



Sen. Laura M. Murphy

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10300SB1560sam001

LRB103 25313 SPS 58229 a

1 AMENDMENT TO SENATE BILL 1560

2 AMENDMENT NO. _____. Amend Senate Bill 1560 by replacing
3 everything after the enacting clause with the following:

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);

1 (7) Section 28-5 of the Criminal Code of 2012
2 (gambling);

3 (8) Article 29B of the Criminal Code of 2012 (money
4 laundering);

5 (9) Article 33G of the Criminal Code of 2012 (Illinois
6 Street Gang and Racketeer Influenced And Corrupt
7 Organizations Law);

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

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

12 (12) Article 124B of the Code of Criminal Procedure of
13 1963 (forfeiture);

14 (13) the Drug Asset Forfeiture Procedure Act;

15 (14) the Narcotics Profit Forfeiture Act;

16 (15) the Illinois Streetgang Terrorism Omnibus
17 Prevention Act; ~~and~~

18 (16) the Illinois Securities Law of 1953; ~~and~~ -

19 (17) Section 16 of the Timber Buyers Licensing Act.

20 (Source: P.A. 102-558, eff. 8-20-21.)

21 Section 10. The Timber Buyers Licensing Act is amended by
22 changing Sections 2, 3, 4, 5, 7, 8, 9, 9a, 10, 11, 12, 13, 14,
23 and 16 as follows:

24 (225 ILCS 735/2) (from Ch. 111, par. 702)

1 Sec. 2. Definitions. When used in this Act, unless the
2 context otherwise requires, the term:

3 "Agent" means any person acting on behalf of a timber
4 buyer, employed by a timber buyer, or under an agreement,
5 whether oral or written, with a timber buyer who buys timber,
6 attempts to buy timber, procures contracts for the purchase or
7 cutting of timber, or attempts to procure contracts for the
8 purchase or cutting of timber.

9 "Buying timber" means to buy, barter, cut on shares, or
10 offer to buy, barter, cut on shares, or take possession of
11 timber with the consent of the timber grower.

12 "Department" means the Department of Natural Resources.

13 "Director" means the Director of Natural Resources.

14 "Good standing" means any person who is not:

15 (1) currently serving a sentence of probation, or
16 conditional discharge, for a violation of this Act or
17 administrative rules adopted under this Act;

18 (2) owes any amount of money pursuant to a civil
19 judgment regarding the sale, cutting, or transportation of
20 timber;

21 (3) owes the Department any required fee, payment, or
22 money required under this Act; or

23 (4) is currently serving a suspension or revocation of
24 any privilege that is granted under this Act.

25 "Liability insurance" means not less than \$500,000 in
26 insurance covering a timber buyer's business and agents that

1 shall insure against the liability of the insured for the
2 death, injury, or disability of an employee or other person
3 and insurance against the liability of the insured for damage
4 to or destruction of another person's property.

5 "Payment receipt" means copy or duplicate of an original
6 receipt of payment for timber to a timber grower or duplicate
7 of electronic or direct payment verification of funds received
8 by timber grower.

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

11 "Proof of ownership" means a printed document provided by
12 the Department that serves as a written bill of lading.

13 "Resident" means a person who in good faith makes
14 application for any license or permit and verifies by
15 statement that the person has maintained the person's
16 permanent abode or headquarters in this State for a period of
17 at least 30 consecutive days immediately preceding the
18 person's application and who does not maintain a permanent
19 abode or headquarters or claim residency in another state for
20 the purposes of obtaining any of the same or similar licenses
21 or permits covered by this Act. A person's permanent abode or
22 headquarters is the person's fixed and permanent dwelling
23 place or main location where the person conducts business, as
24 distinguished from a temporary or transient place of residence
25 or location.

26 "Timber" means trees, standing or felled, and parts

1 thereof which can be used for sawing or processing into lumber
2 for building or structural purposes or for the manufacture of
3 any article. "Timber" does not include firewood, Christmas
4 trees, fruit or ornamental trees, or wood products not used or
5 to be used for building, structural, manufacturing, or
6 processing purposes.

7 "Timber buyer" means any person licensed or unlicensed,
8 who is engaged in the business of buying timber from the timber
9 growers thereof for sawing into lumber, for processing or for
10 resale, but does not include any person who occasionally
11 purchases timber for sawing or processing for the person's ~~his~~
12 own use and not for resale.

13 ~~"Buying timber" means to buy, barter, cut on shares, or~~
14 ~~offer to buy, barter, cut on shares, or take possession of~~
15 ~~timber, with or without the consent of the timber grower.~~

16 "Timber grower" means the owner, tenant, or operator of
17 land in this State who has an interest in, or is entitled to
18 receive any part of the proceeds from the sale of timber grown
19 in this State and includes persons exercising authority to
20 sell timber.

21 "Transporter" means any person acting on behalf of a
22 timber buyer, employed by a timber buyer, or under an
23 agreement, whether oral or written, with a timber buyer who
24 takes or carries timber from one place to another by means of a
25 motor vehicle.

