



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2546

Introduced 2/20/2009, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

20 ILCS 805/805-540	was 20 ILCS 805/63b2.6
720 ILCS 125/0.01	from Ch. 61, par. 300
720 ILCS 125/1	from Ch. 61, par. 301
720 ILCS 125/2	from Ch. 61, par. 302
720 ILCS 125/4	from Ch. 61, par. 304

Amends the Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois and the Hunter Interference Prohibition Act. Changes the name of the Hunter Interference Prohibition Act to the Hunter and Fishermen Interference Prohibition Act. Clarifies that the renamed Act applies to the taking of aquatic life as well as wildlife.

LRB096 09839 RLC 20002 b

1 AN ACT concerning criminal law.

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 Illinois
6 is amended by changing Section 805-540 as follows:

7 (20 ILCS 805/805-540) (was 20 ILCS 805/63b2.6)

8 Sec. 805-540. Enforcement of adjoining state's laws. The
9 Director may grant authority to the officers of any adjoining
10 state who are authorized and directed to enforce the laws of
11 that state relating to the protection of flora and fauna to
12 take any of the following actions and have the following powers
13 within the State of Illinois:

14 (1) To follow, seize, and return to the adjoining state
15 any flora or fauna or part thereof shipped or taken from
16 the adjoining state in violation of the laws of that state
17 and brought into this State.

18 (2) To dispose of any such flora or fauna or part
19 thereof under the supervision of an Illinois Conservation
20 Police Officer.

21 (3) To enforce as an agent of this State, with the same
22 powers as an Illinois Conservation Police Officer, each of
23 the following laws of this State:

1 (i) The Illinois Endangered Species Protection
2 Act.

3 (ii) The Fish and Aquatic Life Code.

4 (iii) The Wildlife Code.

5 (iv) The Wildlife Habitat Management Areas Act.

6 (v) The Hunter and Fishermen Interference
7 Prohibition Act.

8 (vi) The Illinois Non-Game Wildlife Protection
9 Act.

10 (vii) The Ginseng Harvesting Act.

11 (viii) The State Forest Act.

12 (ix) The Forest Products Transportation Act.

13 (x) The Timber Buyers Licensing Act.

14 Any officer of an adjoining state acting under a power or
15 authority granted by the Director pursuant to this Section
16 shall act without compensation or other benefits from this
17 State and without this State having any liability for the acts
18 or omissions of that officer.

19 (Source: P.A. 91-239, eff. 1-1-00.)

20 Section 10. The Hunter Interference Prohibition Act is
21 amended by changing Sections 0.01, 1, 2, and 4 as follows:

22 (720 ILCS 125/0.01) (from Ch. 61, par. 300)

23 Sec. 0.01. Short title. This Act may be cited as the Hunter
24 and Fishermen Interference Prohibition Act.

1 (Source: P.A. 86-1324.)

2 (720 ILCS 125/1) (from Ch. 61, par. 301)

3 Sec. 1. Definitions. As used in this Act:

4 "Interfere with" means to take any action that physically
5 impedes, hinders, or obstructs the lawful taking of wildlife or
6 aquatic life ~~a wild animal~~.

7 "Wildlife" ~~"Wild animal"~~ means any wildlife ~~wild creature~~
8 the taking of which is authorized by the Wildlife Code ~~Fish and~~
9 ~~Aquatic Life Code or the wildlife, fish, and game laws of this~~
10 ~~State~~ and includes those species that are lawfully released by
11 properly licensed permittees of the Department of Natural
12 Resources.

13 "Aquatic life" means all fish, reptiles, amphibians,
14 crayfish, and mussels the taking of which is authorized by the
15 Fish and Aquatic Life Code.

16 "Taking" means the capture or killing of wildlife or
17 aquatic life ~~a wild animal~~ and includes travel, camping, and
18 other acts preparatory to taking which occur on lands or waters
19 upon which the affected person has the right or privilege to
20 take such wildlife or aquatic life ~~wild animal~~.

21 (Source: P.A. 90-555, eff. 12-12-97.)

