

1 AN ACT to amend the Fish and Aquatic Life Code.

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

4 Section 5. The Fish and Aquatic Life Code is amended by
5 changing Section 20-35 and adding Section 1-20.5 as follows:

6 (515 ILCS 5/1-20.5 new)

7 Sec. 1-20.5. Aquatic life farm. "Aquatic life farm"
8 means property: (i) containing any or a combination of levee
9 ponds, a strip mine lake, or other type of lake that has
10 floating cages, raceways, or other aquatic life rearing
11 equipment and (ii) where the owner of the aquatic life farm
12 has posted a conspicuous written notice to that effect. If
13 more than one person owns or has title to the lake, "aquatic
14 life farm" means the area of the lake containing the floating
15 cages, raceways, or other aquatic life rearing equipment.

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

17 Sec. 20-35. Offenses.

18 (a) Except as prescribed in Section 5-25 and unless
19 otherwise provided in this Code, any person who is found
20 guilty of violating any of the provisions of this Code,
21 including administrative rules, shall be guilty of a petty
22 offense.

23 Any person who violates any of the provisions of Section
24 10-80, including administrative rules relating to that
25 Section, shall be guilty of a Class B misdemeanor.

26 Any person who violates any of the provisions of Section
27 1-200 or 10-55 of this Code, including administrative rules
28 relating to those Sections, shall be guilty of a Class A
29 misdemeanor.

30 Any person who violates any of the provisions of this

1 Code, including administrative rules, during the 5 years
2 following the revocation of his or her license, permit, or
3 privileges under Section 20-105 shall be guilty of a Class A
4 misdemeanor.

5 Any person who violates Section 5-25 of this Code,
6 including administrative rules, shall be guilty of a Class 3
7 felony.

8 (b)(1) It is unlawful for any person to take or attempt
9 to take aquatic life from any aquatic life farm except with
10 the consent of the owner of the aquatic life farm. Any
11 person possessing fishing tackle on the premises of an
12 aquatic life farm is presumed to be fishing. The presumption
13 may be rebutted by clear and convincing evidence. All fishing
14 tackle, apparatus, and vehicles used in the violation of this
15 subsection (b) shall be confiscated by the arresting officer.
16 If the confiscated property is determined by the circuit
17 court to have been used in the violation of this subsection
18 (b), the confiscated property shall be sold at public auction
19 by the county sheriff of the county where the violation
20 occurred. The proceeds of the sale shall be deposited in the
21 county general fund; provided that the auction may be stayed
22 by an appropriate court order.

23 (2) A violation of paragraph (1) of this subsection (b)
24 is a Class A misdemeanor for a first offense and a Class 4
25 felony for a second or subsequent offense.

26 (c)(1) It is unlawful for any person to trespass or fish
27 on an aquatic life farm located on a strip mine lake or other
28 body of water used for aquatic life farming operations, or
29 within a 200 foot buffer zone surrounding cages or netpens
30 that are clearly delineated by buoys of a posted aquatic life
31 farm, by swimming, scuba diving, or snorkeling in, around, or
32 under the aquatic life farm or by operating a watercraft
33 over, around, or in the aquatic life farm without the consent
34 of the owner of the aquatic life farm.

1 (2) A violation of paragraph (1) of this subsection (c)
2 is a Class B misdemeanor for a first offense and a Class A
3 misdemeanor for a second or subsequent offense. All fishing
4 tackle, apparatus, and watercraft used in a second or
5 subsequent violation of this subsection (c) shall be
6 confiscated by the arresting officer. If the confiscated
7 property is determined by the circuit court to have been used
8 in a violation of this subsection (c), the confiscated
9 property shall be sold at public auction by the county
10 sheriff of the county where the violation occurred. The
11 proceeds of the sale shall be deposited in the county general
12 fund; provided that the auction may be stayed by an
13 appropriate court order.

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

18 (e) In addition to any fines imposed under this Section,
19 or as otherwise provided in this Code, any person found
20 guilty of unlawfully taking or possessing any aquatic life
21 protected by this Code shall be assessed a civil penalty for
22 that 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. Except as
26 otherwise provided for in subsections (b) and (c) of this
27 Section, all penalties provided for in this Section shall be
28 remitted to the Department in accordance with the provisions
29 of Section 1-180 of this Code.

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