



Rep. Sonya M. Harper

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10400SB2426ham001

LRB104 09214 AAS 26444 a

1 AMENDMENT TO SENATE BILL 2426

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2426 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Natural Resources  
5 (Conservation) Law of the Civil Administrative Code of  
6 Illinois 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  
13 powers within the State of Illinois:

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

1 state and brought into this State.

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

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

8 (i) The Illinois Endangered Species Protection  
9 Act.

10 (ii) The Fish and Aquatic Life Code.

11 (iii) The Wildlife Code.

12 (iv) The Wildlife Habitat Management Areas Act.

13 (v) Section 48-3 of the Criminal Code of 2012  
14 (hunter or fisherman interference).

15 (vi) The Illinois Non-Game Wildlife Protection  
16 Act.

17 (vii) The Ginseng Harvesting Act.

18 (viii) The State Forest Act.

19 (ix) The Timber Transportation Act ~~Forest Products~~  
20 ~~Transportation Act~~.

21 (x) The Timber Buyers Licensing Act.

22 Any officer of an adjoining state acting under a power or  
23 authority granted by the Director pursuant to this Section  
24 shall act without compensation or other benefits from this  
25 State and without this State having any liability for the acts  
26 or omissions of that officer.

1 (Source: P.A. 96-397, eff. 1-1-10; 97-1108, eff. 1-1-13;  
2 97-1150, eff. 1-25-13.)

3 Section 10. The Forest Products Transportation Act is  
4 amended by changing Sections 1, 2, 3, 6, 13, and 14 and by  
5 adding Sections 6.5 and 6.8 as follows:

6 (225 ILCS 740/1) (from Ch. 96 1/2, par. 6901)

7 Sec. 1. This Act shall be known and may be cited as the  
8 Timber Transportation Act ~~"Forest Products Transportation~~  
9 ~~Act"~~.

10 (Source: P.A. 77-2801.)

11 (225 ILCS 740/2) (from Ch. 96 1/2, par. 6902)

12 Sec. 2. As used in this Act, unless the context otherwise  
13 requires: ~~the terms defined in the Sections following this~~  
14 ~~Section and preceding Section 3 have the meanings ascribed to~~  
15 ~~them in those Sections.~~

16 "Christmas tree" means a coniferous evergreen species of  
17 tree, such as spruce, pine, or fir, that is intended to be used  
18 solely for holiday decoration.

19 "Commercial tree care business" means a business working  
20 in this State that is hired by a property owner, governmental  
21 agency, or utility for the purpose of providing tree care  
22 services, including pruning and tree removal.

23 "Firewood" means any tree or part thereof which is

1 harvested, is to be used solely for fuel, and is cut into  
2 lengths not exceeding 48 inches.

3 "Person" means any person, partnership, firm, association,  
4 limited liability company, business, trust, or corporation.

5 "Proof of ownership" means a printed document provided by  
6 the Department that serves as a written bill of sale, a bill of  
7 lading, a work order or signed sales contract associated with  
8 a commercial tree care business, an executed tree removal  
9 permit, or any other document or method of showing legal  
10 possession of timber that is approved by the Department in  
11 administrative rule, including digital copies.

12 "Timber" means trees and parts thereof which can be used  
13 for sawing or processing into lumber for building or  
14 structural purposes or for the manufacture of any article.

15 "Timber" does not include firewood, Christmas trees, fruit or  
16 ornamental trees, or wood products not used or to be used for  
17 building, structural, manufacturing, or processing purposes.

18 "Tree" or "trees" means a woody perennial plant, typically  
19 having a single stem or trunk, growing to a height and bearing  
20 lateral branches at some distance from the ground.

21 (Source: P.A. 97-333, eff. 8-12-11.)

22 (225 ILCS 740/3) (from Ch. 96 1/2, par. 6910)

23 Sec. 3. Nothing in this Act affects the rights of the  
24 owners of trees ~~or forest products~~ nor imposes any duties or  
25 liabilities on them not otherwise imposed by law. This Act is,

1 rather, intended to protect the rights of the owners of trees,  
2 identify the transportation of stolen timber, and protect the  
3 ~~and forest products as well as the interests of the public~~  
4 interest in trees and ~~forest products~~ on public lands.

