

1 AN ACT concerning fish.

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 Sections 5-25, 15-75, 15-85, 15-130, 15-135, 20-35,  
6 20-70, and 20-125 and by adding Sections 1-116, 1-117, 15-46,  
7 20-91, and 20-92 as follows:

8 (515 ILCS 5/1-116 new)

9 Sec. 1-116. Roe. "Roe" means the eggs of fish that are  
10 whole and intact within the egg sac, whether within the body  
11 cavity of the fish or removed. "Roe" does not include eggs  
12 removed from the egg sac.

13 (515 ILCS 5/1-117 new)

14 Sec. 1-117. Roe-bearing species. "Roe-bearing species"  
15 means sturgeon, paddlefish, bowfin, and any other fish listed  
16 as such by the Department in an administrative rule.

17 (515 ILCS 5/5-25) (from Ch. 56, par. 5-25)

18 Sec. 5-25. Value of protected species; violations  
19 ~~Protected aquatic life.~~

20 (a) Any person who, for profit or commercial purposes,  
21 knowingly captures or kills, possesses, offers for sale, sells,

1 offers to barter, barter, offers to purchase, purchases,  
2 delivers for shipment, ships, exports, imports, causes to be  
3 shipped, exported, or imported, delivers for transportation,  
4 transports or causes to be transported, carries or causes to be  
5 carried, or receives for shipment, transportation, carriage,  
6 or export any aquatic life, in part or in whole of any of the  
7 species protected by this Code, contrary to the provisions of  
8 the Code, and that aquatic life, in whole or in part, is valued  
9 at or in excess of a total of \$300, as per species value  
10 specified in subsection (c) of this Section, commits a Class 3  
11 felony.

12 A person is guilty of a Class 4 felony if convicted under  
13 this Section for more than one violation within a 90-day period  
14 if the aquatic life involved in each violation are not valued  
15 at or in excess of \$300 but the total value of the aquatic life  
16 involved with the multiple violations is at or in excess of  
17 \$300. The prosecution for a Class 4 felony for these multiple  
18 violations must be alleged in a single charge or indictment and  
19 brought in a single prosecution.

20 Any person who violates this subsection (a) when the total  
21 value of species is less than \$300 commits a Class A  
22 misdemeanor except as otherwise provided.

23 (b) Possession of aquatic life, in whole or in part,  
24 captured or killed in violation of this Code, valued at or in  
25 excess of \$600, as per species value specified in subsection  
26 (c) of this Section, shall be considered prima facie evidence

1 of possession for profit or commercial purposes.

2 (c) For purposes of this Section, the fair market value or  
3 replacement cost, whichever is greater, must be used to  
4 determine the value of the species protected by this Code, but  
5 in no case shall the minimum value of all aquatic life and  
6 their hybrids protected by this Code, whether dressed or not  
7 dressed, be less than the following ~~is as follows:~~

8 (1) For each muskellunge, northern pike, walleye,  
9 striped bass, sauger, largemouth bass, smallmouth bass,  
10 spotted bass, trout (all species), salmon (all species  
11 other than chinook caught from August 1 through December  
12 31), and sturgeon (other than pallid or lake sturgeon) of a  
13 weight, dressed or not dressed, of one pound or more, \$4  
14 for each pound or fraction of a pound. For each individual  
15 fish with a dressed or not dressed weight of less than one  
16 pound, \$4. For parts of fish processed past the dressed  
17 state, \$8 per pound.

18 (2) For each warmouth, rock bass, white bass, yellow  
19 bass, sunfish (all species except largemouth, smallmouth,  
20 and spotted bass), bluegill, crappie, bullheads,  
21 pickerels, yellow perch, ~~and~~ catfish (all species), and  
22 mussels of a weight, dressed or not dressed, of one pound  
23 or more, \$4 for each pound or fraction of a pound of  
24 aquatic life ~~fish~~. For each individual aquatic life ~~fish~~  
25 with a dressed or not dressed weight of less than one  
26 pound, \$4. For aquatic life parts ~~of fish~~ processed past

1 the dressed state, \$8 per pound.

