fur-bearing
3 mammals from, or to move or disturb in any manner, the traps
4 owned by another person without written authorization of the
5 owner to do so.

6 (w) It is unlawful for any owner of a dog to knowingly or
7 wantonly allow his or her dog to pursue, harass or kill deer,
8 except that nothing in this Section shall prohibit the tracking
9 of wounded deer with a dog in accordance with the provisions of
10 Section 2.26 of this Code.

11 (x) It is unlawful for any person to wantonly or carelessly
12 injure or destroy, in any manner whatsoever, any real or
13 personal property on the land of another while engaged in
14 hunting or trapping thereon.

15 (y) It is unlawful to hunt wild game protected by this Act
16 between one half hour after sunset and one half hour before
17 sunrise, except that hunting hours between one half hour after
18 sunset and one half hour before sunrise may be established by
19 administrative rule for fur-bearing mammals.

20 (z) It is unlawful to take any game bird (excluding wild
21 turkeys and crippled pheasants not capable of normal flight and
22 otherwise irretrievable) protected by this Act when not flying.
23 Nothing in this Section shall prohibit a person from carrying
24 an uncased, unloaded shotgun in a boat, while in pursuit of a
25 crippled migratory waterfowl that is incapable of normal
26 flight, for the purpose of attempting to reduce the migratory

1 waterfowl to possession, provided that the attempt is made
2 immediately upon downing the migratory waterfowl and is done
3 within 400 yards of the blind from which the migratory
4 waterfowl was downed. This exception shall apply only to
5 migratory game birds that are not capable of normal flight.
6 Migratory waterfowl that are crippled may be taken only with a
7 shotgun as regulated by subsection (j) of this Section using
8 shotgun shells as regulated in subsection (k) of this Section.

9 (aa) It is unlawful to use or possess any device that may
10 be used for tree climbing or cutting, while hunting fur-bearing
11 mammals, excluding coyotes.

12 (bb) It is unlawful for any person, except licensed game
13 breeders, pursuant to Section 2.29 to import, carry into, or
14 possess alive in this State any species of wildlife taken
15 outside of this State, without obtaining permission to do so
16 from the Director.

17 (cc) It is unlawful for any person to have in his or her
18 possession any freshly killed species protected by this Act
19 during the season closed for taking.

20 (dd) It is unlawful to take any species protected by this
21 Act and retain it alive except as provided by administrative
22 rule.

23 (ee) It is unlawful to possess any rifle while in the field
24 during gun deer season except as provided in Section 2.26 and
25 administrative rules.

26 (ff) It is unlawful for any person to take any species

1 protected by this Act, except migratory waterfowl, during the
2 gun deer hunting season in those counties open to gun deer
3 hunting, unless he or she wears, when in the field, a cap and
4 upper outer garment of a solid blaze orange color, with such
5 articles of clothing displaying a minimum of 400 square inches
6 of blaze orange material.

7 (gg) It is unlawful during the upland game season for any
8 person to take upland game with a firearm unless he or she
9 wears, while in the field, a cap of solid blaze orange color.
10 For purposes of this Act, upland game is defined as Bobwhite
11 Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern
12 Cottontail and Swamp Rabbit.

13 (hh) It shall be unlawful to kill or cripple any species
14 protected by this Act for which there is a bag limit without
15 making a reasonable effort to retrieve such species and include
16 such in the bag limit. It shall be unlawful for any person
17 having control over harvested game mammals, game birds, or
18 migratory game birds for which there is a bag limit to wantonly
19 waste or destroy the usable meat of the game, except this shall
20 not apply to wildlife taken under Sections 2.37 or 3.22 of this
21 Code. For purposes of this subsection, "usable meat" means the
22 breast meat of a game bird or migratory game bird and the hind
23 ham and front shoulders of a game mammal. It shall be unlawful
24 for any person to place, leave, dump, or abandon a wildlife
25 carcass or parts of it along or upon a public right-of-way or
26 highway or on public or private property, including a waterway

1 or stream, without the permission of the owner or tenant. It
2 shall not be unlawful to discard game meat that is determined
3 to be unfit for human consumption.

4 (ii) This Section shall apply only to those species
5 protected by this Act taken within the State. Any species or
6 any parts thereof, legally taken in and transported from other
7 states or countries, may be possessed within the State, except
8 as provided in this Section and Sections 2.35, 2.36 and 3.21.

9 (jj) (Blank).

10 (kk) Nothing contained in this Section shall prohibit the
11 Director from issuing permits to paraplegics or to other
12 disabled persons who meet the requirements set forth in
13 administrative rule to shoot or hunt from a vehicle as provided
14 by that rule, provided that such is otherwise in accord with
15 this Act.

16 (ll) Nothing contained in this Act shall prohibit the
17 taking of aquatic life protected by the Fish and Aquatic Life
18 Code or birds and mammals protected by this Act, except deer
19 and fur-bearing mammals, from a boat not camouflaged or
20 disguised to alter its identity or to further provide a place
21 of concealment and not propelled by sail or mechanical power.
22 However, only shotguns not larger than 10 gauge nor smaller
23 than .410 bore loaded with not more than 3 shells of a shot
24 size no larger than lead BB or steel T (.20 diameter) may be
25 used to take species protected by this Act.

