

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 Fish and Aquatic Life Code is amended by  
14 changing Sections 20-35, 20-75, and 20-80 as follows:

15 (515 ILCS 5/20-35) (from Ch. 56, par. 20-35)

16 Sec. 20-35. Offenses. Except as prescribed in Section  
17 5-25 and unless otherwise provided in this Code, any person  
18 who is found guilty of violating any of the provisions of  
19 this Code, including administrative rules, ~~is shall-be~~ guilty  
20 of a petty offense.

21 Any person who violates any of the provisions of Section  
22 5-20, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-50,  
23 10-60, 10-70, 10-75, 10-95, 10-115, 10-135, 15-5, 15-10,  
24 15-15, 15-20, 15-30, 15-32, 15-35, 15-40, 15-45, 15-55,  
25 15-60, 15-65, 15-75, 15-80, 15-85, 15-90, 15-95, 15-100,  
26 15-105, 15-110, 15-115, 15-120, 15-130, 15-140, 20-70, 20-75,  
27 20-80, 20-85, 25-10, 25-15, or 25-20 of this Code Section  
28 10-80, including administrative rules relating to those  
29 Sections, is that--Section,--shall--be guilty of a Class B

1 misdemeanor.

2 Any person who violates any of the provisions of Section  
3 1-200, 1-205, or 10-55, 10-80, 15-35, or 20-120 of this Code,  
4 including administrative rules relating to those Sections, is  
5 ~~shall be~~ guilty of a Class A misdemeanor.

6 Any person who violates any of the provisions of this  
7 Code, including administrative rules, during the 5 years  
8 following the revocation of his or her license, permit, or  
9 privileges under Section 20-105 is ~~shall be~~ guilty of a Class  
10 A misdemeanor.

11 Any person who violates Section 5-25 of this Code,  
12 including administrative rules, is ~~shall be~~ guilty of a Class  
13 3 felony.

14 Offenses committed by minors under the direct control or  
15 with the consent of a parent or guardian may subject the  
16 parent or guardian to the penalties prescribed in this  
17 Section or as otherwise provided in this Code.

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

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

30 (515 ILCS 5/20-75) (from Ch. 56, par. 20-75)

31 Sec. 20-75. Mussel dealer permits; fees; violations.  
32 Any person, before receiving, buying, or offering to do so,  
33 or acting as an agent or broker in receipt or purchase of

1 mussels, within the State of Illinois, shall first obtain a  
2 permit from the Department to do so.

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

9 ~~Any person who violates any provision of this Section,~~  
10 ~~including administrative rules relating to this Section,~~  
11 ~~shall be guilty of a business offense and fined not less than~~  
12 ~~\$1,000 and no more than \$5,000.~~

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

14 (515 ILCS 5/20-80) (from Ch. 56, par. 20-80)

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

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

29 Before any resident commences activities as an intrastate  
30 retail minnow dealer, he or she shall first obtain a license  
31 from the Department to do so. The fee for the license shall  
32 be \$5 and these licenses shall expire upon the 31st day of  
33 January of each year.

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

16 (c) The Department is authorized to establish  
 17 regulations as may be deemed necessary in the handling of  
 18 minnows in order to protect the resource as well as the  
 19 public's interest.

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

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

27 Section 15. The Ginseng Harvesting Act is amended by  
 28 changing Section 5 and adding Section 6 as follows:

29 (525 ILCS 20/5) (from Ch. 61, par. 517)

30 Sec. 5. Penalties. Any Person who knowingly violates any  
 31 provision of this Act or rules promulgated under the  
 32 authority of this Act is shall, for each offense, be guilty

1 of a class B misdemeanor and-may-have-any-license-issued  
2 under-this-Act-revoked-and-future-license-applications-denied  
3 for-a-period-not-to-exceed-3-years.

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

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

10 (525 ILCS 20/6 new)

11 Sec. 6. Additional license revocation and denial  
12 provisions.

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

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

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

30 (d) Any person who violates any of the provisions of  
31 this Act or its rules during any period when his or her  
32 license is revoked or denied by virtue of this Section, or  
33 during the time he or she is suspended under subsection (b),

1 is guilty of a Class A misdemeanor.

2 (e) A person whose license to engage in any activity  
3 regulated under this Act has been suspended or revoked may  
4 not, during the period of the suspension or revocation or  
5 until obtaining the proper license, (i) be in the company of  
6 any person engaging in the activity covered by the license or  
7 (ii) serve as a guide or facilitator for a person who is  
8 engaged or prepared to engage in the activity covered by the  
9 license.

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.