2 (3) For processed turtle parts, \$6 for each pound or  
3 fraction of a pound. For each non-processed turtle, \$8 per  
4 turtle.

5 (4) For frogs, toads, salamanders, lizards, and  
6 snakes, \$8 ~~\$2~~ per animal in whole or in part.

7 (5) For goldeye, mooneye, carp, carpsuckers (all  
8 species), suckers (all species), redhorse (all species),  
9 buffalo (all species), freshwater drum, skipjack, shad  
10 (all species), alewife, smelt, gar, bowfin, ~~mussels,~~  
11 chinook salmon caught from August 1 through December 31,  
12 and all other aquatic life protected by this Code, not  
13 listed in paragraphs (1), (2), (3), or (4) of subsection  
14 (c) ~~(b)~~ of this Section, \$1 per pound, in part or in whole.

15 (6) For each species listed on the federal or State  
16 endangered and threatened species list, and for lake and  
17 pallid sturgeon, \$150 per animal in whole or in part.

18 (Source: P.A. 89-66, eff. 1-1-96.)

19 (515 ILCS 5/15-46 new)

20 Sec. 15-46. Taking of roe-bearing species by commercial  
21 device.

22 (a) All commercial fishermen shall procure a commercial roe  
23 harvest permit in addition to their commercial fishing license  
24 before taking roe-bearing species with commercial fishing  
25 devices from the waters of the State legally open to commercial

1 fishing. Any person found guilty of a violation of this  
2 subsection (a) is subject to the penalties provided in Section  
3 20-91 of this Code.

4 (b) Any incidental catch of aquatic life not authorized for  
5 taking with commercial devices must be returned immediately  
6 without harm to the water. Any person found guilty of a  
7 violation of this subsection (b) is guilty of a Class B  
8 misdemeanor.

9 (515 ILCS 5/15-75) (from Ch. 56, par. 15-75)

10 Sec. 15-75. Record of catch; inspection of record.  
11 Commercial fishermen, ~~and~~ musselors, and commercial roe  
12 harvesters shall keep an accurate record of their catch. This  
13 record, showing the species and number of pounds of fish, ~~or~~  
14 mussels, or roe taken, type of commercial devices used, and  
15 location from which taken, shall be open for inspection by the  
16 employees of the Department at all times. This information  
17 shall be submitted to the Department on forms furnished for  
18 that purpose by the Department and at intervals prescribed by  
19 the Department. Failure to submit ~~required~~ reports, as  
20 required, shall be grounds for license suspension or  
21 revocation.

22 (Source: P.A. 87-833.)

23 (515 ILCS 5/15-85) (from Ch. 56, par. 15-85)

24 Sec. 15-85. Dragging nets. It shall be unlawful to pull,

1 drag, haul, or draw to, towards, or near the shore of any body  
2 of water, or to or against a backstop, a net device of any kind  
3 except a seine. Nothing in this Section, however, shall  
4 prohibit the use of a trammel or gill net attached to a single  
5 boat while the net is being placed, set, or adjusted.

6 (Source: P.A. 87-833.)

7 (515 ILCS 5/15-130) (from Ch. 56, par. 15-130)

8 Sec. 15-130. Gill or trammel net. It shall be unlawful to  
9 use a gill or trammel net except in the Mississippi River, in  
10 the Ohio River, and in the Illinois River from its mouth up to  
11 the Illinois River bridge, Highway Route 89, including adjacent  
12 backwaters but not above the mouth of any stream, ditch, or  
13 tributary connected to these backwaters. No trammel net used  
14 under this Section shall have meshes less than 2 inches bar  
15 measurement and no gill net used under this Section shall have  
16 meshes less than 4 inches bar measurement. No gill or trammel  
17 net shall be less than 100 feet in length.

18 All gill or trammel nets that are set in any body of water  
19 shall be under the immediate supervision of the operator, who  
20 may be the licensee or his or her employee, except (i) from May  
21 1 to September 30, (ii) when the nets are set under the ice, ~~or~~  
22 (iii) from sunset to sunrise, or (iv) as specified by  
23 administrative rule. Immediate supervision shall be defined as  
24 the operator being on the waters where the nets are set to be  
25 readily available to identify the nets to law enforcement

1 officers empowered to enforce this Code. It shall be unlawful  
2 for any employee on any one day to lift or attend nets of more  
3 than one licensee.