26 ~~"Department" means the Department of Natural Resources.~~

1 ~~"Director" means the Director of Natural Resources.~~

2 ~~"Employee" means any person in service or under contract~~
3 ~~for hire, expressed or implied, oral or written, who is~~
4 ~~engaged in any phase of the enterprise or business at any time~~
5 ~~during the license year.~~

6 (Source: P.A. 89-445, eff. 2-7-96.)

7 (225 ILCS 735/3) (from Ch. 111, par. 703)

8 Sec. 3. License required. Every person before engaging in
9 the business of a timber buyer shall obtain a license for such
10 purpose from the Department. Application for such license
11 shall be filed with the Department and shall set forth the name
12 of the applicant, its principal officers if the applicant is a
13 corporation or the partners if the applicant is a partnership,
14 the location of any principal office or place of business of
15 the applicant, the counties in this State in which the
16 applicant proposes to engage in the business of timber buyer,
17 a list of all agents of the timber buyer, and such additional
18 information as the Department by rule ~~regulation~~ may require.
19 All timber buyers and their agents must be 18 years of age or
20 older.

21 ~~The application shall set forth the aggregate dollar~~
22 ~~amount paid to timber growers for timber purchased in this~~
23 ~~State during the applicant's last completed fiscal or calendar~~
24 ~~year. In the event the applicant has been engaged as a timber~~
25 ~~buyer for less than one year, his application shall set forth~~

1 ~~the dollar amount paid to timber growers for the number of~~
2 ~~completed months during which the applicant has been so~~
3 ~~engaged. If the applicant has not been previously engaged in~~
4 ~~buying timber in this State, the application shall set forth~~
5 ~~the estimated aggregate dollar amount to be paid by the~~
6 ~~applicant to timber growers for timber to be purchased from~~
7 ~~them during the next succeeding 12 month period.~~

8 (Source: P.A. 77-2796.)

9 (225 ILCS 735/4) (from Ch. 111, par. 704)

10 Sec. 4. Liability insurance Bond. Every person licensed as
11 a timber buyer shall file with the Department a certificate of
12 liability insurance, ~~on a form prescribed and furnished by the~~
13 ~~Department, a performance bond payable to the State of~~
14 ~~Illinois by and through the Department and conditioned on the~~
15 ~~faithful performance of and compliance with all requirements~~
16 ~~of the license and this Act. No such liability insurance~~
17 ~~policy shall be effective under this Section unless issued by~~
18 ~~an insurance company or surety company authorized to do~~
19 ~~business in this State. The bond shall be a surety bond signed~~
20 ~~by the person to be licensed as principal and by a good and~~
21 ~~sufficient corporate surety authorized to engage in the~~
22 ~~business of executing surety bonds within the State of~~
23 ~~Illinois as surety thereon. In lieu of a surety bond an~~
24 ~~applicant for a timber buyers license may, with the approval~~
25 ~~of the Department, deposit with the Department as security a~~

1 ~~certificate of deposit or irrevocable letter of credit of any~~
2 ~~bank organized or transacting business in the United States in~~
3 ~~an amount equal to or greater than the amount of the required~~
4 ~~bond. Such deposits shall be made, held, and disposed of as~~
5 ~~provided in this Act and by the Department by rule. A bond or~~
6 ~~certificate of deposit shall be made payable upon demand to~~
7 ~~the Director, subject to the provisions of this Act, and any~~
8 ~~rules adopted under this Act, and shall be for the use and~~
9 ~~benefit of the people of the State of Illinois, for the use and~~
10 ~~benefit of any timber grower from whom the applicant purchased~~
11 ~~timber and who is not paid by the applicant or for the use and~~
12 ~~benefit of any timber grower whose timber has been cut by the~~
13 ~~applicant or licensee or his or her agents and who has not been~~
14 ~~paid therefor, and for the use and benefit of any person~~
15 ~~aggrieved by the actions of the timber buyer.~~

16 Except as otherwise provided, in this Section, such
17 liability insurance bond shall be in the principal amount of
18 not less than \$500,000 ~~\$ 500 for an applicant who paid timber~~
19 ~~growers \$5,000 or less for timber during the immediate~~
20 ~~preceding year, and an additional \$100 for each additional~~
21 ~~\$1,000 or fraction thereof paid to timber growers for timber~~
22 ~~purchased during the preceding year, but shall not be more~~
23 ~~than \$10,000. In the case of an applicant not previously~~
24 ~~engaged in business as a timber buyer, the amount of such bond~~
25 ~~shall be based on the estimated dollar amount to be paid by~~
26 ~~such timber buyer to timber growers for timber purchased~~

1 ~~during the next succeeding year, as set forth in the~~
2 ~~application; such bond shall, in no event, be in the principal~~
3 ~~amount of less than \$500. In the case of a timber buyer whose~~
4 ~~bond has previously been forfeited in Illinois or in any other~~
5 ~~state, the Department shall double the applicable minimum bond~~
6 ~~amounts under this Section.~~

