

SB0518



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0518

Introduced 2/8/2007, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.33b new
520 ILCS 5/3.5

from Ch. 61, par. 3.5

Amends the Wildlife Code. Provides that a person may not operate, provide, sell, use, or offer to operate, provide, sell, or use any computer software or service that allows a person not physically present at the hunt site to remotely control a weapon that could be used to take wildlife by remote operation. Sets out criminal penalties for violation of the Act. Effective immediately.

LRB095 05137 CMK 25208 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning wildlife.

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

4 Section 5. The Wildlife Code is amended by changing Section
5 3.5 and by adding Section 2.33b as follows:

6 (520 ILCS 5/2.33b new)

7 Sec. 2.33b. Computer-assisted remote hunting; prohibition.

8 A person may not operate, provide, sell, use, or offer to
9 operate, provide, sell, or use any computer software or service
10 that allows a person not physically present at the hunt site to
11 remotely control a weapon that could be used to take wildlife
12 by remote operation, including, but not limited to, weapons or
13 devices set up to fire through the use of the Internet or
14 through a remote control device.

15 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

16 Sec. 3.5. Penalties; probation.

17 (a) Any person who violates any of the provisions of
18 Section 2.36a, including administrative rules, shall be guilty
19 of a Class 3 felony, except as otherwise provided in subsection
20 (b) of this Section and subsection (a) of Section 2.36a.

21 (b) Whenever any person who has not previously been
22 convicted of, or placed on probation or court supervision for,

1 any offense under Section 1.22, 2.36, or 2.36a or subsection
2 (i) or (cc) of Section 2.33, the court may, without entering a
3 judgment and with the person's consent, sentence the person to
4 probation for a violation of Section 2.36a.

5 (1) When a person is placed on probation, the court
6 shall enter an order specifying a period of probation of 24
7 months and shall defer further proceedings in the case
8 until the conclusion of the period or until the filing of a
9 petition alleging violation of a term or condition of
10 probation.

11 (2) The conditions of probation shall be that the
12 person:

13 (A) Not violate any criminal statute of any
14 jurisdiction.

15 (B) Perform no less than 30 hours of community
16 service, provided community service is available in
17 the jurisdiction and is funded and approved by the
18 county board.

19 (3) The court may, in addition to other conditions:

20 (A) Require that the person make a report to and
21 appear in person before or participate with the court
22 or courts, person, or social service agency as directed
23 by the court in the order of probation.

24 (B) Require that the person pay a fine and costs.

25 (C) Require that the person refrain from
26 possessing a firearm or other dangerous weapon.

1 (D) Prohibit the person from associating with any
2 person who is actively engaged in any of the activities
3 regulated by the permits issued or privileges granted
4 by the Department of Natural Resources.

5 (4) Upon violation of a term or condition of probation,
6 the court may enter a judgment on its original finding of
7 guilt and proceed as otherwise provided.

8 (5) Upon fulfillment of the terms and conditions of
9 probation, the court shall discharge the person and dismiss
10 the proceedings against the person.

11 (6) A disposition of probation is considered to be a
12 conviction for the purposes of imposing the conditions of
13 probation, for appeal, and for administrative revocation
14 and suspension of licenses and privileges; however,
15 discharge and dismissal under this Section is not a
16 conviction for purposes of disqualification or
17 disabilities imposed by law upon conviction of a crime.

18 (7) Discharge and dismissal under this Section may
19 occur only once with respect to any person.

20 (8) If a person is convicted of an offense under this
21 Act within 5 years subsequent to a discharge and dismissal
22 under this Section, the discharge and dismissal under this
23 Section shall be admissible in the sentencing proceeding
24 for that conviction as a factor in aggravation.

25 (9) The Circuit Clerk shall notify the Department of
26 State Police of all persons convicted of or placed under

1 probation for violations of Section 2.36a.

2 (c) Any person who violates any of the provisions of
3 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,
4 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),
5 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 - 3.16, 3.19 - 3.21
6 (except subsections (b), (c), (d), (e), (f), (f.5), (g), (h),
7 and (i)), and 3.24 - 3.26, including administrative rules,
8 shall be guilty of a Class B misdemeanor.

9 A person who violates Section 2.33b by using any computer
10 software or service to remotely control a weapon that takes
11 wildlife by remote operation is guilty of a Class B
12 misdemeanor. A person who violates Section 2.33b by
13 facilitating a violation of Section 2.33b, including an owner
14 of land in which remote control hunting occurs, a computer
15 programmer who designs a program or software to facilitate
16 remote control hunting, or a person who provides weapons or
17 equipment to facilitate remote control hunting is guilty of a
18 Class A misdemeanor.

19 Any person who violates any of the provisions of Sections
20 1.22, 2.4, 2.36 and 2.38, including administrative rules, shall
21 be guilty of a Class A misdemeanor. Any second or subsequent
22 violations of Sections 2.4 and 2.36 shall be a Class 4 felony.

23 Any person who violates any of the provisions of this Act,
24 including administrative rules, during such period when his
25 license, privileges, or permit is revoked or denied by virtue
26 of Section 3.36, shall be guilty of a Class A misdemeanor.

1 Any person who violates subsection (g), (i), (o), (p), (y),
2 or (cc) of Section 2.33 shall be guilty of a Class A
3 misdemeanor and subject to a fine of no less than \$500 and no
4 more than \$5,000 in addition to other statutory penalties.

5 Any person who violates any other of the provisions of this
6 Act including administrative rules, unless otherwise stated,
7 shall be guilty of a petty offense. Offenses committed by
8 minors under the direct control or with the consent of a parent
9 or guardian may subject the parent or guardian to the penalties
10 prescribed in this Section.

11 In addition to any fines imposed pursuant to the provisions
12 of this Section or as otherwise provided in this Act, any
13 person found guilty of unlawfully taking or possessing any
14 species protected by this Act, shall be assessed a civil
15 penalty for such species in accordance with the values
16 prescribed in Section 2.36a of this Act. This civil penalty
17 shall be imposed by the Circuit Court for the county within
18 which the offense was committed at the time of the conviction.
19 All penalties provided for in this Section shall be remitted to
20 the Department in accordance with the same provisions provided
21 for in Section 1.18 of this Act.

22 (Source: P.A. 94-222, eff. 7-14-05.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.