



Rep. Sonya M. Harper

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LRB104 04682 AAS 25130 a

1 AMENDMENT TO HOUSE BILL 782

2 AMENDMENT NO. _____. Amend House Bill 782 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 Tree 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 15. The Forest Products Transportation Act is
4 amended by changing Sections 1, 2, 3, 5, 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 Tree Transportation Act "~~Forest Products Transportation Act~~".

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

10 (225 ILCS 740/2) (from Ch. 96 1/2, par. 6902)

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

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

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

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

23 "Proof of ownership" means either a printed document

1 provided by the Department that serves as a written bill of
2 sale and bill of lading or any document that is approved by the
3 Department in administrative rule.

4 "Tree" means a woody perennial plant, typically having a
5 single stem or trunk, growing to a height and bearing lateral
6 branches at some distance from the ground which can be used
7 for:

8 (1) sawing or processing into lumber for building or
9 structural purposes;

10 (2) the manufacture of furniture; or
11 (3) the manufacture of any article.

12 "Tree" does not include firewood, a Christmas tree, or a
13 live, viable tree.

14 "Viable" means a tree with an attached root system that is
15 capable of being replanted and live successfully.

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

17 (225 ILCS 740/3) (from Ch. 96 1/2, par. 6910)

18 Sec. 3. Nothing in this Act affects the rights of the
19 owners of trees ~~or forest products~~ nor imposes any duties or
20 liabilities on them not otherwise imposed by law. This Act is,
21 rather, intended to protect the rights of the owners of trees,
22 identify the transportation of stolen trees, and protect the
23 ~~and forest products as well as the interests of the public in~~
24 trees and forest products on public lands.

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

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

Sec. 5. No person may haul or transport any tree ~~or forest~~ product on the highways of this State without proof of ownership as required by the Department by administrative rule ~~the written consent of the timber grower or subsequent seller.~~

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

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

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

If any that person is unable to show proof of ownership, the tree or trees ~~timber and forest products~~ so hauled or transported, and the vehicle or conveyance used as the means of transportation may be held by the Department for disposition subject to court order. The information required for proof of ownership shall be set by the Department by administrative rule, including information required for a person that is transporting or hauling a tree or trees that the person owns.

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

2 (225 ILCS 740/6.5 new)

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

13 (225 ILCS 740/6.8 new)

14 Sec. 6.8. Violations.

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

19 (b) Proof of ownership shall be available for inspection
20 at all times and shall be kept with the vehicle or other
21 conveyance load.

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

1 (d) No person shall knowingly falsify any information
2 required on any proof of ownership or provide false
3 information to any person that results in false information
4 being provided on any proof of ownership.

5 (225 ILCS 740/13) (from Ch. 96 1/2, par. 6920)

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

9 Violation of this Section shall be a Class C ~~Class A~~
10 misdemeanor.

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

12 (225 ILCS 740/14)

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

22 Upon the seizure of any property pursuant to this Section,
23 the authorized employee of the Department making the seizure
24 shall forthwith cause a complaint to be filed before the

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

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

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

16 Any property forfeited to the State by court order
17 pursuant to this Section may be disposed of by public auction,
18 except that any property that is the subject of such a court
19 order shall not be disposed of pending appeal of the order. The
20 proceeds of the sale at auction shall be deposited in the
21 Illinois Forestry Development Fund.

22 The Department shall pay all costs of notices required by
23 this Section.

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

25 (225 ILCS 740/2.02 rep.)

1 (225 ILCS 740/2.03 rep.)

2 (225 ILCS 740/2.04 rep.)

3 (225 ILCS 740/2.05 rep.)

4 (225 ILCS 740/2.06 rep.)

5 (225 ILCS 740/2.07 rep.)

6 Section 20. The Forest Products Transportation Act is
7 amended by repealing Sections 2.02, 2.03, 2.04, 2.05, 2.06,
8 and 2.07.

9 Section 25. The Criminal and Traffic Assessment Act is
10 amended by changing Section 1-5 as follows:

11 (705 ILCS 135/1-5)

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

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

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

18 "Case" means all charges and counts filed against a single
19 defendant which are being prosecuted as a single proceeding
20 before the court.

21 "Count" means each separate offense charged in the same
22 indictment, information, or complaint when the indictment,
23 information, or complaint alleges the commission of more than
24 one offense.

1 "Conservation offense" means any violation of the
2 following Acts, Codes, or ordinances, except any offense
3 punishable upon conviction by imprisonment in the
4 penitentiary:

- 5 (1) Fish and Aquatic Life Code;
- 6 (2) Wildlife Code;
- 7 (3) Boat Registration and Safety Act;
- 8 (4) Park District Code;
- 9 (5) Chicago Park District Act;
- 10 (6) State Parks Act;
- 11 (7) State Forest Act;
- 12 (8) Forest Fire Protection District Act;
- 13 (9) Snowmobile Registration and Safety Act;
- 14 (10) Endangered Species Protection Act;
- 15 (11) Tree Transportation Act ~~Forest Products~~
16 ~~Transportation Act~~;
- 17 (12) Timber Buyers Licensing Act;
- 18 (13) Downstate Forest Preserve District Act;
- 19 (14) Illinois Exotic Weeds Act;
- 20 (15) Ginseng Harvesting Act;
- 21 (16) Cave Protection Act;
- 22 (17) ordinances adopted under the Counties Code for
23 the acquisition of property for parks or recreational
24 areas;
- 25 (18) Recreational Trails of Illinois Act;
- 26 (19) Herptiles-Herps Act; or

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

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

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

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

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

"Emergency response" means any incident requiring a response by a police officer, an ambulance, a firefighter carried on the rolls of a regularly constituted fire

1 department or fire protection district, a firefighter of a
2 volunteer fire department, or a member of a recognized
3 not-for-profit rescue or emergency medical service provider.
4 "Emergency response" does not include a drug-related emergency
5 response.

6 "Felony offense" means an offense for which a sentence to
7 a term of imprisonment in a penitentiary for one year or more
8 is provided.

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

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

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

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

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

23 "Offense" means a violation of any local ordinance or
24 penal statute of this State.

25 "Petty offense" means any offense punishable by a fine of
26 up to \$1,000 and for which a sentence of imprisonment is not an

1 authorized disposition.

2 "Service provider costs" means costs incurred as a result
3 of services provided by an entity including, but not limited
4 to, traffic safety programs, laboratories, ambulance
5 companies, and fire departments. "Service provider costs"
6 includes conditional amounts under this Act that are
7 reimbursements for services provided.

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

16 "Supervision" means a disposition of conditional and
17 revocable release without probationary supervision, but under
18 the conditions and reporting requirements as are imposed by
19 the court, at the successful conclusion of which disposition
20 the defendant is discharged and a judgment dismissing the
21 charges is entered.

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