7 A liability insurance policy ~~and~~ filed in accordance with
8 this Act shall not be canceled ~~cancelled~~ or altered during the
9 period for which the timber buyer remains licensed by the
10 Department without written notification to the Department. At
11 all times, a licensee must have a liability insurance policy
12 that is in conformity with this Act while licensed by the
13 Department ~~except upon at least 60 days notice in writing to~~
14 ~~the Department; in the event that the applicant has deposited~~
15 ~~certificates of deposit in lieu of a corporate surety the~~
16 ~~Department may retain possession of such certificates of~~
17 ~~deposit for a period of 60 days following the expiration or~~
18 ~~revocation of his or her license.~~

19 At any such time as a licensee fails to have the necessary
20 liability insurance, ~~surety bonds, certificates of deposit, or~~
21 ~~irrevocable letters of credit on deposit with the Department~~
22 as required herein, the Department may immediately, and
23 without notice, suspend the privileges of such licensee. In
24 the event of such suspension, the Department shall give
25 immediate notice of the same to the licensee and shall further
26 reinstate such license upon filing with the Department a

1 certificate of liability insurance that conforms to the
2 requirements of this Act ~~the posting of the required surety~~
3 ~~bond, certificates of deposit, or irrevocable letters of~~
4 ~~credit.~~

5 ~~Bonds shall be in such form and contain such terms and~~
6 ~~conditions as may be approved from time to time by the~~
7 ~~Director, be conditioned to secure an honest cutting and~~
8 ~~accounting for timber purchased by the licensee, secure~~
9 ~~payment to the timber growers and to insure the timber growers~~
10 ~~against all fraudulent acts of the licensee in the purchase~~
11 ~~and cutting of the timber of this State.~~

12 ~~In the event the timber buyer fails to pay when owing any~~
13 ~~amount due a timber grower for timber purchased, or fails to~~
14 ~~pay judicially determined damages for timber wrongfully cut by~~
15 ~~a timber buyer or his agent, whether such wrongful cutting has~~
16 ~~occurred on or adjacent to the land which was the subject of~~
17 ~~timber purchase from a timber grower, or commits any violation~~
18 ~~of this Act, then an action on the bond or deposit for~~
19 ~~forfeiture may be commenced. Such action is not exclusive and~~
20 ~~is in addition to any other judicial remedies available.~~

21 ~~In the event that the timber grower or owner of timber cut~~
22 ~~considers himself or herself aggrieved by a timber buyer, he~~
23 ~~or she shall notify the Department in writing of such~~
24 ~~grievance and thereafter the Department shall within 10 days~~
25 ~~give written notice to the timber buyer of the alleged~~
26 ~~violation of this Act or of any violation or noncompliance~~

1 ~~with the regulations hereunder of which the timber grower or~~
2 ~~owner of timber complains. The written notice to the timber~~
3 ~~buyer shall be from the Department by registered or certified~~
4 ~~mail to the licensee and his or her sureties stating in general~~
5 ~~terms the nature of the violation and that an action seeking~~
6 ~~forfeiture of the bond may be commenced at any time after the~~
7 ~~10 days from the date of said notice if at the end of that~~
8 ~~period the violation still remains. In the event the~~
9 ~~Department shall fail to give notice to the timber buyer as~~
10 ~~provided herein, the timber grower or owner of timber cut may~~
11 ~~commence his or her own action for forfeiture of the~~
12 ~~licensee's bond.~~

13 ~~The timber buyer, after receiving notice from the~~
14 ~~Department as provided herein, may within 10 days from the~~
15 ~~date of such notice, request in writing to appear and be heard~~
16 ~~regarding the alleged violation.~~

17 ~~Upon such request from the timber buyer, the Department~~
18 ~~shall schedule a hearing, designating the time and place~~
19 ~~thereof. At such hearing the timber buyer may present for~~
20 ~~consideration of the Department any evidence, statements,~~
21 ~~documents or other information relevant to the alleged~~
22 ~~violation. The hearing shall be presided over by the Director~~
23 ~~or by any hearing officer he or she may designate. The hearing~~
24 ~~officer shall take evidence offered by the timber buyer or the~~
25 ~~Department and shall, if requested by the Department, submit~~
26 ~~his or her conclusions and findings which shall be advisory to~~

1 ~~the Director. Any hearings provided for in this Section shall~~
2 ~~be commenced within 30 days from the request therefor.~~

3 ~~Should the timber buyer fail to make timely request for a~~
4 ~~hearing after receipt of the notice from the Department as~~
5 ~~provided herein, or after a hearing is concluded, the~~
6 ~~Department may either withdraw the notice of violation or~~
7 ~~request the Attorney General to institute proceedings to have~~
8 ~~the bond of the timber buyer forfeited. The Attorney General,~~
9 ~~upon such request from the Department, shall institute~~
10 ~~proceedings to have the bond of the timber buyer forfeited for~~
11 ~~violation of any of the provisions of this Act or for~~
12 ~~noncompliance with any Department regulation.~~

13 ~~In the event that the licensee's bond is forfeited, the~~
14 ~~proceeds thereof shall first be applied to any sums determined~~
15 ~~to be owed to the timber grower or owner of timber cut and then~~
16 ~~to the Department to defray expenses incurred by the~~
17 ~~Department in converting the security into money. Thereafter,~~
18 ~~the Department shall pay such excess to the timber buyer who~~
19 ~~furnished such security.~~