4 All gill or trammel nets set under the ice shall be at a  
5 distance of not less than 100 yards from any natural opening in  
6 the ice.

7 The Department may modify provisions of this Section as  
8 provided in Section 1-135.

9 (Source: P.A. 90-435, eff. 1-1-98.)

10 (515 ILCS 5/15-135) (from Ch. 56, par. 15-135)

11 Sec. 15-135. License in possession.

12 (a) It is unlawful, for the purposes of operation of  
13 fishing or musseling devices, (i) for licensed ~~licensed~~  
14 commercial fishermen ~~or and~~ musselors ~~shall be required to~~  
15 ~~maintain all necessary licenses in accordance with Section~~  
16 ~~20-65, and it shall be unlawful for any licensee to loan~~  
17 licenses to any other individual, ~~or (ii) for any person to~~  
18 ~~possess the license of another for operation of fishing or~~  
19 ~~musseling devices.~~

20 (b) It shall be unlawful to disturb in any manner the  
21 licensed devices of another person without consent of that  
22 person.

23 (Source: P.A. 87-833.)

24 (515 ILCS 5/20-35) (from Ch. 56, par. 20-35)

1           Sec. 20-35. Offenses.

2           (a) Except as prescribed in Section 5-25 and unless  
3 otherwise provided in this Code, any person who is found guilty  
4 of violating any of the provisions of this Code, including  
5 administrative rules, is guilty of a petty offense.

6           Any person who violates any of the provisions of Section  
7 15-45 or 15-60, including administrative rules related to those  
8 Sections, is guilty of a Class C misdemeanor.

9           Any person who violates any of the provisions of Section  
10 5-20, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-50,  
11 10-60, 10-70, 10-75, 10-95, 10-115, 10-135, 15-5, 15-10, 15-15,  
12 15-20, 15-30, 15-32, 15-40, 15-46(b) ~~15-45~~, 15-55, 15-60,  
13 15-65, ~~15-75~~, 15-80, 15-85, 15-90, 15-95, 15-100, 15-105,  
14 15-110, 15-115, 15-120, 15-130, ~~15-140~~, 20-70, 20-75, 20-80,  
15 20-85 (except subsections (b), (c), (d), (e), (f), and (g)),  
16 20-125(c), 25-5, 25-10, 25-15, or 25-20 of this Code, including  
17 administrative rules relating to those Sections, is guilty of a  
18 Class B misdemeanor.

19           Any person who violates any of the provisions of Section  
20 1-200, 1-205, 10-55, 10-80, 10-100(b), 15-35, 15-46(a),  
21 15-135, 20-91, 20-92, ~~or 20-120,~~ or 20-125(d) of this Code,  
22 including administrative rules relating to those Sections, is  
23 guilty of a Class A misdemeanor.

24           Any person who violates any of the provisions of this Code,  
25 including administrative rules, during the 5 years following  
26 the revocation of his or her license, permit, or privileges



1 under Section 20-105 is guilty of a Class A misdemeanor.

2 Any person who violates Section 5-25 of this Code,  
3 including administrative rules, is guilty of a Class 3 felony  
4 except as otherwise provided in subsection (a) of Section 5-25.

5 (b) (1) It is unlawful for any person to take or attempt to  
6 take aquatic life from any aquatic life farm except with the  
7 consent of the owner of the aquatic life farm. Any person  
8 possessing fishing tackle on the premises of an aquatic life  
9 farm is presumed to be fishing. The presumption may be rebutted  
10 by clear and convincing evidence. All fishing tackle,  
11 apparatus, and vehicles used in the violation of this  
12 subsection (b) shall be confiscated by the arresting officer.  
13 Except as otherwise provided in this subsection, the seizure  
14 and confiscation procedures set forth in Section 1-215 of this  
15 Code shall apply. If the confiscated property is determined by  
16 the circuit court to have been used in the violation of this  
17 subsection (b), the confiscated property shall be sold at  
18 public auction by the county sheriff of the county where the  
19 violation occurred. The proceeds of the sale shall be deposited  
20 in the county general fund; provided that the auction may be  
21 stayed by an appropriate court order.

