

1 AN ACT concerning regulation.

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

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
17 state and brought into this State.

18 (2) To dispose of any such flora or fauna or part
19 thereof under the supervision of an Illinois Conservation
20 Police Officer.

21 (3) To enforce as an agent of this State, with the same
22 powers as an Illinois Conservation Police Officer, each of
23 the following laws of this State:

1 (i) The Illinois Endangered Species Protection
2 Act.

3 (ii) The Fish and Aquatic Life Code.

4 (iii) The Wildlife Code.

5 (iv) The Wildlife Habitat Management Areas Act.

6 (v) Section 48-3 of the Criminal Code of 2012
7 (hunter or fisherman interference).

8 (vi) The Illinois Non-Game Wildlife Protection
9 Act.

10 (vii) The Ginseng Harvesting Act.

11 (viii) The State Forest Act.

12 (ix) The Timber Transportation Act ~~Forest Products~~
13 ~~Transportation Act.~~

14 (x) The Timber Buyers Licensing Act.

15 Any officer of an adjoining state acting under a power or
16 authority granted by the Director pursuant to this Section
17 shall act without compensation or other benefits from this
18 State and without this State having any liability for the acts
19 or omissions of that officer.

20 (Source: P.A. 96-397, eff. 1-1-10; 97-1108, eff. 1-1-13;
21 97-1150, eff. 1-25-13.)

22 Section 10. The Forest Products Transportation Act is
23 amended by changing Sections 1, 2, 3, 5, 6, 13, and 14 and by
24 adding Sections 6.5 and 6.8 as follows:

(225 ILCS 740/1) (from Ch. 96 1/2, par. 6901)

Sec. 1. This Act shall be known and may be cited as the Timber Transportation Act ~~"Forest Products Transportation Act"~~.

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

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

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

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

"Commercial tree care business" means a business working in this State that is hired by a property owner, governmental agency, or utility for the purpose of providing tree care services, including pruning and tree removal.

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

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

"Proof of ownership" means a printed document provided by the Department that serves as a written bill of sale, a bill of lading, a work order or signed sales contract associated with

1 a commercial tree care business, an executed tree removal
2 permit, or any other document or method of showing legal
3 possession of timber that is approved by the Department in
4 administrative rule, including digital copies.

5 "Timber" means trees and parts thereof which can be used
6 for sawing or processing into lumber for building or
7 structural purposes or for the manufacture of any article.

8 "Timber" does not include firewood, Christmas trees, fruit or
9 ornamental trees, or wood products not used or to be used for
10 building, structural, manufacturing, or processing purposes.

11 "Tree" or "trees" means a woody perennial plant, typically
12 having a single stem or trunk, growing to a height and bearing
13 lateral branches at some distance from the ground.

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

15 (225 ILCS 740/3) (from Ch. 96 1/2, par. 6910)

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

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

24 (225 ILCS 740/5) (from Ch. 96 1/2, par. 6912)

1 Sec. 5. No person who is subject to the Timber Buyers
2 Licensing Act may haul or transport any timber ~~tree or forest~~
3 ~~product~~ on the highways of this State without proof of
4 ownership as required by the Department by administrative rule
5 ~~the written consent of the timber grower or subsequent seller.~~

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

7 (225 ILCS 740/6) (from Ch. 96 1/2, par. 6913)

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

16 If ~~any that~~ person who is subject to this Act is unable to
17 show proof of ownership, the timber ~~and forest products~~ so
18 hauled or transported, and the vehicle or conveyance used as
19 the means of transportation may be held by the Department for
20 disposition subject to court order. The information required
21 for proof of ownership shall be set by the Department by
22 administrative rule.

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

24 (225 ILCS 740/6.5 new)

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

11 (225 ILCS 740/6.8 new)

12 Sec. 6.8. Violations.

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

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

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

23 (d) No person shall knowingly falsify any information
24 required on any proof of ownership or provide false
25 information to any person that results in false information

1 being provided on any proof of ownership.

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

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

6 Violations ~~Violation~~ of this Act or any administrative
7 rules adopted under this Act ~~Section~~ shall be a Class C ~~Class A~~
8 misdemeanor.

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

10 (225 ILCS 740/14)

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

20 Upon the seizure of any property pursuant to this Section,
21 the authorized employee of the Department making the seizure
22 shall forthwith cause a complaint to be filed before the
23 circuit court and a summons to be issued requiring the person
24 who illegally used or operated or attempted to use or operate

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

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

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

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

20 The Department shall pay all costs of notices required by
21 this Section.

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

23 (225 ILCS 740/2.02 rep.)

24 (225 ILCS 740/2.03 rep.)

25 (225 ILCS 740/2.04 rep.)

1 (225 ILCS 740/2.05 rep.)

2 (225 ILCS 740/2.06 rep.)

3 (225 ILCS 740/2.07 rep.)

4 Section 15. The Forest Products Transportation Act is
5 amended by repealing Sections 2.02, 2.03, 2.04, 2.05, 2.06,
6 and 2.07.

7 Section 20. The Criminal and Traffic Assessment Act is
8 amended by changing Section 1-5 as follows:

9 (705 ILCS 135/1-5)

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

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

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

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

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

23 "Conservation offense" means any violation of the
24 following Acts, Codes, or ordinances, except any offense

1 punishable upon conviction by imprisonment in the
2 penitentiary:

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

1 through (19) of this definition.

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

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

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

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

22 "Emergency response" means any incident requiring a
23 response by a police officer, an ambulance, a firefighter
24 carried on the rolls of a regularly constituted fire
25 department or fire protection district, a firefighter of a
26 volunteer fire department, or a member of a recognized

1 not-for-profit rescue or emergency medical service provider.

2 "Emergency response" does not include a drug-related emergency
3 response.

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

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

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

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

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

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

21 "Offense" means a violation of any local ordinance or
22 penal statute of this State.

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

26 "Service provider costs" means costs incurred as a result

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

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

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

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