20 ~~In the event the Department realizes less than the amount~~
21 ~~of liability from the security, after deducting expenses~~
22 ~~incurred by the Department in converting the security into~~
23 ~~money, it shall be grounds for the revocation of the timber~~
24 ~~buyer's license.~~

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

1 (225 ILCS 735/5) (from Ch. 111, par. 705)

2 Sec. 5. Prohibitions. It shall be unlawful and a violation
3 of this Act:

4 (a) For any person ~~timber buyer~~ to knowingly: ~~and~~
5 ~~willfully fail to pay, as agreed, for any timber purchased,~~

6 (1) cut, cause to be cut, take, or caused to be taken,
7 any timber without the consent of the timber grower; or

8 (2) enter into an agreement or contract with a timber
9 grower for the cutting of timber and:

10 (A) misrepresenting a material fact relating to
11 the terms of the contract or agreement, creating or
12 confirming another's impression which is false and the
13 buyer does not believe to be true, or promising
14 performance which the person buying the timber does
15 not intend to perform or knows will not be performed;
16 or

17 (B) using or employing any deception, false
18 pretense, or false promise in order to induce,
19 encourage, or solicit such person to enter into any
20 contract or agreement;

21 (b) For a timber buyer to conduct business under this Act
22 without maintaining a liability insurance policy as required
23 under this Act; ~~For any timber buyer to knowingly and~~
24 ~~willfully cut or cause to be cut or appropriate any timber~~
25 ~~without the consent of the timber grower,~~

26 (c) For any person ~~a timber buyer~~ to knowingly willfully

1 make any false statement or knowingly provide false
2 information in connection with the application, liability
3 insurance certification, or other information or reports
4 required to be provided to the Department pursuant to this Act
5 or administrative rule; ~~bond or other information required to~~
6 ~~be given to the Department or a timber grower,~~

7 (d) For any person to act or engage in the business of a
8 timber buyer or act or engage in the business of timber buying
9 as an agent of a timber buyer while not in good standing with
10 the Department or, if required by this Act, while licensed by
11 the Department; ~~To fail to honestly account to the timber~~
12 ~~grower or the Department for timber purchased or cut if the~~
13 ~~buyer is under a duty to do so,~~

14 (e) (blank); ~~For a timber buyer to commit any fraudulent~~
15 ~~act in connection with the purchase or cutting of timber,~~

16 (f) For a person ~~timber buyer or land owner or operator~~ to
17 fail to file any ~~the~~ report or provide any documentation as ~~or~~
18 ~~pay the fees~~ required in ~~Section 9a~~ of this Act or
19 administrative rule; and

20 (g) For any person to resist or obstruct any officer,
21 employee, ~~or~~ agent of the Department, or any member of a law
22 enforcement agency in the discharge of the person's,
23 employee's, agent's, or member's ~~his~~ duties under the
24 provisions of this Act ~~hereof~~.

25 (Source: P.A. 86-208.)

1 (225 ILCS 735/7) (from Ch. 111, par. 707)

2 Sec. 7. License; issuance, validity, and renewal;
3 certificate. All persons buying timber under this Act must
4 possess a valid timber buyer's license. Licenses authorized
5 under this Act shall be prepared by the Department and be in
6 such form as prescribed by the Department. The information
7 required on each license shall be completed thereon by the
8 Department at the time of issuance, and each license shall be
9 signed by the licensee. All such licenses shall be supplied by
10 the Department, subject to such rules as the Department may
11 prescribe. Any license that is not properly prepared,
12 obtained, and signed as required by this Act shall be void. If
13 the Department is satisfied that the applicant has fulfilled
14 the requirements of this Act, the applicant and all listed
15 agents in the application are in good standing, and if the
16 liability insurance bond and sureties or bank certificate of
17 deposit filed by the applicant is approved, the Department
18 shall ~~may~~ issue a license to the applicant. The licenses
19 issued shall be valid for a calendar year and may be renewed
20 annually. A copy of the license certificate issued by the
21 Department shall be posted in the principal office of the
22 licensee in this State. A license from the Department shall
23 include a list of all agents that are required to be reported
24 to the Department in a timber buyer application for license. A
25 timber buyer shall update the Department, in writing, within
26 14 days, of a change in employment for any agent of the timber

1 buyer that is required to be disclosed to the Department. The
2 Department shall then reissue a certificate of license with
3 the updated list of agents as well as any new timber buyer
4 identification cards. The timber buyer identification card
5 issued by the Department shall be carried upon the person of
6 the timber buyer and any agent of the timber buyer when
7 conducting activities covered under this Act for immediate
8 presentation for inspection to the officers and authorized
9 employees of the Department, any sheriff, deputy sheriff, or
10 any other peace officer making demand for it. No person
11 charged with violating this Section, however, shall be
12 convicted if the person ~~he or she~~ produces in court
13 satisfactory evidence that a timber buyer identification card
14 that was valid at the time of the offense had been issued to
15 the timber buyer or agent. All timber buyer identification
16 cards shall be issued by the Department. Any timber
17 identification card that is issued to a timber buyer or timber
18 buyer employee shall be returned to the Department or, if a
19 digital license or digital identification card, shall be
20 canceled by the Department within 5 days of the Department
21 obtaining information of the termination of employment,
22 suspension, or revocation of license, the agent or timber
23 buyer is no longer in good standing, or expiration of a license
24 if the license is not renewed.