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

25 (c) (1) It is unlawful for any person to trespass or fish on  
26 an aquatic life farm located on a strip mine lake or other body

1 of water used for aquatic life farming operations, or within a  
2 200 foot buffer zone surrounding cages or netpens that are  
3 clearly delineated by buoys of a posted aquatic life farm, by  
4 swimming, scuba diving, or snorkeling in, around, or under the  
5 aquatic life farm or by operating a watercraft over, around, or  
6 in the aquatic life farm without the consent of the owner of  
7 the aquatic life farm.

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

23 (d) Offenses committed by minors under the direct control  
24 or with the consent of a parent or guardian may subject the  
25 parent or guardian to the penalties prescribed in this Section  
26 or as otherwise provided in this Code.

1 (e) In addition to any fines imposed under this Section, or  
2 as otherwise provided in this Code, any person found guilty of  
3 unlawfully taking or possessing any aquatic life protected by  
4 this Code shall be assessed a civil penalty for that aquatic  
5 life in accordance with the values prescribed in Section 5-25  
6 of this Code. This civil penalty shall be imposed at the time  
7 of the conviction by the Circuit Court for the county where the  
8 offense was committed. Except as otherwise provided for in  
9 subsections (b) and (c) of this Section, all penalties provided  
10 for in this Section shall be remitted to the Department in  
11 accordance with the provisions of Section 1-180 of this Code.

12 (Source: P.A. 94-222, eff. 7-14-05; 94-592, eff. 1-1-06;  
13 revised 8-19-05.)

14 (515 ILCS 5/20-70) (from Ch. 56, par. 20-70)

15 Sec. 20-70. Non-resident and resident aquatic life  
16 dealers. ~~Non-resident and resident aquatic life dealers shall~~  
17 ~~maintain records of all fish and other aquatic life bought,~~  
18 ~~sold, or shipped in Illinois. These records shall include the~~  
19 ~~name of the seller and the species and poundage of the fish or~~  
20 ~~aquatic life involved. The records shall be kept for a minimum~~  
21 ~~of one year from the date of the transaction and shall be made~~  
22 ~~immediately available to authorized employees of the~~  
23 ~~Department upon request.~~

24 (a) Non-resident aquatic life dealers. Any person not a  
25 resident of Illinois who sells or ships to other wholesalers,

1 retailers, or consumers any of the aquatic life protected by  
2 this Code, whether from waters within or without the State is a  
3 non-resident aquatic life dealer within the meaning of this  
4 Code.

5 All licenses issued to non-resident aquatic life dealers  
6 are valid only in the location described and designated in the  
7 application for the license. Wholesalers may deliver their  
8 products by truck or common carrier of any type but must  
9 possess a separate license for each truck from which aquatic  
10 life are being sold if business is solicited from the trucks.

11 Application for a non-resident aquatic life dealer's  
12 license shall be made to and upon forms furnished by the  
13 Department and shall be in the form as the Department may  
14 prescribe. The annual fee for a non-resident aquatic life  
15 dealer's license shall be \$100. All non-resident aquatic life  
16 dealer licenses shall expire on January 31 of each year.

17 Non-residents purchasing aquatic life in Illinois for sale  
18 solely outside the State are exempt from possessing an aquatic  
19 life dealer's license if purchases are made from a licensed  
20 resident wholesale or retail aquatic life dealer.

21 (b) Resident aquatic life dealer's licenses. Any person  
22 conducting a fish market or buying, selling, or shipping any  
23 aquatic life (except minnows) protected by this Code, whether  
24 from waters within or without the State, shall first procure a  
25 license from the Department to do so, including any commercial  
26 fisherman selling live fish for stocking only. Any commercial

1 fisherman selling fish legally caught or taken by themselves to  
2 a resident licensed wholesale aquatic life dealer, however, is  
3 exempt from the provisions of this Section.