26 (mm) Nothing contained in this Act shall prohibit the use

1 of a shotgun, not larger than 10 gauge nor smaller than a 20
2 gauge, with a rifled barrel.

3 (nn) It shall be unlawful to possess any species of
4 wildlife or wildlife parts taken unlawfully in Illinois, any
5 other state, or any other country, whether or not the wildlife
6 or wildlife parts is indigenous to Illinois. For the purposes
7 of this subsection, the statute of limitations for unlawful
8 possession of wildlife or wildlife parts shall not cease until
9 2 years after the possession has permanently ended.

10 (oo) It shall be unlawful to use a drone to take any
11 species of wildlife protected by this Act.

12 (Source: P.A. 97-645, eff. 12-30-11; 97-907, eff. 8-7-12;
13 98-119, eff. 1-1-14; 98-181, eff. 8-5-13; 98-183, eff. 1-1-14;
14 98-290, eff. 8-9-13; 98-756, eff. 7-16-14; 98-914, eff.
15 1-1-15.)

16 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

17 Sec. 3.5. Penalties; probation.

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

22 (b) Whenever any person who has not previously been
23 convicted of, or placed on probation or court supervision for,
24 any offense under Section 1.22, 2.36, or 2.36a or subsection
25 (i) or (cc) of Section 2.33, the court may, without entering a

1 judgment and with the person's consent, sentence the person to
2 probation for a violation of Section 2.36a.

3 (1) When a person is placed on probation, the court
4 shall enter an order specifying a period of probation of 24
5 months and shall defer further proceedings in the case
6 until the conclusion of the period or until the filing of a
7 petition alleging violation of a term or condition of
8 probation.

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

11 (A) Not violate any criminal statute of any
12 jurisdiction.

13 (B) Perform no less than 30 hours of community
14 service, provided community service is available in
15 the jurisdiction and is funded and approved by the
16 county board.

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

18 (A) Require that the person make a report to and
19 appear in person before or participate with the court
20 or courts, person, or social service agency as directed
21 by the court in the order of probation.

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

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

25 (D) Prohibit the person from associating with any
26 person who is actively engaged in any of the activities

1 regulated by the permits issued or privileges granted
2 by the Department of Natural Resources.

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

6 (5) Upon fulfillment of the terms and conditions of
7 probation, the court shall discharge the person and dismiss
8 the proceedings against the person.

9 (6) A disposition of probation is considered to be a
10 conviction for the purposes of imposing the conditions of
11 probation, for appeal, and for administrative revocation
12 and suspension of licenses and privileges; however,
13 discharge and dismissal under this Section is not a
14 conviction for purposes of disqualification or
15 disabilities imposed by law upon conviction of a crime.

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

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

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

26 (c) Any person who violates any of the provisions of

1 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,
2 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),
3 ~~and~~ (cc), and (oo)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 through
4 3.16, 3.19, 3.20, 3.21 (except subsections (b), (c), (d), (e),
5 (f), (f.5), (g), (h), and (i)), 3.24, 3.25, and 3.26 (except
6 subsection (f)), including administrative rules, shall be
7 guilty of a Class B misdemeanor.

8 A person who violates Section 2.33b by using any computer
9 software or service to remotely control a weapon that takes
10 wildlife by remote operation is guilty of a Class B
11 misdemeanor. A person who violates Section 2.33b by
12 facilitating a violation of Section 2.33b, including an owner
13 of land in which remote control hunting occurs, a computer
14 programmer who designs a program or software to facilitate
15 remote control hunting, or a person who provides weapons or
16 equipment to facilitate remote control hunting, is guilty of a
17 Class A misdemeanor.

18 Any person who violates any of the provisions of Sections
19 1.22, 2.2a, 2.3, 2.4, 2.36 and 2.38, including administrative
20 rules, shall be guilty of a Class A misdemeanor. Any second or
21 subsequent violations of Sections 2.4 and 2.36 shall be a Class
22 4 felony.

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

1 Any person who violates subsection (oo) of Section 2.33
2 shall be guilty of a Class A misdemeanor in addition to other
3 statutory penalties. Any person who violates subsection (g),
4 (i), (o), (p), (y), or (cc) of Section 2.33 shall be guilty of
5 a Class A misdemeanor and subject to a fine of no less than
6 \$500 and no more than \$5,000 in addition to other statutory
7 penalties. In addition, the Department shall suspend the
8 privileges, under this Act, of any person found guilty of
9 violating Section 2.33(cc) for a period of not less than one
10 year.

11 Any person who violates any other of the provisions of this
12 Act including administrative rules, unless otherwise stated,
13 shall be guilty of a petty offense. Offenses committed by
14 minors under the direct control or with the consent of a parent
15 or guardian may subject the parent or guardian to the penalties
16 prescribed in this Section.

17 In addition to any fines imposed pursuant to the provisions
18 of this Section or as otherwise provided in this Act, any
19 person found guilty of unlawfully taking or possessing any
20 species protected by this Act, shall be assessed a civil
21 penalty for such species in accordance with the values
22 prescribed in Section 2.36a of this Act. This civil penalty
23 shall be imposed by the Circuit Court for the county within
24 which the offense was committed at the time of the conviction.
25 All penalties provided for in this Section shall be remitted to
26 the Department in accordance with the same provisions provided

1 for in Section 1.18 of this Act.

2 (Source: P.A. 97-431, eff. 8-16-11.)