5 (Source: P.A. 77-2801.)

6 (225 ILCS 740/6) (from Ch. 96 1/2, par. 6913)

7 Sec. 6. Any person hauling or transporting timber that is  
8 subject to the Timber Buyers Licensing Act ~~2 or more trees and~~  
9 ~~forest products, or either of them,~~ on any highway in this  
10 State shall be required to show proof of ownership as defined  
11 in ~~Section 2.06~~ of this Act, except that interstate  
12 transporters originating outside of this State and traveling  
13 to destinations within or outside of this State may show  
14 documents in accordance with federal Motor Carrier Safety  
15 Administration rules in lieu of such proof of ownership.

16 If any that person who is subject to this Act is unable to  
17 show proof of ownership, the timber ~~and forest products~~ so  
18 hauled or transported~~7~~ and the vehicle or conveyance used as  
19 the means of transportation may be held by the Department for  
20 disposition subject to court order. The information required  
21 for proof of ownership shall be set by the Department by  
22 administrative rule.

23 (Source: P.A. 92-805, eff. 8-21-02.)

24 (225 ILCS 740/6.5 new)

1       Sec. 6.5. Inspection. The Department or any law  
2 enforcement agency may inspect any vehicle or conveyance  
3 hauling or transporting timber on any road or highway in this  
4 State to determine if the transportation of the timber  
5 complies with this Act. If an officer of the Department or law  
6 enforcement agency discovers any violation of this Act, the  
7 officer may issue a summons to the person operating the  
8 vehicle that is hauling or transporting the timber that  
9 requires that the person appears before the circuit court for  
10 the county within which the offense was committed.

11           (225 ILCS 740/6.8 new)

12       Sec. 6.8. Violations.

13       (a) A person's proof of ownership shall be available for  
14 inspection at all times and shall be kept with the person's  
15 vehicle or other conveyance load.

16       (b) No person shall willfully fail or refuse to comply  
17 with any lawful order or direction of any officer authorized  
18 by law to enforce this Act.

19       (c) No person shall knowingly falsify any information  
20 required on any proof of ownership or provide false  
21 information to any person that results in false information  
22 being provided on any proof of ownership.

23           (225 ILCS 740/13) (from Ch. 96 1/2, par. 6920)

24       Sec. 13. It shall be unlawful for any person to resist or

1 obstruct any officer, employee or agent of the Department in  
2 the discharge of his duties under the provisions of this Act.

3 Violations ~~Violation~~ of this Act or any administrative  
4 rules adopted under this Act ~~Section~~ shall be a Class C ~~Class A~~  
5 misdemeanor.

6 (Source: P.A. 85-294.)

7 (225 ILCS 740/14)

8 Sec. 14. Any timber, ~~forestry,~~ or wood cutting device or  
9 equipment, including vehicles and conveyances used or operated  
10 in violation of this Act or rules adopted under this Act or  
11 attempted to be used in violation of this Act or rules adopted  
12 under this Act shall be deemed a public nuisance and subject to  
13 seizure and confiscation by any authorized employee of the  
14 Department. Upon the seizure of such an item the Department  
15 shall take and hold the item until disposed of as provided in  
16 this Section.

17 Upon the seizure of any property pursuant to this Section,  
18 the authorized employee of the Department making the seizure  
19 shall forthwith cause a complaint to be filed before the  
20 circuit court and a summons to be issued requiring the person  
21 who illegally used or operated or attempted to use or operate  
22 the property and the owner and person in possession of the  
23 property to appear in court and show cause why the seized  
24 property should not be forfeited to the State. Upon the return  
25 of the summons duly served or other notice as provided in this

1 Section, the court shall proceed to determine the question of  
2 the illegality of the use of the seized property and upon  
3 judgment being entered to the effect that the property was  
4 illegally used, an order may be entered providing for the  
5 forfeiture of the seized property to the Department, which  
6 shall thereupon become the property of the Department.  
7 However, the owner of the property may have a jury determine  
8 the illegality of its use and shall have the right of an appeal  
9 as in other cases. Such a confiscation or forfeiture shall not  
10 preclude or mitigate against prosecution and assessment of  
11 penalties otherwise provided in this Act.

