



Sen. Linda Holmes

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09900SB1858sam003

LRB099 07979 MGM 34104 a

1 AMENDMENT TO SENATE BILL 1858

2 AMENDMENT NO. _____. Amend Senate Bill 1858, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Wildlife Code is amended by adding Section
6 4.3a as follows:

7 (520 ILCS 5/4.3a new)

8 Sec. 4.3a. Ivory ban.

9 (a) As used in this Section:

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

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

1 "Raw ivory" means any ivory the surface of which,
2 polished or unpolished, is unaltered or minimally changed
3 by carving.

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

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

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

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

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

23 (c) It shall be presumptive evidence of possession with
24 intent to sell when any ivory, ivory product, rhinoceros horn,
25 or rhinoceros horn product is possessed in a retail or
26 wholesale outlet commonly used for the buying or selling of

1 similar products, provided, however, that nothing in this
2 subsection (c) shall preclude a finding of intent to sell based
3 on any other evidence which may serve to independently
4 establish that intent. The act of obtaining an appraisal of
5 ivory, an ivory product, rhinoceros horn, or a rhinoceros horn
6 product, alone shall not constitute possession with intent to
7 sell.

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

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

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

1 (g) In addition to any applicable penalties which may be
2 imposed under any other law, a person violating any provision
3 of subsection (b), (c), (d), (e), or (f) of this Section, or
4 any rule adopted under subsection (i) of this Section, shall be
5 guilty of:

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

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

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

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

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