



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5706

by Rep. Jerry F. Costello, II

SYNOPSIS AS INTRODUCED:

520 ILCS 5/1.25

from Ch. 61, par. 1.25

Amends the Wildlife Code. Provides that every hunting or trapping device, vehicle, or conveyance is a public nuisance and subject to seizure and confiscation by any authorized employee of the Department of Natural Resources when used or operated illegally, or attempted to be used or operated illegally by any person in taking, transporting, holding, or conveying any wild bird or wild mammal, contrary to the provisions of the Act, only when the taking, transporting, holding, or conveying is charged as a felony. Effective immediately.

LRB098 19238 MGM 54390 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 Section
5 1.25 as follows:

6 (520 ILCS 5/1.25) (from Ch. 61, par. 1.25)

7 Sec. 1.25. Every hunting or trapping device, vehicle, or
8 conveyance, when used or operated illegally, or attempted to be
9 used or operated illegally by any person in taking,
10 transporting, holding, or conveying any wild bird or wild
11 mammal, contrary to the provisions of this Act, including
12 administrative rules, and when the taking, transporting,
13 holding, or conveying is charged as a felony, is a public
14 nuisance and subject to seizure and confiscation by any
15 authorized employee of the Department; upon the seizure of such
16 item the Department shall take and hold the same until disposed
17 of as hereinafter provided.

18 Upon the seizure of any property as herein provided, the
19 authorized employee of the Department making such seizure shall
20 forthwith cause a complaint to be filed before the Circuit
21 Court and a summons to be issued requiring the person who
22 illegally used or operated or attempted to use or operate such
23 property and the owner and person in possession of such

1 property to appear in court and show cause why the property
2 seized should not be forfeited to the State. Upon the return of
3 the summons duly served or other notice as herein provided, the
4 court shall proceed to determine the question of the illegality
5 of the use of the seized property and upon judgment being
6 entered to the effect that such property was illegally used, an
7 order may be entered providing for the forfeiture of such
8 seized property to the Department and shall thereupon become
9 the property of the Department; but the owner of such property
10 may have a jury determine the illegality of its use, and shall
11 have the right of an appeal, as in other cases. Such
12 confiscation or forfeiture shall not preclude or mitigate
13 against prosecution and assessment of penalties otherwise
14 provided in this Act.

15 Upon seizure of any property under circumstances
16 supporting a reasonable belief that such property was
17 abandoned, lost or stolen or otherwise illegally possessed or
18 used contrary to the provisions of this Act, except property
19 seized during a search or arrest, and ultimately returned,
20 destroyed, or otherwise disposed of pursuant to order of a
21 court in accordance with this Act, the authorized employee of
22 the Department shall make reasonable inquiry and efforts to
23 identify and notify the owner or other person entitled to
24 possession thereof, and shall return the property after such
25 person provides reasonable and satisfactory proof of his
26 ownership or right to possession and reimburses the Department

1 for all reasonable expenses of such custody. If the identity or
2 location of the owner or other person entitled to possession of
3 the property has not been ascertained within 6 months after the
4 Department obtains such possession, the Department shall
5 effectuate the sale of the property for cash to the highest
6 bidder at a public auction. The owner or other person entitled
7 to possession of such property may claim and recover possession
8 of the property at any time before its sale at public auction,
9 upon providing reasonable and satisfactory proof of ownership
10 or right of possession and reimbursing the Department for all
11 reasonable expenses of custody thereof.

12 Any property, including guns, forfeited to the State by
13 court order pursuant to this Section, may be disposed of by
14 public auction, except that any property which is the subject
15 of such a court order shall not be disposed of pending appeal
16 of the order. The proceeds of the sales at auction shall be
17 deposited in the Wildlife and Fish Fund.

18 The Department shall pay all costs of notices required by
19 this Section.

20 (Source: P.A. 85-152.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.