12 Upon seizure of any property under circumstances  
13 supporting a reasonable belief that the property was  
14 abandoned, lost, stolen, or otherwise illegally possessed or  
15 used contrary to the provisions of this Act, except property  
16 seized during a search or arrest and ultimately returned,  
17 destroyed, or otherwise disposed of pursuant to a court order  
18 in accordance with this Act, the authorized employee of the  
19 Department shall make reasonable inquiry and efforts to  
20 identify and notify the owner or other person entitled to  
21 possession thereof and shall return the property after that  
22 person provides reasonable and satisfactory proof of his or  
23 her ownership or right to possession and reimburses the  
24 Department for all reasonable expenses of such custody. If the  
25 identity or location of the owner or other person entitled to  
26 possession of the property has not been ascertained within 6

1 months after the Department obtains possession, the Department  
2 shall effectuate the sale of the property for cash to the  
3 highest bidder at a public auction. The owner or other person  
4 entitled to possession of the property may claim and recover  
5 possession of the property at any time before its sale at  
6 public auction upon providing reasonable and satisfactory  
7 proof of ownership or right of possession and after  
8 reimbursing the Department for all reasonable expenses of  
9 custody thereof.

10 Any property forfeited to the State by court order  
11 pursuant to this Section may be disposed of by public auction,  
12 except that any property that is the subject of such a court  
13 order shall not be disposed of pending appeal of the order. The  
14 proceeds of the sale at auction shall be deposited in the  
15 Illinois Forestry Development Fund.

16 The Department shall pay all costs of notices required by  
17 this Section.

18 (Source: P.A. 92-805, eff. 8-21-02.)

19 (225 ILCS 740/2.02 rep.)

20 (225 ILCS 740/2.03 rep.)

21 (225 ILCS 740/2.04 rep.)

22 (225 ILCS 740/2.05 rep.)

23 (225 ILCS 740/2.06 rep.)

24 (225 ILCS 740/2.07 rep.)

25 (225 ILCS 740/5 rep.)

1           Section 15. The Forest Products Transportation Act is  
2 amended by repealing Sections 2.02, 2.03, 2.04, 2.05, 2.06,  
3 2.07, and 5.

4           Section 20. The Criminal and Traffic Assessment Act is  
5 amended by changing Section 1-5 as follows:

6           (705 ILCS 135/1-5)

7           Sec. 1-5. Definitions. In this Act:

8           "Assessment" means any costs imposed on a defendant under  
9 schedules 1 through 13 of this Act.

10          "Business offense" means any offense punishable by a fine  
11 in excess of \$1,000 and for which a sentence of imprisonment is  
12 not an authorized disposition.

13          "Case" means all charges and counts filed against a single  
14 defendant which are being prosecuted as a single proceeding  
15 before the court.

16          "Count" means each separate offense charged in the same  
17 indictment, information, or complaint when the indictment,  
18 information, or complaint alleges the commission of more than  
19 one offense.

20          "Conservation offense" means any violation of the  
21 following Acts, Codes, or ordinances, except any offense  
22 punishable upon conviction by imprisonment in the  
23 penitentiary:

24                 (1) Fish and Aquatic Life Code;

