

1 AN ACT concerning natural resources.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Department of Natural Resources
5 (Conservation) Law of the Civil Administrative Code of
6 Illinois is amended by adding Section 805-545 as follows:

7 (20 ILCS 805/805-545 new)

8 Sec. 805-545. The Department of Natural Resources may
9 enter into one or more interstate compacts concerning
10 conservation law violators with one or more other states.
11 The Department may adopt administrative rules necessary to
12 implement these compacts.

13 Section 10. The Timber Buyers Licensing Act is amended
14 by changing Section 13 as follows:

15 (225 ILCS 735/13) (from Ch. 111, par. 713)

16 Sec. 13. Violations; penalties.

17 (a) If a license has been issued to any person under
18 this Act and that person is found guilty of any
19 misrepresentation in obtaining that license or of a violation
20 of any of the provisions of this Act or its rules, the
21 license may be revoked by the Department. The Department may
22 also refuse to issue any license to that person and may
23 suspend that person from engaging in any activity requiring
24 the license for a period of time not to exceed 5 years
25 following the revocation.

26 (b) If a person who has not been issued a license under
27 this Act is found guilty of a violation of any of the
28 provisions of this Act or its rules, the Department may
29 refuse to issue any license to that person and may suspend

1 that person from engaging in any activity requiring the
2 license for a period of time not to exceed 5 years.

3 (c) The Department's license revocation procedures must
4 be established by administrative rule.

5 (d) Any person who violates any of the provisions of
6 this Act or its rules during any period when his or her
7 license is revoked or denied by virtue of this Section, or
8 during the time he or she is suspended under subsection (b),
9 is guilty of a Class 4 felony. The-Department-may-revoke-the
10 license-of-any-person-who-violates--the--provisions--of--this
11 Act,--and--may--refuse-to-issue-any-permit-or-license-to-such
12 person-for-a-period-not-to--exceed--5--years--following--such
13 revocation.

14 License--revocation--procedures--shall--be-established-by
15 administrative-rule.

16 Any-person-who-knowingly-or-intentionally-violates-any-of
17 the--provisions--of--this--Act,--or--administrative--rules
18 thereunder,--when--his--license-or-permit-has-been-revoked-or
19 denied-under-this-Section,--is-guilty-of-a-Class-4-felony.

20 (Source: P.A. 85-287.)

21 Section 15. The Fish and Aquatic Life Code is amended by
22 changing Sections 20-35, 20-75, and 20-80 as follows:

23 (515 ILCS 5/20-35) (from Ch. 56, par. 20-35)

24 Sec. 20-35. Offenses. Except as prescribed in Section
25 5-25 and unless otherwise provided in this Code, any person
26 who is found guilty of violating any of the provisions of
27 this Code, including administrative rules, is shall-be guilty
28 of a petty offense.

29 Any person who violates any of the provisions of Section
30 5-20, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-50,
31 10-60, 10-70, 10-75, 10-95, 10-115, 10-135, 15-5, 15-10,
32 15-15, 15-20, 15-30, 15-32, 15-35, 15-40, 15-45, 15-55,

1 15-60, 15-65, 15-75, 15-80, 15-85, 15-90, 15-95, 15-100,
 2 15-105, 15-110, 15-115, 15-120, 15-130, 15-140, 20-70, 20-75,
 3 20-80, 20-85, 25-10, 25-15, or 25-20 of this Code Section
 4 10-80, including administrative rules relating to those
 5 Sections, is that--Section,--shall--be guilty of a Class B
 6 misdemeanor.

7 Any person who violates any of the provisions of Section
 8 1-200, 1-205, or 10-55, 10-80, 15-35, or 20-120 of this Code,
 9 including administrative rules relating to those Sections, is
 10 shall-be guilty of a Class A misdemeanor.

11 Any person who violates any of the provisions of this
 12 Code, including administrative rules, during the 5 years
 13 following the revocation of his or her license, permit, or
 14 privileges under Section 20-105 is shall-be guilty of a Class
 15 A misdemeanor.

16 Any person who violates Section 5-25 of this Code,
 17 including administrative rules, is shall-be guilty of a Class
 18 3 felony.

19 Offenses committed by minors under the direct control or
 20 with the consent of a parent or guardian may subject the
 21 parent or guardian to the penalties prescribed in this
 22 Section or as otherwise provided in this Code.

