

# SB1909



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1909

Introduced 2/20/2015, by Sen. Wm. Sam McCann

#### SYNOPSIS AS INTRODUCED:

520 ILCS 5/1.19

from Ch. 61, par. 1.19

Amends the Wildlife Code. Provides that no employee of the Department of Natural Resources shall search any home or its curtilage without a valid warrant, permission, or probable cause that the home or its curtilage contains evidence of a violation of this Code. Makes other changes. Effective immediately.

LRB099 09302 MGM 29507 b

A BILL FOR

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 Wildlife Code is amended by changing Section  
5 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  
17 coats or other receptacles, and to open and examine any box,  
18 barrel, package, or other receptacle in the possession of a  
19 common carrier, which might contain ~~they have reason to believe~~  
20 ~~contains~~ wild birds or any part thereof (their nests or eggs),  
21 or wild mammals or any part thereof, taken, destroyed, bought,  
22 sold or bartered, shipped, or held in possession contrary to  
23 any of the provisions of this Code ~~Act~~, including

1 administrative rules, or that the receptacle containing the  
2 same is falsely labeled.

3 All authorized employees of the Department shall be given  
4 free access to and shall not be hindered or interfered with in  
5 making such examination, and any license issued by the  
6 Department held by the person preventing such free access or  
7 interfering with or hindering such authorized employee shall be  
8 subject to confiscation by the Department; and no license or  
9 permit of any kind whatsoever shall be issued to such person  
10 for the period of one year thereafter.

11 Authorized law enforcement employees of the Department are  
12 empowered to conduct examination of equipment and devices in  
13 the field, pursuant to law, to ensure compliance with the  
14 provisions of this Code Act.

15 However, no employee of the Department shall search any  
16 home or its curtilage without a valid warrant, permission, or  
17 probable cause that the home or its curtilage contains evidence  
18 of a violation of this Code.

19 In determining what constitutes "curtilage", the  
20 Department shall consider, but is not limited to considering,  
21 the proximity of the area to the home, whether the area is  
22 included within an enclosure surrounding the home, the nature  
23 of the uses to which the area is put, the steps taken by the  
24 resident to protect the area from observation by people passing  
25 by, or any combination of these factors.

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

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.