



Sen. Laura M. Murphy

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10400SB2426sam002

LRB104 09214 AAS 25049 a

1 AMENDMENT TO SENATE BILL 2426

2 AMENDMENT NO. _____. Amend Senate Bill 2426, AS AMENDED,
3 by 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 changing Section 805-540 as follows:

8 (20 ILCS 805/805-540) (was 20 ILCS 805/63b2.6)

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

15 (1) To follow, seize, and return to the adjoining
16 state any flora or fauna or part thereof shipped or taken

1 from the adjoining state in violation of the laws of that
2 state and brought into this State.

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

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

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

11 (ii) The Fish and Aquatic Life Code.

12 (iii) The Wildlife Code.

13 (iv) The Wildlife Habitat Management Areas Act.

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

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

18 (vii) The Ginseng Harvesting Act.

19 (viii) The State Forest Act.

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

22 (x) The Timber Buyers Licensing Act.

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

1 or omissions of that officer.

2 (Source: P.A. 96-397, eff. 1-1-10; 97-1108, eff. 1-1-13;
3 97-1150, eff. 1-25-13.)

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

7 (225 ILCS 740/1) (from Ch. 96 1/2, par. 6901)

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

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

12 (225 ILCS 740/2) (from Ch. 96 1/2, par. 6902)

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

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

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

1 "Firewood" means any tree or part thereof which is
2 harvested, is to be used solely for fuel, and is cut into
3 lengths not exceeding 48 inches.

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

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

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

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

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

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

23 (225 ILCS 740/3) (from Ch. 96 1/2, par. 6910)

24 Sec. 3. Nothing in this Act affects the rights of the
25 owners of trees ~~or forest products~~ nor imposes any duties or

1 liabilities on them not otherwise imposed by law. This Act is,
2 rather, intended to protect the rights of the owners of trees,
3 identify the transportation of stolen timber, and protect the
4 ~~and forest products as well as the interests of the public~~
5 interest in trees ~~and forest products~~ on public lands.

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

7 (225 ILCS 740/5) (from Ch. 96 1/2, par. 6912)

8 Sec. 5. No person who is subject to the Timber Buyers
9 Licensing Act may haul or transport any timber ~~tree or forest~~
10 ~~product~~ on the highways of this State without proof of
11 ownership as required by the Department by administrative rule
12 ~~the written consent of the timber grower or subsequent seller.~~

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

14 (225 ILCS 740/6) (from Ch. 96 1/2, par. 6913)

15 Sec. 6. Any person hauling or transporting timber ~~2 or~~
16 ~~more trees and forest products, or either of them,~~ on any
17 highway in this State shall be required to show proof of
18 ownership as defined in ~~Section 2.06~~ of this Act, except that
19 interstate transporters originating outside of this State and
20 traveling to destinations within or outside of this State may
21 show documents in accordance with federal Motor Carrier Safety
22 Administration rules in lieu of such proof of ownership.

23 If ~~any that~~ person who is subject to this Act is unable to
24 show proof of ownership, the timber ~~and forest products~~ so

1 hauled or transported, and the vehicle or conveyance used as
2 the means of transportation may be held by the Department for
3 disposition subject to court order. The information required
4 for proof of ownership shall be set by the Department by
5 administrative rule.

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

7 (225 ILCS 740/6.5 new)

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

18 (225 ILCS 740/6.8 new)

19 Sec. 6.8. Violations.

20 (a) Every person hauling a tree or trees shall be subject
21 to this Act, and upon the request of a designated law
22 enforcement officer to stop hauling the tree or trees, must
23 stop immediately and provide required proof of ownership.

24 (b) Proof of ownership shall be available for inspection

1 at all times and shall be kept with the vehicle or other
2 conveyance load.

3 (c) No person shall willfully fail or refuse to comply
4 with any lawful order or direction of any officer authorized
5 by law to enforce this Act.

6 (d) No person shall knowingly falsify any information
7 required on any proof of ownership or provide false
8 information to any person that results in false information
9 being provided on any proof of ownership.