25 Upon request for a license and payment of the fee, the
26 Department shall issue to the licensee a certificate that a

1 license has been granted and ~~a bond filed~~ as required by this
2 Act as well as timber buyer identification cards for all
3 listed agents on the timber buyer application that are in good
4 standing.

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

6 (225 ILCS 735/8) (from Ch. 111, par. 708)

7 Sec. 8. Application fee. The application for a resident
8 license to operate as a timber buyer, or a renewal thereof,
9 shall be accompanied by a non-refundable filing fee of \$125 ~~\$~~
10 ~~25.~~ The application for a non-resident license to operate as a
11 timber buyer, or a renewal thereof, shall be accompanied by a
12 non-refundable filing fee of \$300. ~~The fee to be paid for a~~
13 ~~certificate that a license has been issued and security filed~~
14 ~~is \$5.~~

15 The fees required by this Section shall be deposited in
16 the Illinois Forestry Development Fund for the purposes of the
17 "Illinois Forestry Development Act".

18 (Source: P.A. 85-287.)

19 (225 ILCS 735/9) (from Ch. 111, par. 709)

20 Sec. 9. Records and inspection. The Department or any law
21 enforcement agency may inspect any ~~the~~ premises used by any
22 timber buyer in the conduct of the buyer's ~~his or her~~ business
23 during normal business hours, at any reasonable time and such
24 inspection may include, but is not limited to, the inventory,

1 timber, the books, accounts, records, proof of ownership, and
2 or other documentation required under this Act or
3 administrative rule papers of every such timber buyer that
4 operates or does business in the State shall at all times
5 during business hours be subject to inspection by the
6 Department. Any person licensed as a timber buyer as defined
7 in this Act, or any person who has purchased, bartered, or
8 attempted to purchase or barter timber, or any person having
9 possession or who has had possession of timber as defined in
10 this Act shall be prima facie evidence that the person is be
11 considered a timber buyer, excluding transporters. A timber
12 buyer shall retain the books, accounts, records, proof of
13 ownership, or other documentation required under this Act or
14 administrative rule and papers used in the conduct of the
15 buyer's his or her business for a period of 3 years after any
16 purchase, cutting, or transportation of timber made by the
17 timber buyer or the buyer's employee. All timber buyers shall
18 provide to a transporter and a transporter shall have
19 immediately available proof of ownership, on forms provided by
20 the Department, for all timber that is currently being
21 transported by the transporter.

22 (Source: P.A. 85-287.)

23 (225 ILCS 735/9a) (from Ch. 111, par. 709a)

24 Sec. 9a. Reporting a harvest fee.

25 (a) When a timber buyer buys purchases timber in this

1 State, the timber buyer and timber grower shall determine the
2 amount to be paid for such timber, or the value of items to be
3 bartered for such timber, and the timber buyer shall deduct
4 from the payment to the timber grower an amount which equals 4%
5 of the purchase price or 4% of the minimum fair market value,
6 as determined pursuant to administrative rule, when purchase
7 price cannot otherwise be determined and shall forward such
8 amount to the Department of Natural Resources, ~~along with a~~
9 ~~report of the purchase on forms provided by the Department.~~

10 (b) When a timber buyer buys timber in this State, the
11 timber buyer shall file a report to the Department on a report
12 form provided by the Department. The information provided on
13 the report form shall include the amount paid for the timber to
14 each timber grower and the 4% that is due to the Department for
15 each sale, and any other information that is required by the
16 Department pursuant to administrative rule. A timber buyer
17 shall provide the timber grower a written or electronic
18 payment receipt for each transaction of timber bought from the
19 timber grower and keep a duplicate or copy of the payment
20 receipt in the timber buyer's records. All timber buyers shall
21 provide a written receipt upon request of the Department.

22 (c) Every timber grower who utilizes timber produced on
23 land ~~the timber grower~~ ~~he~~ owns or operates for sawing into
24 lumber, for processing, or for resale, ~~except a person who~~
25 ~~occasionally uses his own timber for sawing or processing for~~
26 ~~his own use and not for resale, shall report periodically, as~~

1 ~~required by regulation of the Department, the quantity of~~
2 ~~timber produced and utilized by the owner or operator during~~
3 ~~the reporting period. Such timber grower shall pay to the~~
4 Department, when the periodic report is submitted, an amount
5 equal to 4% of the minimum fair market ~~gross~~ value of the
6 timber utilized during the period. The value of such timber
7 shall be determined pursuant to rule of the Department. ~~Such~~
8 ~~rules shall include a voluntary arbitration program for use in~~
9 ~~situations in which a dispute arises as to the gross value of~~
10 ~~the timber.~~

11 (d) Every timber grower who utilizes timber produced on
12 land the timber grower owns or operates for sawing into lumber
13 for processing or for resale, shall report periodically, as
14 required by this Act or administrative rule of the Department,
15 the quantity, value, and species of timber produced and
16 utilized by the owner or operator during the reporting period.

