

1 AN ACT concerning conservation.

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

4 Section 5. The Seizure and Forfeiture Reporting Act is
5 amended by changing Section 5 as follows:

6 (5 ILCS 810/5)

7 Sec. 5. Applicability. This Act is applicable to property
8 seized or forfeited under the following provisions of law:

9 (1) Section 3.23 of the Illinois Food, Drug and
10 Cosmetic Act;

11 (2) Section 44.1 of the Environmental Protection Act;

12 (3) Section 105-55 of the Herptiles-Herps Act;

13 (4) Section 1-215 of the Fish and Aquatic Life Code;

14 (5) Section 1.25 of the Wildlife Code;

15 (6) Section 17-10.6 of the Criminal Code of 2012
16 (financial institution fraud);

17 (7) Section 28-5 of the Criminal Code of 2012
18 (gambling);

19 (8) Article 29B of the Criminal Code of 2012 (money
20 laundering);

21 (9) Article 33G of the Criminal Code of 2012 (Illinois
22 Street Gang and Racketeer Influenced And Corrupt
23 Organizations Law);

(10) Article 36 of the Criminal Code of 2012 (seizure and forfeiture of vessels, vehicles, and aircraft);

(11) Section 47-15 of the Criminal Code of 2012 (dumping garbage upon real property);

(12) Article 124B of the Code of Criminal Procedure of 1963 (forfeiture);

(13) the Drug Asset Forfeiture Procedure Act;

(14) the Narcotics Profit Forfeiture Act;

(15) the Illinois Streetgang Terrorism Omnibus Prevention Act;

(16) the Illinois Securities Law of 1953;

(17) the Archaeological and Paleontological Resources Protection Act;

(18) the Human Remains Protection Act; ~~and~~

(19) Section 16 of the Timber Buyers Licensing Act; and -

(20) the Ginseng Harvesting Act.

(Source: P.A. 102-558, eff. 8-20-21; 103-218, eff. 1-1-24; 103-446, eff. 8-4-23; 103-605, eff. 7-1-24.)

Section 10. The Ginseng Harvesting Act is amended by changing Sections 1, 2a, 2b, 2c, 4, and 6 and by adding Section 7 as follows:

(525 ILCS 20/1) (from Ch. 61, par. 501)

Sec. 1. Definitions. As used in this Act, unless the

1 context otherwise requires:

2 "Cultivated ginseng" means ginseng growing in tilled beds
3 under shade of artificial structures.

4 "Department" means the Department of Natural Resources.

5 "Ginseng" means the root of the American ginseng plant
6 (Panax quinquefolium). "Ginseng" includes, but is not limited
7 to, the roots, rhizomes, leaves, and seeds of the American
8 ginseng plant, which may be cultivated or wild. "Ginseng" does
9 not include those parts of the American ginseng plant that
10 have been processed.

11 "Green ginseng" means a root of ginseng from which the
12 moisture has not been removed by drying. In this Act, the
13 amount of dried ginseng rhizome that can be derived from green
14 ginseng rhizome may be calculated using a ratio of 3.3 to one
15 by weight.

16 "Grower" means a person who grows cultivated ginseng for
17 the purpose of selling the ginseng.

18 "Harvester" means any person who harvests, possesses,
19 transports, cuts, gathers, destroys, digs, or uproots wild
20 ginseng for the purpose of selling the ginseng or for personal
21 use.

22 "Root" means the ginseng rhizome and its roots.

23 "Wild ginseng" means ginseng in, or collected from, its
24 natural habitat, notwithstanding whether the ginseng is native
25 to that habitat or was introduced or increased in abundance by
26 sowing ginseng seed or by transplanting ginseng plants from

1 other areas.

2 (Source: P.A. 83-680.)

3 (525 ILCS 20/2a) (from Ch. 61, par. 508)

4 Sec. 2a. Harvest License. No person may cut, root up,
5 gather or harvest wild ginseng, or attempt to do so, unless the
6 person has a harvest license issued by the Department. All
7 persons licensed by the Department pursuant to this Section
8 shall immediately produce the license when requested to do so
9 by an officer or authorized employee of the Department or any
10 sheriff, deputy sheriff, or other peace officer. The fee for a
11 harvest license is \$7 and is valid from April 1 to March 31. A
12 harvest license is valid during the established harvest season
13 for wild ginseng for the year during which it is issued. The
14 Department shall establish by administrative rule the
15 procedure for issuing licenses and regulations on the methods
16 used to harvest. Harvested wild ginseng may be sold only to
17 dealers licensed by the State of Illinois. All wild ginseng
18 must be sold by harvesters no later than March 1 of the year
19 following harvest.

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

21 (525 ILCS 20/2b) (from Ch. 61, par. 509)

22 Sec. 2b. Grower's License. Any person engaged in the
23 propagation and harvesting of cultivated ginseng shall secure
24 a registered grower's license from the Department annually for

1 a fee of \$25.00. A grower's license shall authorize the
2 harvest of cultivated ginseng at any time. A grower's license
3 is valid from April 1 through March 31. A grower shall maintain
4 records as to the location of all cultivated ginseng fields,
5 areas or facilities, quantity of ginseng produced and any
6 other information required by the Department by administrative
7 rule and shall keep records and make reports to the Department
8 as required by administrative rule. The Department shall
9 establish by administrative rule procedures of issuing
10 licenses, keeping records and reports, reporting transactions
11 and certifying the amounts, quantities and origin of the
12 cultivated ginseng. The Department shall supply, free of
13 additional charges proper forms to growers for all required
14 data and information. All persons licensed by the Department
15 pursuant to this Section shall immediately produce the license
16 when requested to do so by an officer or authorized employee of
17 the Department or any sheriff, deputy sheriff, or other peace
18 officer.

