



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4372

Introduced 1/21/2022, by Rep. Anna Moeller and Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.40 new

520 ILCS 5/3.5

from Ch. 61, par. 3.5

Amends the Wildlife Code. Prohibits contests or competitions with the objective of taking any fur-bearing mammal. Provides an exception for field trials. Provides that a person who violates the new provisions is guilty of a Class A misdemeanor and subject to a fine of no less than \$500 and no more than \$5,000 in addition to other statutory penalties.

LRB102 23734 NLB 32923 b

1 AN ACT concerning wildlife.

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

4 Section 5. The Wildlife Code is amended by changing
5 Section 3.5 and by adding 2.40 as follows:

6 (520 ILCS 5/2.40 new)

7 Sec. 2.40. Fur-bearing mammal killing contests prohibited.
8 Notwithstanding any other provision of law, a person shall not
9 organize, sponsor, promote, conduct, or participate in any
10 contest, organized competition, tournament, or derby that has
11 the objective of taking any fur-bearing mammal, as defined in
12 Section 1.2g, for cash, prizes, or other inducement. This
13 Section does not apply to field trials permitted by the
14 Department pursuant to Section 2.34.

15 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

16 Sec. 3.5. Penalties; probation.

17 (a) Any person who violates any of the provisions of
18 Section 2.36a, including administrative rules, shall be guilty
19 of a Class 3 felony, except as otherwise provided in
20 subsection (b) of this Section and subsection (a) of Section
21 2.36a.

22 (b) Whenever any person who has not previously been

1 convicted of, or placed on probation or court supervision for,
2 any offense under Section 1.22, 2.36, or 2.36a or subsection
3 (i) or (cc) of Section 2.33, the court may, without entering a
4 judgment and with the person's consent, sentence the person to
5 probation for a violation of Section 2.36a.

6 (1) When a person is placed on probation, the court
7 shall enter an order specifying a period of probation of
8 24 months and shall defer further proceedings in the case
9 until the conclusion of the period or until the filing of a
10 petition alleging violation of a term or condition of
11 probation.

12 (2) The conditions of probation shall be that the
13 person:

14 (A) Not violate any criminal statute of any
15 jurisdiction.

16 (B) Perform no less than 30 hours of community
17 service, provided community service is available in
18 the jurisdiction and is funded and approved by the
19 county board.

20 (3) The court may, in addition to other conditions:

21 (A) Require that the person make a report to and
22 appear in person before or participate with the court
23 or courts, person, or social service agency as
24 directed by the court in the order of probation.

25 (B) Require that the person pay a fine and costs.

26 (C) Require that the person refrain from

1 possessing a firearm or other dangerous weapon.

2 (D) Prohibit the person from associating with any
3 person who is actively engaged in any of the
4 activities regulated by the permits issued or
5 privileges granted by the Department of Natural
6 Resources.

7 (4) Upon violation of a term or condition of
8 probation, the court may enter a judgment on its original
9 finding of guilt and proceed as otherwise provided.

10 (5) Upon fulfillment of the terms and conditions of
11 probation, the court shall discharge the person and
12 dismiss the proceedings against the person.

13 (6) A disposition of probation is considered to be a
14 conviction for the purposes of imposing the conditions of
15 probation, for appeal, and for administrative revocation
16 and suspension of licenses and privileges; however,
17 discharge and dismissal under this Section is not a
18 conviction for purposes of disqualification or
19 disabilities imposed by law upon conviction of a crime.

20 (7) Discharge and dismissal under this Section may
21 occur only once with respect to any person.

22 (8) If a person is convicted of an offense under this
23 Act within 5 years subsequent to a discharge and dismissal
24 under this Section, the discharge and dismissal under this
25 Section shall be admissible in the sentencing proceeding
26 for that conviction as a factor in aggravation.

1 (9) The Circuit Clerk shall notify the Illinois State
2 Police of all persons convicted of or placed under
3 probation for violations of Section 2.36a.

4 (c) Any person who violates any of the provisions of
5 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,
6 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),
7 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 through 3.16, 3.19,
8 3.20, 3.21 (except subsections (b), (c), (d), (e), (f), (f.5),
9 (g), (h), and (i)), 3.24, 3.25, and 3.26 (except subsection
10 (f)), including administrative rules, shall be guilty of a
11 Class B misdemeanor.

12 A person who violates Section 2.33b by using any computer
13 software or service to remotely control a weapon that takes
14 wildlife by remote operation is guilty of a Class B
15 misdemeanor. A person who violates Section 2.33b by
16 facilitating a violation of Section 2.33b, including an owner
17 of land in which remote control hunting occurs, a computer
18 programmer who designs a program or software to facilitate
19 remote control hunting, or a person who provides weapons or
20 equipment to facilitate remote control hunting, is guilty of a
21 Class A misdemeanor.

22 Any person who violates any of the provisions of Sections
23 1.22, 2.2a, 2.3, 2.4, 2.36 and 2.38, including administrative
24 rules, shall be guilty of a Class A misdemeanor. Any second or
25 subsequent violations of Sections 2.4 and 2.36 shall be a
26 Class 4 felony.

1 Any person who violates any of the provisions of this Act,
2 including administrative rules, during such period when his
3 license, privileges, or permit is revoked or denied by virtue
4 of Section 3.36, shall be guilty of a Class A misdemeanor.

5 Any person who violates subsection (g), (i), (o), (p),
6 (y), or (cc) of Section 2.33 or Section 2.40 shall be guilty of
7 a Class A misdemeanor and subject to a fine of no less than
8 \$500 and no more than \$5,000 in addition to other statutory
9 penalties. In addition, the Department shall suspend the
10 privileges, under this Act, of any person found guilty of
11 violating Section 2.33(cc) for a period of not less than one
12 year.

13 Any person who violates any other of the provisions of
14 this Act including administrative rules, unless otherwise
15 stated, shall be guilty of a petty offense. Offenses committed
16 by minors under the direct control or with the consent of a
17 parent or guardian may subject the parent or guardian to the
18 penalties prescribed in this Section.

19 In addition to any fines imposed pursuant to the
20 provisions of this Section or as otherwise provided in this
21 Act, any person found guilty of unlawfully taking or
22 possessing any species protected by this Act, shall be
23 assessed a civil penalty for such species in accordance with
24 the values prescribed in Section 2.36a of this Act. This civil
25 penalty shall be imposed by the Circuit Court for the county
26 within which the offense was committed at the time of the

1 conviction. All penalties provided for in this Section shall
2 be remitted to the Department in accordance with the same
3 provisions provided for in Section 1.18 of this Act.

4 (Source: P.A. 102-538, eff. 8-20-21.)