10 (225 ILCS 740/13) (from Ch. 96 1/2, par. 6920)

11 Sec. 13. It shall be unlawful for any person to resist or
12 obstruct any officer, employee or agent of the Department in
13 the discharge of his duties under the provisions of this Act.

14 Violations ~~Violation~~ of this Act or any administrative
15 rules adopted under this Act ~~Section~~ shall be a Class C ~~Class A~~
16 misdemeanor.

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

18 (225 ILCS 740/14)

19 Sec. 14. Any timber, ~~forestry,~~ or wood cutting device or
20 equipment, including vehicles and conveyances used or operated
21 in violation of this Act or rules adopted under this Act or
22 attempted to be used in violation of this Act or rules adopted
23 under this Act shall be deemed a public nuisance and subject to
24 seizure and confiscation by any authorized employee of the

1 Department. Upon the seizure of such an item the Department
2 shall take and hold the item until disposed of as provided in
3 this Section.

4 Upon the seizure of any property pursuant to this Section,
5 the authorized employee of the Department making the seizure
6 shall forthwith cause a complaint to be filed before the
7 circuit court and a summons to be issued requiring the person
8 who illegally used or operated or attempted to use or operate
9 the property and the owner and person in possession of the
10 property to appear in court and show cause why the seized
11 property should not be forfeited to the State. Upon the return
12 of the summons duly served or other notice as provided in this
13 Section, the court shall proceed to determine the question of
14 the illegality of the use of the seized property and upon
15 judgment being entered to the effect that the property was
16 illegally used, an order may be entered providing for the
17 forfeiture of the seized property to the Department, which
18 shall thereupon become the property of the Department.
19 However, the owner of the property may have a jury determine
20 the illegality of its use and shall have the right of an appeal
21 as in other cases. Such a confiscation or forfeiture shall not
22 preclude or mitigate against prosecution and assessment of
23 penalties otherwise provided in this Act.

24 Upon seizure of any property under circumstances
25 supporting a reasonable belief that the property was
26 abandoned, lost, stolen, or otherwise illegally possessed or

1 used contrary to the provisions of this Act, except property
2 seized during a search or arrest and ultimately returned,
3 destroyed, or otherwise disposed of pursuant to a court order
4 in accordance with this Act, the authorized employee of the
5 Department shall make reasonable inquiry and efforts to
6 identify and notify the owner or other person entitled to
7 possession thereof and shall return the property after that
8 person provides reasonable and satisfactory proof of his or
9 her ownership or right to possession and reimburses the
10 Department for all reasonable expenses of such custody. If the
11 identity or location of the owner or other person entitled to
12 possession of the property has not been ascertained within 6
13 months after the Department obtains possession, the Department
14 shall effectuate the sale of the property for cash to the
15 highest bidder at a public auction. The owner or other person
16 entitled to possession of the property may claim and recover
17 possession of the property at any time before its sale at
18 public auction upon providing reasonable and satisfactory
19 proof of ownership or right of possession and after
20 reimbursing the Department for all reasonable expenses of
21 custody thereof.

22 Any property forfeited to the State by court order
23 pursuant to this Section may be disposed of by public auction,
24 except that any property that is the subject of such a court
25 order shall not be disposed of pending appeal of the order. The
26 proceeds of the sale at auction shall be deposited in the

1 Illinois Forestry Development Fund.

2 The Department shall pay all costs of notices required by
3 this Section.

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

5 (225 ILCS 740/2.02 rep.)

6 (225 ILCS 740/2.03 rep.)

7 (225 ILCS 740/2.04 rep.)

8 (225 ILCS 740/2.05 rep.)

9 (225 ILCS 740/2.06 rep.)

10 (225 ILCS 740/2.07 rep.)

11 Section 15. The Forest Products Transportation Act is
12 amended by repealing Sections 2.02, 2.03, 2.04, 2.05, 2.06,
13 and 2.07.

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

16 (705 ILCS 135/1-5)

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

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

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

23 "Case" means all charges and counts filed against a single

1 defendant which are being prosecuted as a single proceeding
2 before the court.