23 In addition to any fines imposed under this Section, or
 24 as otherwise provided in this Code, any person found guilty
 25 of unlawfully taking or possessing any aquatic life protected
 26 by this Code shall be assessed a civil penalty for that
 27 aquatic life in accordance with the values prescribed in
 28 Section 5-25 of this Code. This civil penalty shall be
 29 imposed at the time of the conviction by the Circuit Court
 30 for the county where the offense was committed. All
 31 penalties provided for in this Section shall be remitted to
 32 the Department in accordance with the provisions of Section
 33 1-180 of this Code.

34 (Source: P.A. 87-798; 87-833; 87-895.)

1 (515 ILCS 5/20-75) (from Ch. 56, par. 20-75)

2 Sec. 20-75. Mussel dealer permits; fees; violations.
3 Any person, before receiving, buying, or offering to do so,
4 or acting as an agent or broker in receipt or purchase of
5 mussels, within the State of Illinois, shall first obtain a
6 permit from the Department to do so.

7 The fee for a permit for residents of the State of
8 Illinois shall be \$300 a year, and for non-residents of the
9 State of Illinois the fee shall be \$2,500 a year. These
10 permits shall expire on the 31st day of January of each year.
11 A report of each year's activities of each person holding a
12 permit shall be required as directed by the Department.

13 ~~Any person who violates any provision of this Section,~~
14 ~~including administrative rules relating to this Section,~~
15 ~~shall be guilty of a business offense and fined not less than~~
16 ~~\$1,000 and no more than \$5,000.~~

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

18 (515 ILCS 5/20-80) (from Ch. 56, par. 20-80)

19 Sec. 20-80. Minnow dealers license; penalties. Any
20 resident who, within the State of Illinois, sells or offers
21 for sale, to any other wholesaler or retailer or for
22 consumption, live minnows, whether from waters within or
23 without the State is an intrastate wholesale minnow dealer
24 for purposes of this Code. Any person selling live minnows
25 for stocking only or selling live minnows legally caught or
26 taken by that person to a licensed wholesale minnow dealer,
27 however, is exempt from the provisions of this Section.

28 (a) Before any resident commences activities as an
29 intrastate wholesale minnow dealer, he or she shall first
30 procure a license from the Department to do so. The fee for
31 the license shall be \$25 and these licenses shall expire upon
32 the 31st day of January of each year.

33 Before any resident commences activities as an intrastate

1 retail minnow dealer, he or she shall first obtain a license
 2 from the Department to do so. The fee for the license shall
 3 be \$5 and these licenses shall expire upon the 31st day of
 4 January of each year.

5 (b) Only persons who are actual residents of the State
 6 of Illinois shall be permitted to transport live minnows
 7 obtained in the State of Illinois across any of the borders
 8 of the State of Illinois. These persons shall be interstate
 9 minnow dealers for purposes of this Code. Before any resident
 10 of the State of Illinois shall commence activities as an
 11 interstate minnow dealer, he or she shall first obtain a
 12 license from the Department to do so. The fee for the license
 13 shall be \$500 and these licenses shall expire on the 31st day
 14 of January of each year. This Section shall not apply to a
 15 resident of the State of Illinois possessing a valid sport
 16 fishing license. An individual possessing a valid sport
 17 fishing license shall be permitted to transport not more than
 18 6 dozen live minnows obtained in Illinois across the borders
 19 of the State of Illinois.

20 (c) The Department is authorized to establish
 21 regulations as may be deemed necessary in the handling of
 22 minnows in order to protect the resource as well as the
 23 public's interest.

24 ~~(d) Any person violating subsection (b) or~~
 25 ~~administrative rules established under subsection (c) of this~~
 26 ~~Section shall be guilty of a business offense and fined not~~
 27 ~~less than \$1000 nor more than \$5000. Persons violating~~
 28 ~~subsection (a) of this Section shall be subject to the~~
 29 ~~penalty provisions of Section 20-35 of this Code.~~

30 (Source: P.A. 89-66, eff. 1-1-96.)

31 Section 20. The Ginseng Harvesting Act is amended by
 32 changing Section 5 and adding Section 6 as follows:

1 (525 ILCS 20/5) (from Ch. 61, par. 517)

2 Sec. 5. Penalties. Any Person who knowingly violates any
3 provision of this Act or rules promulgated under the
4 authority of this Act ~~is shall~~, for each offense, be guilty
5 of a class B misdemeanor ~~and may have any license issued~~
6 ~~under this Act revoked and future license applications denied~~
7 ~~for a period not to exceed 3 years.~~

8 Ginseng possessed, harvested, cut, rooted up, gathered,
9 propagated, sold, purchased, traded, or given away in
10 violation of the provisions of this Act is contraband.
11 Contraband ginseng is subject to seizure and confiscation and
12 shall be disposed of as directed by the Department.