4 (1) Wholesale aquatic life dealer's license. Any  
5 resident of this State who, within the State of Illinois,  
6 conducts a wholesale fish market or who sells or ships to  
7 any other wholesaler, retailer, or other commercial  
8 institution aquatic life protected by this Code, whether  
9 from waters within or without the State, is a resident  
10 wholesale aquatic life dealer in the meaning of this Code.

11 This provision, however, does not apply to minnows or  
12 saltwater species commonly used as seafood that will not  
13 survive in freshwater, such as lobsters, clams, mussels,  
14 and oysters.

15 All licenses issued to resident wholesale aquatic life  
16 dealers are valid only in the location described and  
17 designated in the application for license. Wholesale  
18 aquatic life dealers may deliver their products by truck or  
19 other common carrier but must possess a separate license  
20 for each truck from which aquatic life is being sold if  
21 business is solicited from the truck. Applications for  
22 resident wholesale aquatic life dealer's licenses shall be  
23 made to and upon forms furnished by the Department, which  
24 shall be in the form as the Department may prescribe. The  
25 annual license fee for each wholesale aquatic life dealer's  
26 license is \$50. All wholesale aquatic life dealer's

1 licenses shall expire on January 31 of each year.

2 (2) Retail aquatic life dealer's license. Any resident  
3 of the State of Illinois who, within the State of Illinois,  
4 conducts a retail fish market where he or she sells or  
5 offers for sale any aquatic life protected by this Code,  
6 whether from waters from within or without the State, is a  
7 retail aquatic life dealer in the meaning of this Code.

8 This provision, however, does not apply to minnows or  
9 saltwater species commonly used as seafood that will not  
10 survive in freshwater, such as lobsters, clams, mussels,  
11 and oysters.

12 All licenses issued to resident aquatic life dealers  
13 are valid only in the location described and designated in  
14 the application for the license. Retailers may deliver  
15 their products by truck or other common carrier but must  
16 possess a separate license for each truck from which  
17 aquatic life is being sold if business is solicited from  
18 the truck.

19 Applications for resident retail aquatic life dealer's  
20 licenses shall be made to and upon forms furnished by the  
21 Department, which shall be in the form the Department may  
22 prescribe. The annual license for each resident retail  
23 aquatic life dealer's license is \$10. All these licenses  
24 shall expire on January 31 of each year.

25 (3) Separate licenses. A license shall be procured for  
26 each separate fish market or place of business operated by

1 any wholesale or retail aquatic life dealer, whether a  
2 resident or non-resident, and for each vehicle from which  
3 aquatic life is sold. All licenses shall be conspicuously  
4 displayed at all times.

5 (c) The Department may adopt administrative rules  
6 pertaining to non-resident and resident aquatic life dealers.  
7 Any person who violates any provision of this Section 20-70, or  
8 related administrative rule, is guilty of a Class B  
9 misdemeanor.

10 (Source: P.A. 94-592, eff. 1-1-06.)

11 (515 ILCS 5/20-91 new)

12 Sec. 20-91. Commercial roe harvest permit.

13 (a) Any commercial fisherman who engages in taking  
14 roe-bearing species with commercial fishing devices from  
15 legally open waters of the State must annually procure a  
16 commercial roe harvest permit from the Department. All  
17 individuals assisting a licensed commercial roe harvester in  
18 taking roe bearing fishes must also have a commercial roe  
19 harvest permit unless these individuals are under the direct  
20 supervision of and aboard the same watercraft as the licensed  
21 commercial roe harvester. The annual fee for a commercial roe  
22 harvest permit is \$250 for State residents and \$3,500 for  
23 non-residents. All commercial roe harvest permits shall expire  
24 on May 31 of each year.

25 (b) It is unlawful for a commercial roe harvest permittee

1 to possess roe more than 5 days after the conclusion of the  
2 harvest season without a commercial roe dealer permit.

3 (c) Violation of this Section is a Class A misdemeanor with  
4 a minimum mandatory fine of \$500.

