



Sen. Linda Holmes

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09900SB1858sam002

LRB099 07979 MGM 33923 a

1 AMENDMENT TO SENATE BILL 1858

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1858 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Wildlife Code is amended by adding Section  
5 4.3a as follows:

6 (520 ILCS 5/4.3a new)

7 Sec. 4.3a. Ivory ban.

8 (a) As used in this Section:

9 "Ivory" means any tooth or tusk composed of ivory from  
10 any animal, including, but not limited to, an elephant,  
11 hippopotamus, mammoth, narwhal, walrus, or whale, or any  
12 piece thereof, whether raw ivory or worked ivory, or made  
13 into, or part of, an ivory product.

14 "Ivory product" means any item that contains, or that  
15 is wholly or partially made from, any ivory.

16 "Raw ivory" means any ivory the surface of which,

1 polished or unpolished, is unaltered or minimally changed  
2 by carving.

3 "Rhinoceros horn" means the horn, or any piece thereof,  
4 of any species of rhinoceros.

5 "Rhinoceros horn product" means any item that  
6 contains, or is wholly or partially made from, any  
7 rhinoceros horn.

8 "Total value of the ivory, ivory products, rhinoceros  
9 horn, and rhinoceros horn products" means the fair market  
10 value of the ivory, ivory products, rhinoceros horn, and  
11 rhinoceros horn products, or the actual price paid for the  
12 ivory, ivory products, rhinoceros horn, and rhinoceros  
13 products, whichever is greater.

14 "Worked ivory" means ivory that has been embellished,  
15 carved, marked, or otherwise altered so that it can no  
16 longer be considered raw ivory.

17 (b) In addition to the prohibitions under any other law, it  
18 shall be unlawful for any person to sell, offer for sale,  
19 purchase, barter, or possess with intent to sell, any ivory,  
20 ivory product, rhinoceros horn, or rhinoceros horn product,  
21 except as provided by this Section.

22 (c) It shall be presumptive evidence of possession with  
23 intent to sell when any ivory, ivory product, rhinoceros horn,  
24 or rhinoceros horn product is possessed in a retail or  
25 wholesale outlet commonly used for the buying or selling of  
26 similar products, provided, however, that nothing in this

1 subsection (c) shall preclude a finding of intent to sell based  
2 on any other evidence which may serve to independently  
3 establish that intent. The act of obtaining an appraisal of  
4 ivory, an ivory product, rhinoceros horn, or a rhinoceros horn  
5 product, alone shall not constitute possession with intent to  
6 sell.

7 (d) A person may convey ivory, an ivory product, rhinoceros  
8 horn, or a rhinoceros horn product to the legal beneficiary of  
9 the ivory, ivory product, rhinoceros horn, or rhinoceros horn  
10 product which is part of an estate or other items being  
11 conveyed to lawful beneficiaries upon the death of the owner of  
12 the ivory, ivory product, rhinoceros horn, or rhinoceros horn  
13 product or in anticipation of that death.

14 (e) None of the prohibitions set forth in this Section  
15 shall apply to employees or agents of the federal or State  
16 government undertaking any law enforcement activities under  
17 federal or State law or any mandatory duties required by  
18 federal or State law.

19 (f) The Department of Natural Resources may permit, under  
20 terms and conditions as the Department may adopt by rule, the  
21 sale, offer for sale, purchase, barter, or possession with  
22 intent to sell, of any ivory, ivory product, rhinoceros horn,  
23 or rhinoceros horn product for bona fide educational or  
24 scientific purposes, unless this activity is prohibited by  
25 federal law.

26 (g) In addition to any applicable penalties which may be

1 imposed under any other law, a person violating any provision  
2 of subsection (b), (c), (d), (e), or (f) of this Section, or  
3 any rule adopted under subsection (i) of this Section, shall be  
4 guilty of:

5 (1) for a first offense, a business offense and shall  
6 be fined not less than \$1,000 or an amount equal to 2 times  
7 the total value of the ivory, ivory products, rhinoceros  
8 horn, and rhinoceros horn products involved in the offense,  
9 whichever is greater; and

10 (2) for a second or subsequent offense, a Class A  
11 misdemeanor and shall be fined not less than \$5,000 or an  
12 amount equal to 2 times the total value of the ivory, ivory  
13 products, rhinoceros horn, and rhinoceros horn products  
14 involved in the offense, whichever is greater.

15 (h) Upon a conviction for violating the provisions of  
16 subsection (b), (c), (d), (e), or (f) of this Section, the  
17 court shall order the seizure of all ivory, ivory products,  
18 rhinoceros horn, and rhinoceros horn products involved in the  
19 violation and determine the penalty for the violation based on  
20 the assessed value of the seized products under subsection (g)  
21 of this Section. After sentencing the defendant, the court  
22 shall order that the seized ivory, ivory products, rhinoceros  
23 horn, and rhinoceros horn products be transferred to the  
24 Department of Natural Resources for proper disposition. The  
25 Department, at its discretion, may destroy the ivory, ivory  
26 products, rhinoceros horn, and rhinoceros horn products or

1 donate them to an educational or scientific institution or  
2 organization, including, but not necessarily limited to, a  
3 museum, university, or research group.

4 (i) The Department of Natural Resources may adopt any rules  
5 necessary for the implementation of this Section."