22 (720 ILCS 125/2) (from Ch. 61, par. 302)

23 Sec. 2. Any person who performs any of the following is
24 guilty of a Class B misdemeanor:

1 (a) Wilfully obstructs or interferes with the lawful taking
2 of wildlife or aquatic life ~~wild animals~~ by another person with
3 the specific intent to prevent that lawful taking.

4 (b) (Blank).

5 (c) (Blank).

6 (d) (Blank).

7 A person violates this Section when he or she intentionally
8 or knowingly engages in any of the following acts:

9 (1) Drives or disturbs wildlife or aquatic life ~~wild~~
10 ~~animals~~ for the purpose of disrupting a lawful taking of
11 wildlife or aquatic life ~~wild animals~~.

12 (2) Blocks, impedes, or physically harasses another
13 person who is engaged in the process of lawfully taking
14 wildlife or aquatic life ~~a wild animal~~.

15 (3) Uses natural or artificial visual, aural,
16 olfactory, gustatory, or physical stimuli to affect
17 wildlife or aquatic life ~~animal~~ behavior in order to hinder
18 or prevent the lawful taking of wildlife or aquatic life ~~a~~
19 ~~wild animal~~.

20 (4) Erects barriers with the intent to deny ingress or
21 egress to or from areas where the lawful taking of wildlife
22 or aquatic life ~~wild animals~~ may occur.

23 (5) Intentionally interjects himself or herself into
24 the line of fire or fishing lines of a person lawfully
25 taking wildlife or aquatic life ~~wild animals~~.

26 (6) Affects the physical condition or placement of

1 personal or public property intended for use in the lawful
2 taking of wildlife or aquatic life ~~a wild animal~~ in order
3 to impair the usefulness of the property or prevent the use
4 of the property.

5 (7) Enters or remains upon or over private lands
6 without the permission of the owner or the owner's agent,
7 with the intent to violate this Section.

8 This Section does not apply to actions performed by
9 authorized employees of the Department of Natural Resources,
10 duly accredited officers of the U.S. Fish and Wildlife Service,
11 sheriffs, deputy sheriffs, or other peace officers if the
12 actions are authorized by law and are necessary for the
13 performance of their official duties.

14 This Section does not apply to landowners, tenants, or
15 lease holders exercising their legal rights to the enjoyment of
16 land, including, but not limited to, farming and restricting
17 trespass.

18 It is an affirmative defense to a prosecution for a
19 violation of this Section that the defendant's conduct is
20 protected by his or her right to freedom of speech under the
21 constitution of this State or the United States.

22 Any interested parties may engage in protests or other free
23 speech activities adjacent to or on the perimeter of the
24 location where the lawful taking of wildlife or aquatic life
25 ~~wild animals~~ is taking place, provided that none of the
26 provisions of this Section are being violated.

1 (Source: P.A. 90-555, eff. 12-12-97.)

2 (720 ILCS 125/4) (from Ch. 61, par. 304)

3 Sec. 4. (a) Any court may enjoin conduct which would be in
4 violation of Section 2 of this Act upon petition by a person
5 affected or who reasonably may be affected by such conduct,
6 upon a showing that such conduct is threatened or that it has
7 occurred on a particular premises in the past and that it is
8 not unreasonable to expect that under similar circumstances it
9 will be repeated.

10 (b) A court shall award all resulting costs and damages to
11 any person adversely affected by a violation of Section 2,
12 which may include an award for punitive damages. In addition to
13 other items of special damage, the measure of damages may
14 include expenditures of the affected person for license and
15 permit fees, travel, guides, special equipment and supplies, to
16 the extent that such expenditures were rendered futile by
17 prevention of the taking of wildlife or aquatic life ~~a wild~~
18 ~~animal~~.

19 (c) A court shall revoke, for a period of one year to 5
20 years, any Illinois hunting, fishing, or trapping privilege,
21 license or permit of any person convicted of violating any
22 provision of this Act.

23 (Source: P.A. 88-397.)