5 (515 ILCS 5/20-92 new)

6 Sec. 20-92. Commercial roe dealer permit.

7 (a) Any resident wholesale aquatic life dealer who buys,  
8 sells, or ships roe from roe-bearing species, whether from the  
9 waters within or without the State, must annually procure a  
10 commercial roe dealer permit from the Department in addition to  
11 an aquatic life dealers permit. The annual fee for a commercial  
12 roe dealer permit is \$500 for resident wholesale aquatic life  
13 dealers and \$1,500 for non-resident aquatic life dealers. All  
14 commercial roe dealer permits shall expire on May 31 of each  
15 year.

16 (b) Legally licensed commercial roe dealer permit holders  
17 may designate up to 2 employees on their commercial roe dealer  
18 permit. Employees designated on a commercial roe dealer permit  
19 must retain a copy of this permit in their possession while  
20 transporting roe bearing fishes either whole or in part.

21 (c) A violation of this Section is a Class A misdemeanor  
22 with a minimum mandatory fine of \$500.

23 (515 ILCS 5/20-125) (from Ch. 56, par. 20-125)

24 Sec. 20-125. Records; reports; receipts Receipts.



1       (a) Any person engaged in the buying, selling, or shipping  
2 of aquatic life in the State, under Sections 20-70, 20-75,  
3 20-80, 20-91, and 20-92 of this Act, shall maintain the  
4 following minimum records:

5               (1) the name and address of the buyer;

6               (2) the name and address of the seller;

7               (3) the date of the transaction;

8               (4) the species and quantity to the nearest half pound,  
9 if applicable, or number of whole species bought, sold, or  
10 shipped; and

11               (5) the license or permit number of the buyer and  
12 seller, if applicable.

13       Reports must be submitted to the Department on forms  
14 furnished for that purpose by the Department and at intervals  
15 prescribed by the Department by administrative rule. Failure to  
16 submit reports as required is grounds for license suspension or  
17 revocation.

18       (b) All aquatic life dealers, including but not limited to  
19 minnow dealers, fish dealers, commercial roe dealers, mussel  
20 dealers, and breeders, shall, upon purchasing or receiving any  
21 aquatic life protected by this Code, issue a numbered receipt  
22 to the commercial fisherman, musselor, dealer, breeder, or  
23 other person from whom the aquatic life was purchased, setting  
24 forth the number of pounds and kinds of aquatic life, the date  
25 of purchase, the price paid per pound for each species, the  
26 name and address of the commercial fisherman, musselor, dealer,

1 breeder, or other person from whom the aquatic life was  
2 purchased, and the appropriate license number of the commercial  
3 fisherman, musselor, dealer, breeder, or other person from whom  
4 the aquatic life was purchased if applicable, and the origin of  
5 the aquatic life.

6 The original receipt shall be retained by the aquatic life  
7 dealer for a minimum of 2 years from the date of purchase  
8 listed on the receipt. A duplicate receipt shall be given to  
9 the commercial fisherman, musselor, dealer, breeder, or other  
10 person from whom the aquatic life was purchased at the time of  
11 purchase.

12 (c) All receipts, reports, and records required by the  
13 Department in subsections (a) and (b) shall be available for  
14 inspection by any authorized employee of the Department or any  
15 other peace officer upon request. Failure to comply with the  
16 provisions of this subsection (c) ~~Section~~ shall bar the  
17 licensee from obtaining a permit or license for aquatic life  
18 purchasing for the following year. Any person who violates any  
19 of the provisions of this subsection (c) ~~Section~~ shall be  
20 guilty of a Class B misdemeanor.

21 (d) It is unlawful to falsify any information or record or  
22 to provide fraudulent information or records to the Department.  
23 Violation of this subsection (d) is a Class A misdemeanor.

24 (Source: P.A. 87-833.)

25 (515 ILCS 5/15-150 rep.)

1           Section 10. The Fish and Aquatic Life Code is amended by  
2           repealing Section 15-150.

3           Section 99. Effective date. This Act takes effect upon  
4           becoming law.