3 "Count" means each separate offense charged in the same
4 indictment, information, or complaint when the indictment,
5 information, or complaint alleges the commission of more than
6 one offense.

7 "Conservation offense" means any violation of the
8 following Acts, Codes, or ordinances, except any offense
9 punishable upon conviction by imprisonment in the
10 penitentiary:

- 11 (1) Fish and Aquatic Life Code;
- 12 (2) Wildlife Code;
- 13 (3) Boat Registration and Safety Act;
- 14 (4) Park District Code;
- 15 (5) Chicago Park District Act;
- 16 (6) State Parks Act;
- 17 (7) State Forest Act;
- 18 (8) Forest Fire Protection District Act;
- 19 (9) Snowmobile Registration and Safety Act;
- 20 (10) Endangered Species Protection Act;
- 21 (11) Timber Transportation Act ~~Forest Products~~
22 ~~Transportation Act~~;
- 23 (12) Timber Buyers Licensing Act;
- 24 (13) Downstate Forest Preserve District Act;
- 25 (14) Illinois Exotic Weeds Act;
- 26 (15) Ginseng Harvesting Act;

1 (16) Cave Protection Act;

2 (17) ordinances adopted under the Counties Code for
3 the acquisition of property for parks or recreational
4 areas;

5 (18) Recreational Trails of Illinois Act;

6 (19) Herptiles-Herps Act; or

7 (20) any rule, regulation, proclamation, or ordinance
8 adopted under any Code or Act named in paragraphs (1)
9 through (19) of this definition.

10 "Conviction" means a judgment of conviction or sentence
11 entered upon a plea of guilty or upon a verdict or finding of
12 guilty of an offense, rendered by a legally constituted jury
13 or by a court of competent jurisdiction authorized to try the
14 case without a jury.

15 "Drug offense" means any violation of the Cannabis Control
16 Act, the Illinois Controlled Substances Act, the
17 Methamphetamine Control and Community Protection Act, or any
18 similar local ordinance which involves the possession or
19 delivery of a drug.

20 "Drug-related emergency response" means the act of
21 collecting evidence from or securing a site where controlled
22 substances were manufactured, or where by-products from the
23 manufacture of controlled substances are present, and cleaning
24 up the site, whether these actions are performed by public
25 entities or private contractors paid by public entities.

26 "Electronic citation" means the process of transmitting

1 traffic, misdemeanor, ordinance, conservation, or other
2 citations and law enforcement data via electronic means to a
3 circuit court clerk.

4 "Emergency response" means any incident requiring a
5 response by a police officer, an ambulance, a firefighter
6 carried on the rolls of a regularly constituted fire
7 department or fire protection district, a firefighter of a
8 volunteer fire department, or a member of a recognized
9 not-for-profit rescue or emergency medical service provider.
10 "Emergency response" does not include a drug-related emergency
11 response.

12 "Felony offense" means an offense for which a sentence to
13 a term of imprisonment in a penitentiary for one year or more
14 is provided.

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

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

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

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

26 "Misdemeanor offense" means any offense for which a

1 sentence to a term of imprisonment in other than a
2 penitentiary for less than one year may be imposed.

3 "Offense" means a violation of any local ordinance or
4 penal statute of this State.

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

8 "Service provider costs" means costs incurred as a result
9 of services provided by an entity including, but not limited
10 to, traffic safety programs, laboratories, ambulance
11 companies, and fire departments. "Service provider costs"
12 includes conditional amounts under this Act that are
13 reimbursements for services provided.

14 "Street value" means the amount determined by the court on
15 the basis of testimony of law enforcement personnel and the
16 defendant as to the amount of drug or materials seized and any
17 testimony as may be required by the court as to the current
18 street value of the cannabis, controlled substance,
19 methamphetamine or salt of an optical isomer of
20 methamphetamine, or methamphetamine manufacturing materials
21 seized.

22 "Supervision" means a disposition of conditional and
23 revocable release without probationary supervision, but under
24 the conditions and reporting requirements as are imposed by
25 the court, at the successful conclusion of which disposition
26 the defendant is discharged and a judgment dismissing the

1 charges is entered.

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