17 (e) Subsections (c) and (d) shall not apply to a person who
18 uses the person's own timber for sawing or processing for
19 personal use and not for resale.

20 (f) The fees required by this Section shall be deposited
21 in the Illinois Forestry Development Fund, a special fund in
22 the State ~~treasury~~ Treasury, for the purposes of the "Illinois
23 Forestry Development Act".

24 (Source: P.A. 89-445, eff. 2-7-96.)

1 Sec. 10. Rulemaking. The Department may make such
2 administrative rules and regulations as may be necessary to
3 carry out the provisions of this Act in accordance with the
4 Illinois Administrative Procedure Act.

5 (Source: P.A. 76-1307.)

6 (225 ILCS 735/11) (from Ch. 111, par. 711)

7 Sec. 11. Penalties and fines. All fines and penalties
8 associated with violations of this Act or administrative rules
9 thereunder, except as otherwise provided in this Act, are
10 payable 50% to the Department's Conservation Police Operations
11 Assistance Fund and 50% to the Department's Illinois Forestry
12 Development Fund.

13 (a) Except as otherwise provided in this Act ~~Section~~ any
14 person in violation of any of the provisions of this Act, or
15 administrative rules thereunder, shall be guilty of a Class A
16 misdemeanor.

17 (a-5) Any person convicted of violating Section 3 of this
18 Act shall be guilty of a Class A misdemeanor and fined at least
19 \$500 for a first offense and guilty of a Class 4 felony and
20 fined at least \$1,000 for a second or subsequent offense.

21 (a-10) Any person convicted of violating subsection (a) of
22 Section 5 is guilty of a Class A misdemeanor if the aggregate
23 value of the timber cut, caused to be cut, or appropriated is
24 equal to or less than \$500.

25 (a-15) Any person convicted of violating subsection (a) or

1 (c) of Section 9a is guilty of a Class A misdemeanor if the
2 aggregate value of the amount due to the Department is equal to
3 or less than \$500.

4 (b) Any person convicted of violating subsection
5 ~~subsections (a) or (b)~~ of Section 5 of this Act is guilty of a
6 Class 4 felony if the aggregate value of the timber ~~purchased,~~
7 cut, caused to be cut or appropriated is over \$500 ~~\$300~~ but not
8 more than \$2,500.

9 (b-2) Any person convicted of violating subsection (a) or
10 (c) of Section 9a is guilty of a Class 4 felony if the
11 aggregate value of the amount due to the Department is over
12 \$500 but not more than \$2,500.

13 (b-5) Any person convicted of violating subsection (a) ~~or~~
14 ~~(b)~~ of Section 5 of this Act is guilty of a Class 3 felony if
15 the aggregate value of the timber ~~purchased,~~ cut, caused to be
16 cut, or appropriated is over \$2,500 but not more than \$10,000.

17 (b-7) Any person convicted of violating subsection (a) or
18 (c) of Section 9a is guilty of a Class 3 felony if the
19 aggregate value of the amount due to the Department is over
20 \$2,500 but not more than \$10,000.

21 (b-10) Any person convicted of violating subsection (a) ~~or~~
22 ~~(b)~~ of Section 5 of this Act is guilty of a Class 2 felony if
23 the aggregate value of the timber ~~purchased,~~ cut, caused to be
24 cut, or appropriated is over \$10,000.

25 (b-12) Any person convicted of violating subsection (a) or
26 (c) of Section 9a is guilty of a Class 2 felony if the

1 aggregate value of the amount due to the Department is over
2 \$10,000.

3 (b-15) The aggregate value of the timber ~~purchased,~~ cut,
4 caused to be cut, or appropriated shall be determined as
5 provided by administrative rule.

6 (c) A person convicted of violating subsection (b) ~~(f)~~ of
7 Section 5 of this Act is guilty of a Class A misdemeanor. A
8 person convicted of a second or subsequent violation is guilty
9 of a Class 4 felony.

10 (c-5) A person convicted of violating subsection (c) of
11 Section 5 is guilty of a Class A misdemeanor.

12 (c-10) A person convicted of violating subsection (d) of
13 Section 5 is guilty of a Class A misdemeanor and shall be
14 assessed a fine of not less than \$1,000. A person convicted of
15 a second or subsequent violation is guilty of a Class 4 felony
16 and shall be assessed a fine of not less than \$2,000.

17 (c-15) A person convicted of violating subsection (f) of
18 Section 5 is guilty of a Class B misdemeanor.

19 (c-20) A person convicted of violating subsection (g) of
20 Section 5 is guilty of a Class C misdemeanor.

21 (d) All penalties issued pursuant to subsections (e) and
22 (f) amounts collected as fines imposed as penalties for
23 violation of this Act shall be deposited in the Illinois
24 Forestry Development Fund for the purposes of the "Illinois
25 Forestry Development Act".