- 1 (2) Wildlife Code;
- 2 (3) Boat Registration and Safety Act;
- 3 (4) Park District Code;
- 4 (5) Chicago Park District Act;
- 5 (6) State Parks Act;
- 6 (7) State Forest Act;
- 7 (8) Forest Fire Protection District Act;
- 8 (9) Snowmobile Registration and Safety Act;
- 9 (10) Endangered Species Protection Act;
- 10 (11) Timber Transportation Act ~~Forest Products~~
- 11 ~~Transportation Act~~;
- 12 (12) Timber Buyers Licensing Act;
- 13 (13) Downstate Forest Preserve District Act;
- 14 (14) Illinois Exotic Weeds Act;
- 15 (15) Ginseng Harvesting Act;
- 16 (16) Cave Protection Act;
- 17 (17) ordinances adopted under the Counties Code for
- 18 the acquisition of property for parks or recreational
- 19 areas;
- 20 (18) Recreational Trails of Illinois Act;
- 21 (19) Herptiles-Herps Act; or
- 22 (20) any rule, regulation, proclamation, or ordinance
- 23 adopted under any Code or Act named in paragraphs (1)
- 24 through (19) of this definition.
- 25 "Conviction" means a judgment of conviction or sentence
- 26 entered upon a plea of guilty or upon a verdict or finding of

1 guilty of an offense, rendered by a legally constituted jury  
2 or by a court of competent jurisdiction authorized to try the  
3 case without a jury.

4 "Drug offense" means any violation of the Cannabis Control  
5 Act, the Illinois Controlled Substances Act, the  
6 Methamphetamine Control and Community Protection Act, or any  
7 similar local ordinance which involves the possession or  
8 delivery of a drug.

9 "Drug-related emergency response" means the act of  
10 collecting evidence from or securing a site where controlled  
11 substances were manufactured, or where by-products from the  
12 manufacture of controlled substances are present, and cleaning  
13 up the site, whether these actions are performed by public  
14 entities or private contractors paid by public entities.

15 "Electronic citation" means the process of transmitting  
16 traffic, misdemeanor, ordinance, conservation, or other  
17 citations and law enforcement data via electronic means to a  
18 circuit court clerk.

19 "Emergency response" means any incident requiring a  
20 response by a police officer, an ambulance, a firefighter  
21 carried on the rolls of a regularly constituted fire  
22 department or fire protection district, a firefighter of a  
23 volunteer fire department, or a member of a recognized  
24 not-for-profit rescue or emergency medical service provider.

25 "Emergency response" does not include a drug-related emergency  
26 response.

1 "Felony offense" means an offense for which a sentence to  
2 a term of imprisonment in a penitentiary for one year or more  
3 is provided.

4 "Fine" means a pecuniary punishment for a conviction or  
5 supervision disposition as ordered by a court of law.

6 "Highest classified offense" means the offense in the case  
7 which carries the most severe potential disposition under  
8 Article 4.5 of Chapter V of the Unified Code of Corrections.

9 "Major traffic offense" means a traffic offense, as  
10 defined by paragraph (f) of Supreme Court Rule 501, other than  
11 a petty offense or business offense.

12 "Minor traffic offense" means a traffic offense, as  
13 defined by paragraph (f) of Supreme Court Rule 501, that is a  
14 petty offense or business offense.

15 "Misdemeanor offense" means any offense for which a  
16 sentence to a term of imprisonment in other than a  
17 penitentiary for less than one year may be imposed.

18 "Offense" means a violation of any local ordinance or  
19 penal statute of this State.

20 "Petty offense" means any offense punishable by a fine of  
21 up to \$1,000 and for which a sentence of imprisonment is not an  
22 authorized disposition.

23 "Service provider costs" means costs incurred as a result  
24 of services provided by an entity including, but not limited  
25 to, traffic safety programs, laboratories, ambulance  
26 companies, and fire departments. "Service provider costs"

1 includes conditional amounts under this Act that are  
2 reimbursements for services provided.

3 "Street value" means the amount determined by the court on  
4 the basis of testimony of law enforcement personnel and the  
5 defendant as to the amount of drug or materials seized and any  
6 testimony as may be required by the court as to the current  
7 street value of the cannabis, controlled substance,  
8 methamphetamine or salt of an optical isomer of  
9 methamphetamine, or methamphetamine manufacturing materials  
10 seized.

11 "Supervision" means a disposition of conditional and  
12 revocable release without probationary supervision, but under  
13 the conditions and reporting requirements as are imposed by  
14 the court, at the successful conclusion of which disposition  
15 the defendant is discharged and a judgment dismissing the  
16 charges is entered.

17 (Source: P.A. 103-620, eff. 1-1-25.)".