

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 Except as otherwise provided in this subsection, the seizure  
17 and confiscation procedures set forth in Section 1-215 of  
18 this Code shall apply. If the confiscated property is  
19 determined by the circuit court to have been used in the  
20 violation of this subsection (b), the confiscated property  
21 shall be sold at public auction by the county sheriff of the  
22 county where the violation occurred. The proceeds of the  
23 sale shall be deposited in the county general fund; provided  
24 that the auction may be stayed by an appropriate court order.

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

28 (c)(1) It is unlawful for any person to trespass or fish  
29 on an aquatic life farm located on a strip mine lake or other  
30 body of water used for aquatic life farming operations, or  
31 within a 200 foot buffer zone surrounding cages or netpens  
32 that are clearly delineated by buoys of a posted aquatic life  
33 farm, by swimming, scuba diving, or snorkeling in, around, or  
34 under the aquatic life farm or by operating a watercraft

1 over, around, or in the aquatic life farm without the consent  
2 of the owner of the aquatic life farm.

3 (2) A violation of paragraph (1) of this subsection (c)  
4 is a Class B misdemeanor for a first offense and a Class A  
5 misdemeanor for a second or subsequent offense. All fishing  
6 tackle, apparatus, and watercraft used in a second or  
7 subsequent violation of this subsection (c) shall be  
8 confiscated by the arresting officer. Except as otherwise  
9 provided in this subsection, the seizure and confiscation  
10 procedures set forth in Section 1-215 of this Code shall  
11 apply. If the confiscated property is determined by the  
12 circuit court to have been used in a violation of this  
13 subsection (c), the confiscated property shall be sold at  
14 public auction by the county sheriff of the county where the  
15 violation occurred. The proceeds of the sale shall be  
16 deposited in the county general fund; provided that the  
17 auction may be stayed by an appropriate court order.

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

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

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