26 (e) Failure ~~In case of a failure~~ to pay any purchase

1 harvest fee required under Section 9a of this Act on the date
2 as required by regulation of the Department, there shall be
3 added as a penalty an amount equal to 7.5% of the harvest fee
4 due the Department for each month or fraction thereof during
5 which such failure continues, not to exceed 37.5% in the
6 aggregate. This penalty shall be in addition to any other
7 penalty determined under this Act or by the circuit court.

8 (f) A person convicted of violating subsection (b) or (d)
9 of Section 9a shall be guilty of a Class C misdemeanor and
10 shall be assessed ~~In case of failure to file the appropriate~~
11 ~~report of the purchase harvest fee form stipulated under~~
12 ~~Section 9a of this Act on the date prescribed therefore,~~ a
13 penalty in the amount of \$25, which shall be added to the
14 amount due the Department for each individual report ~~shall be~~
15 ~~added to the amount due the Department.~~ A second or subsequent
16 offense within a 3-year period after the date of the first
17 offense is a Class A misdemeanor.

18 (g) All fines required in this Section ~~This penalty~~ shall
19 be in addition to any other penalty authorized ~~determined~~
20 under this Act, the Unified Code of Corrections, or imposed by
21 the circuit court.

22 (h) Any person who knowingly or intentionally violates any
23 of the provisions of this Act, or administrative rules
24 thereunder, when the person's license has been revoked or
25 denied or the person's ability to engage in the activity
26 requiring the license has been suspended under Section 13 is

1 guilty of:

2 (1) a Class 4 felony if the underlying offense that
3 was committed during a period of revocation or suspension
4 is a misdemeanor; or

5 (2) one classification higher if the underlying
6 offense that was committed during a period of revocation
7 or suspension is a felony.

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

9 (225 ILCS 735/12) (from Ch. 111, par. 712)

10 Sec. 12. Default. No certificate of license or timber
11 buyer identification card shall be issued to any person who is
12 in default to the people of the State ~~of Illinois~~ for moneys
13 due under this Act.

14 (Source: P.A. 76-1307.)

15 (225 ILCS 735/13) (from Ch. 111, par. 713)

16 Sec. 13. License revocation.

17 (a) The Department may revoke the license of any person
18 who violates the provisions of this Act, and may refuse to
19 issue any permit or license to any such person who is in
20 violation of this Act for a period of time as established by
21 administrative rule ~~not to exceed 5 years following such~~
22 ~~revocation.~~

23 (a-5) License revocation, suspension, or refusal by the
24 Department to issue or reissue any permit or license, and the

1 procedures for such action by the Department or appeals to
2 such action that was taken by the Department shall be
3 established by administrative rule and in accordance with the
4 Illinois Administrative Procedure Act.

5 (b) (Blank). ~~Whenever the holder of a license issued under~~
6 ~~this Act is found guilty of any misrepresentation in obtaining~~
7 ~~his or her license or of a violation of any of the provisions~~
8 ~~of this Act or rules adopted pursuant to this Act, the~~
9 ~~Department may:~~

10 ~~(1) revoke his or her license;~~

11 ~~(2) refuse to issue a license to that person; and~~

12 ~~(3) suspend the person from engaging in the activity~~
13 ~~requiring the license for up to 5 years following the~~
14 ~~revocation.~~

15 (c) (Blank). ~~Whenever the holder of a license issued under~~
16 ~~this Act is found guilty of any misrepresentation in obtaining~~
17 ~~his or her license or of a violation of any of the provisions~~
18 ~~of this Act or rules adopted pursuant to this Act, and his or~~
19 ~~her license has been previously revoked or his or her ability~~
20 ~~to engage in the activity requiring the license has been~~
21 ~~previously suspended, the Department may:~~

22 ~~(1) revoke his or her license;~~

23 ~~(2) refuse to issue any license to that person; and~~

24 ~~(3) suspend the person from engaging in the activity~~
25 ~~requiring the license for at least 5 years but not more~~
26 ~~than 10 years following the revocation or suspension.~~

1 (d) (Blank). ~~Whenever the holder of a license issued under~~
2 ~~this Act is found guilty of any misrepresentation in obtaining~~
3 ~~that license or of a violation of any of the provisions of this~~
4 ~~Act or rules adopted under this Act, and his or her license has~~
5 ~~been previously revoked or his or her ability to engage in the~~
6 ~~activity requiring the license has been suspended on 2 or more~~
7 ~~occasions, the Department may:~~

8 ~~(1) revoke his or her license;~~

9 ~~(2) refuse to issue any license to that person; and~~

10 ~~(3) suspend the person from engaging in the activity~~
11 ~~requiring the license for at least 10 years but not more~~
12 ~~than 75 years following the revocation or suspension.~~
13 ~~Department revocation procedures shall be established by~~
14 ~~administrative rule.~~

15 ~~If the holder of a license is found negligent with respect~~
16 ~~to any duty required under this Act, the Department may~~
17 ~~suspend or revoke his or her privilege to engage in the~~
18 ~~activity for which the license is required, his or her~~
19 ~~license, or both.~~

20 (e) (Blank). ~~Whenever a person who has not been issued a~~
21 ~~license under this Act is found guilty of a violation of the~~
22 ~~provisions of this Act or rules adopted under this Act, the~~
23 ~~Department may:~~