19 (Source: P.A. 83-680.)

20 (525 ILCS 20/2c) (from Ch. 61, par. 510)

21 Sec. 2c. Dealer License. No person shall be engaged in the
22 business of buying wild or cultivated ginseng from harvesters,
23 growers or other dealers for resale to exporters or to other
24 dealers unless the person has a license issued by the
25 Department to be a dealer of ginseng. The fee for a dealer's

1 license is \$50.00 for Illinois residents and \$100.00 for
2 nonresidents and is valid from April 1 through March 31. A
3 dealer shall maintain records, open to duly authorized agents
4 of the Department, of the quantity of material purchased and
5 sold, the county where purchased ginseng was harvested, and
6 other information required by the Department by administrative
7 rule, and shall make reports to the Department as required.
8 The Department shall establish by administrative rule
9 procedures for issuing licenses, keeping records, reporting
10 transactions, and certifying the origin of ginseng. The
11 Department shall supply free of additional charge, proper
12 forms to dealers for all required data and information. A
13 dealer may purchase roots of wild ginseng harvested in
14 Illinois only during the period from two weeks after the
15 opening of the harvest season for wild ginseng to the
16 following March 1, or may purchase at any time wild or
17 cultivated ginseng harvested in another state and certified
18 for export by that state. All persons licensed by the
19 Department pursuant to this Section shall immediately produce
20 the license when requested to do so by an officer or authorized
21 employee of the Department or any sheriff, deputy sheriff, or
22 other peace officer.

23 (Source: P.A. 84-1065.)

24 (525 ILCS 20/4) (from Ch. 61, par. 516)

25 Sec. 4. Trespass to Harvest Ginseng. No person shall,

1 without permission of the owner, enter the forest, field,
2 yard, building, garden or other enclosure of another and
3 willfully break down, dig, destroy, take or carry away any
4 ginseng or attempt to do so.

5 (Source: P.A. 83-680.)

6 (525 ILCS 20/6)

7 Sec. 6. Additional license revocation and denial
8 provisions.

9 (a) If a license has been issued to any person under this
10 Act and that person is found guilty of any misrepresentation
11 in obtaining that license or a violation of any of the
12 provisions of this Act or its rules or a violation of the
13 United States Code that involves the possession, use, sale,
14 transportation, or harvesting of ginseng when any part of the
15 United States Code violation occurred in Illinois, the license
16 may be revoked by the Department. The Department may also
17 refuse to issue any license to that person and may suspend that
18 person from engaging in any activity requiring the license for
19 a period of time in accordance with rules adopted by the
20 Department ~~not to exceed 5 years following the revocation.~~

21 (b) If a person who has not been issued a license under
22 this Act is found guilty of a violation of any of the
23 provisions of this Act or its rules or a violation of the
24 United States Code that involves the possession, use, sale,
25 transportation, or harvesting of ginseng when any part of the

1 United States Code violation occurred in Illinois, the
2 Department may refuse to issue any license to that person and
3 may suspend that person from engaging in any activity
4 requiring the license for a period of time in accordance with
5 rules adopted by the Department ~~not to exceed 5 years.~~

6 (c) The Department's license revocation procedures must be
7 established by administrative rule.

8 (d) Any person who violates any of the provisions of this
9 Act or its rules during any period when his or her license is
10 revoked or denied by virtue of this Section, or during the time
11 he or she is suspended under subsection (b), is guilty of a
12 Class A misdemeanor.

13 (e) A person whose license to engage in any activity
14 regulated under this Act has been suspended or revoked may
15 not, during the period of the suspension or revocation or
16 until obtaining the proper license, (i) be in the company of
17 any person engaging in the activity covered by the license or
18 (ii) serve as a guide or facilitator for a person who is
19 engaged or prepared to engage in the activity covered by the
20 license.

21 (Source: P.A. 102-837, eff. 5-13-22.)

22 (525 ILCS 20/7 new)

23 Sec. 7. Forfeiture and seizure. Any device or equipment,
24 including vehicles and conveyances, used or operated in
25 violation of this Act or rules adopted under this Act or

1 attempted to be used in violation of this Act or rules adopted
2 under this Act shall be deemed a public nuisance and subject to
3 the seizure and confiscation by any authorized employee of the
4 Department. Upon the seizure of such item, the Department
5 shall take and hold the device or equipment until disposed of
6 as provided under this Section.

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

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

24 Any property forfeited to the State by court order
25 pursuant to this Section may be disposed of by public auction,
26 except that any property that is the subject of such a court

1 order shall not be disposed of pending appeal of the order. The
2 proceeds of the sales at auction shall be deposited into the
3 Wildlife and Fish Fund.

4 The Department shall pay all costs of notices required by
5 this Section. Property seized or forfeited under this Section
6 is subject to reporting under Section 5 of the Seizure and
7 Forfeiture Reporting Act.

8 (525 ILCS 20/1a rep.)

9 (525 ILCS 20/1b rep.)

10 (525 ILCS 20/1c rep.)

11 (525 ILCS 20/1d rep.)

12 (525 ILCS 20/1e rep.)

13 Section 15. The Ginseng Harvesting Act is amended by
14 repealing Sections 1a, 1b, 1c, 1d, and 1e.