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

14 (525 ILCS 20/6 new)

15 Sec. 6. Additional license revocation and denial
16 provisions.

17 (a) If a license has been issued to any person under
18 this Act and that person is found guilty of any
19 misrepresentation in obtaining that license or a violation of
20 any of the provisions of this Act or its rules, the license
21 may be revoked by the Department. The Department may also
22 refuse to issue any license to that person and may suspend
23 that person from engaging in any activity requiring the
24 license for a period of time not to exceed 5 years following
25 the revocation.

26 (b) If a person who has not been issued a license under
27 this Act is found guilty of a violation of any of the
28 provisions of this Act or its rules, the Department may
29 refuse to issue any license to that person and may suspend
30 that person from engaging in any activity requiring the
31 license for a period of time not to exceed 5 years.

32 (c) The Department's license revocation procedures must
33 be established by administrative rule.

1 (d) Any person who violates any of the provisions of
2 this Act or its rules during any period when his or her
3 license is revoked or denied by virtue of this Section, or
4 during the time he or she is suspended under subsection (b),
5 is guilty of a Class A misdemeanor.

6 Section 25. The Unified Code of Corrections is amended by
7 changing Section 5-9-1.2 as follows:

8 (730 ILCS 5/5-9-1.2) (from Ch. 38, par. 1005-9-1.2)

9 Sec. 5-9-1.2. (a) Twelve and one-half percent of all
10 amounts collected as fines pursuant to Section 5-9-1.1 shall
11 be paid into the Youth Drug Abuse Prevention Fund, which is
12 hereby created in the State treasury, to be used by the
13 Department of Human Services for the funding of programs and
14 services for drug-abuse treatment, and prevention and
15 education services, for juveniles.

16 (b) Eighty-seven and one-half percent of the proceeds of
17 all fines received pursuant to Section 5-9-1.1 shall be
18 transmitted to and deposited in the treasurer's office at the
19 level of government as follows:

20 (1) If such seizure was made by a combination of
21 law enforcement personnel representing differing units of
22 local government, the court levying the fine shall
23 equitably allocate 50% of the fine among these units of
24 local government and shall allocate 37 1/2% to the county
25 general corporate fund. In the event that the seizure was
26 made by law enforcement personnel representing a unit of
27 local government from a municipality where the number of
28 inhabitants exceeds 2 million in population, the court
29 levying the fine shall allocate 87 1/2% of the fine to
30 that unit of local government. If the seizure was made
31 by a combination of law enforcement personnel
32 representing differing units of local government, and at

1 least one of those units represents a municipality where
2 the number of inhabitants exceeds 2 million in
3 population, the court shall equitably allocate 87 1/2% of
4 the proceeds of the fines received among the differing
5 units of local government.

6 (2) If such seizure was made by State law
7 enforcement personnel, then the court shall allocate 37
8 1/2% to the State treasury and 50% to the county general
9 corporate fund.

10 (3) If a State law enforcement agency in
11 combination with a law enforcement agency or agencies of
12 a unit or units of local government conducted the
13 seizure, the court shall equitably allocate 37 1/2% of
14 the fines to or among the law enforcement agency or
15 agencies of the unit or units of local government which
16 conducted the seizure and shall allocate 50% to the
17 county general corporate fund.

18 (c) The proceeds of all fines allocated to the law
19 enforcement agency or agencies of the unit or units of local
20 government pursuant to subsection (b) shall be made available
21 to that law enforcement agency as expendable receipts for use
22 in the enforcement of laws regulating controlled substances
23 and cannabis. The proceeds of fines awarded to the State
24 treasury shall be deposited in a special fund known as the
25 Drug Traffic Prevention Fund. Monies from this fund may be
26 used by the Department of State Police for use in the
27 enforcement of laws regulating controlled substances and
28 cannabis; by the Department of Natural Resources Office of
29 Law Enforcement for use in the enforcement of laws regulating
30 controlled substances and cannabis on lands and waterways
31 regulated by the Department of Natural Resources, from fines
32 awarded as a result of the enforcement efforts of the
33 Illinois Conservation Police; to satisfy funding provisions
34 of the Intergovernmental Drug Laws Enforcement Act; to defray

1 costs and expenses associated with returning violators of the
2 Cannabis Control Act and the Illinois Controlled Substances
3 Act only, as provided in those Acts, when punishment of the
4 crime shall be confinement of the criminal in the
5 penitentiary; and all other monies shall be paid into the
6 general revenue fund in the State treasury.

7 (Source: P.A. 89-507, eff. 7-1-97.)

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