24 ~~(1) refuse to issue any license to that person; and~~

25 ~~(2) suspend that person from engaging in the activity~~
26 ~~requiring the license for up to 5 years following the~~

1 ~~revocation.~~

2 (f) (Blank). ~~Whenever a person who has not been issued a~~
3 ~~license under this Act is found guilty of a violation of this~~
4 ~~Act or rules adopted under this Act and his or her license has~~
5 ~~been previously revoked or his or her ability to engage in the~~
6 ~~activity requiring the license has been previously suspended,~~
7 ~~the Department may:~~

8 ~~(1) refuse to issue any license to that person; and~~

9 ~~(2) suspend that person from engaging in the activity~~
10 ~~requiring the license for at least 5 years but not more~~
11 ~~than 10 years following the revocation or suspension.~~

12 (g) (Blank). ~~Whenever a person who has not been issued a~~
13 ~~license under this Act is found guilty of a violation of this~~
14 ~~Act or rules adopted under this Act and his or her license has~~
15 ~~been previously revoked or his or her ability to engage in the~~
16 ~~activity requiring the license has been suspended on 2 or more~~
17 ~~occasions, the Department may:~~

18 ~~(1) refuse to issue any license to that person; and~~

19 ~~(2) suspend that person from engaging in the activity~~
20 ~~requiring the license for at least 10 years but not more~~
21 ~~than 75 years following the revocation or suspension.~~

22 (h) (Blank). ~~Licenses authorized under this Act shall be~~
23 ~~prepared by the Department and be in such form as prescribed by~~
24 ~~the Department. The information required on each license shall~~
25 ~~be completed thereon by the issuing agent at the time of~~
26 ~~issuance and each license shall be signed by the licensee. All~~

1 ~~such licenses shall be supplied by the Department, subject to~~
2 ~~such rules as the Department may prescribe. Any license that~~
3 ~~is not properly prepared, obtained, and signed as required by~~
4 ~~this Act shall be void.~~

5 (i) Any person whose license to engage in an activity
6 regulated by this Act has been revoked or whose ability to
7 engage in the activity requiring the license has been
8 suspended may not, during the period of suspension or
9 revocation:

10 (1) hold any license authorized by this Act;

11 (2) perform directly or indirectly any privileges
12 authorized by any license issued in accordance with this
13 Act; or

14 (3) buy, sell, barter, trade, or take possession of
15 any timber as defined in this Act, regardless of any
16 contractual agreements entered into prior to the
17 revocation or suspension.

18 (j) No person may be issued a license or engage in any
19 activity regulated by this Act for which a license is required
20 during the time that the person's privilege to engage in the
21 same or similar activities is suspended or revoked by another
22 state, by a federal agency, or by a province of Canada.

23 ~~Any person who knowingly or intentionally violates any of~~
24 ~~the provisions of this Act, or administrative rules~~
25 ~~thereunder, when his or her license has been revoked or denied~~
26 ~~or his or her ability to engage in the activity requiring the~~

1 ~~license has been suspended under this Section, is guilty of a~~
2 ~~Class 4 felony.~~

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

4 (225 ILCS 735/16) (from Ch. 111, par. 716)

5 Sec. 16. Forfeiture and seizure. Any timber, forestry, or
6 wood cutting device or equipment, including vehicles and
7 conveyances used or operated in violation of this Act,
8 including administrative rules, or attempted to be used in
9 violation of this Act or administrative rules shall be deemed
10 a public nuisance and subject to the seizure and confiscation
11 by any authorized employee of the Department; upon the seizure
12 of such item the Department shall take and hold the same until
13 disposed of as hereinafter provided.

14 Upon the seizure of any property as herein provided, the
15 authorized employee of the Department making such seizure
16 shall forthwith cause a complaint to be filed before the
17 Circuit Court and a summons to be issued requiring the person
18 who illegally used or operated or attempted to use or operate
19 such property and the owner and person in possession of such
20 property to appear in court and show cause why the property
21 seized should not be forfeited to the State. Upon the return of
22 the summons duly served or other notice as herein provided,
23 the court shall proceed to determine the question of the
24 illegality of the use of the seized property and upon judgment
25 being entered to the effect that such property was illegally

1 used, an order may be entered providing for the forfeiture of
2 such seized property to the Department and shall thereupon
3 become the property of the Department; but the owner of such
4 property may have a jury determine the illegality of its use,
5 and shall have the right of an appeal, as in other cases. Such
6 confiscation or forfeiture shall not preclude or mitigate
7 against prosecution and assessment of penalties otherwise
8 provided in this Act.

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

1 person entitled to possession of such property may claim and
2 recover possession of the property at any time before its sale
3 at public auction, upon providing reasonable and satisfactory
4 proof of ownership or right of possession and reimbursing the
5 Department for all reasonable expenses of custody thereof.

6 Any property forfeited to the State by court order
7 pursuant to this Section may be disposed of by public auction,
8 except that any property which is the subject of such a court
9 order shall not be disposed of pending appeal of the order. The
10 proceeds of the sales at auction shall be deposited in the
11 Illinois Forestry Development Fund.

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

16 (Source: P.A. 86-208.)".