

1 AMENDMENT TO HOUSE BILL 1915

2 AMENDMENT NO. _____. Amend House Bill 1915 by
3 replacing everything after the enacting clause with the
4 following:

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

8 (20 ILCS 805/805-545 new)

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

14 Section 10. The Fish and Aquatic Life Code is amended by
15 changing Sections 20-35, 20-75, and 20-80 as follows:

16 (515 ILCS 5/20-35) (from Ch. 56, par. 20-35)

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

1 of a petty offense.

2 Any person who violates any of the provisions of Section
3 5-20, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-50,
4 10-60, 10-70, 10-75, 10-95, 10-115, 10-135, 15-5, 15-10,
5 15-15, 15-20, 15-30, 15-32, 15-35, 15-40, 15-45, 15-55,
6 15-60, 15-65, 15-75, 15-80, 15-85, 15-90, 15-95, 15-100,
7 15-105, 15-110, 15-115, 15-120, 15-130, 15-140, 20-70, 20-75,
8 20-80, 20-85, 25-10, 25-15, or 25-20 of this Code Section
9 10-80, including administrative rules relating to those
10 Sections, is that-Section, shall--be guilty of a Class B
11 misdemeanor.

12 Any person who violates any of the provisions of Section
13 1-200, 1-205, or 10-55, 10-80, 15-35, or 20-120 of this Code,
14 including administrative rules relating to those Sections, is
15 shall-be guilty of a Class A misdemeanor.

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

21 Any person who violates Section 5-25 of this Code,
22 including administrative rules, is shall-be guilty of a Class
23 3 felony.

24 Offenses committed by minors under the direct control or
25 with the consent of a parent or guardian may subject the
26 parent or guardian to the penalties prescribed in this
27 Section or as otherwise provided in this Code.

28 In addition to any fines imposed under this Section, or
29 as otherwise provided in this Code, any person found guilty
30 of unlawfully taking or possessing any aquatic life protected
31 by this Code shall be assessed a civil penalty for that
32 aquatic life in accordance with the values prescribed in
33 Section 5-25 of this Code. This civil penalty shall be
34 imposed at the time of the conviction by the Circuit Court

1 for the county where the offense was committed. All
2 penalties provided for in this Section shall be remitted to
3 the Department in accordance with the provisions of Section
4 1-180 of this Code.

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

6 (515 ILCS 5/20-75) (from Ch. 56, par. 20-75)

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

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

18 ~~Any person who violates any provision of this Section,~~
19 ~~including administrative rules relating to this Section,~~
20 ~~shall be guilty of a business offense and fined not less than~~
21 ~~\$1,000 and no more than \$5,000.~~

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

23 (515 ILCS 5/20-80) (from Ch. 56, par. 20-80)

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

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

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

11 (b) Only persons who are actual residents of the State
12 of Illinois shall be permitted to transport live minnows
13 obtained in the State of Illinois across any of the borders
14 of the State of Illinois. These persons shall be interstate
15 minnow dealers for purposes of this Code. Before any resident
16 of the State of Illinois shall commence activities as an
17 interstate minnow dealer, he or she shall first obtain a
18 license from the Department to do so. The fee for the license
19 shall be \$500 and these licenses shall expire on the 31st day
20 of January of each year. This Section shall not apply to a
21 resident of the State of Illinois possessing a valid sport
22 fishing license. An individual possessing a valid sport
23 fishing license shall be permitted to transport not more than
24 6 dozen live minnows obtained in Illinois across the borders
25 of the State of Illinois.

26 (c) The Department is authorized to establish
27 regulations as may be deemed necessary in the handling of
28 minnows in order to protect the resource as well as the
29 public's interest.

30 ~~(d) Any person violating subsection (b) or~~
31 ~~administrative rules established under subsection (c) of this~~
32 ~~Section shall be guilty of a business offense and fined not~~
33 ~~less than \$1000 nor more than \$5000. Persons violating~~
34 ~~subsection (a) of this Section shall be subject to the~~

1 ~~penalty-provisions-of-Section-20-35-of-this-Code-~~
2 (Source: P.A. 89-66, eff. 1-1-96.)

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

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

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

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

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

18 (525 ILCS 20/6 new)

19 Sec. 6. Additional license revocation and denial
20 provisions.

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

30 (b) If a person who has not been issued a license under
31 this Act is found guilty of a violation of any of the

1 provisions of this Act or its rules, the Department may
2 refuse to issue any license to that person and may suspend
3 that person from engaging in any activity requiring the
4 license for a period of time not to exceed 5 years.

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

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

12 (e) A person whose license to engage in any activity
13 regulated under this Act has been suspended or revoked may
14 not, during the period of the suspension or revocation or
15 until obtaining the proper license, (i) be in the company of
16 any person engaging in the activity covered by the license or
17 (ii) serve as a guide or facilitator for a person who is
18 engaged or prepared to engage in the activity covered by the
19 license.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.".