



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3699

by Rep. Jerry F. Costello, II

SYNOPSIS AS INTRODUCED:

720 ILCS 5/48-3

Amends the Criminal Code of 2012. Provides that the exemption from a violation of the statute concerning hunter or fisherman interference for landowners, tenants, or lease holders exercising their legal rights to the enjoyment of land does not apply when those actions are knowingly or intentionally interfering with the lawful taking of wildlife or aquatic life by an adjacent landowner, tenant, or lease holder.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Section 48-3 as follows:

6 (720 ILCS 5/48-3)

7 Sec. 48-3. Hunter or fisherman interference.

8 (a) Definitions. As used in this Section:

9 "Aquatic life" means all fish, reptiles, amphibians,
10 crayfish, and mussels the taking of which is authorized by
11 the Fish and Aquatic Life Code.

12 "Interfere with" means to take any action that
13 physically impedes, hinders, or obstructs the lawful
14 taking of wildlife or aquatic life.

15 "Taking" means the capture or killing of wildlife or
16 aquatic life and includes travel, camping, and other acts
17 preparatory to taking which occur on lands or waters upon
18 which the affected person has the right or privilege to
19 take such wildlife or aquatic life.

20 "Wildlife" means any wildlife the taking of which is
21 authorized by the Wildlife Code and includes those species
22 that are lawfully released by properly licensed permittees
23 of the Department of Natural Resources.

1 (b) A person commits hunter or fisherman interference when
2 he or she intentionally or knowingly:

3 (1) obstructs or interferes with the lawful taking of
4 wildlife or aquatic life by another person with the
5 specific intent to prevent that lawful taking;

6 (2) drives or disturbs wildlife or aquatic life for the
7 purpose of disrupting a lawful taking of wildlife or
8 aquatic life;

9 (3) blocks, impedes, or physically harasses another
10 person who is engaged in the process of lawfully taking
11 wildlife or aquatic life;

12 (4) uses natural or artificial visual, aural,
13 olfactory, gustatory, or physical stimuli to affect
14 wildlife or aquatic life behavior in order to hinder or
15 prevent the lawful taking of wildlife or aquatic life;

16 (5) erects barriers with the intent to deny ingress or
17 egress to or from areas where the lawful taking of wildlife
18 or aquatic life may occur;

19 (6) intentionally interjects himself or herself into
20 the line of fire or fishing lines of a person lawfully
21 taking wildlife or aquatic life;

22 (7) affects the physical condition or placement of
23 personal or public property intended for use in the lawful
24 taking of wildlife or aquatic life in order to impair the
25 usefulness of the property or prevent the use of the
26 property;

1 (8) enters or remains upon or over private lands
2 without the permission of the owner or the owner's agent,
3 with the intent to violate this subsection;

4 (9) fails to obey the order of a peace officer to
5 desist from conduct in violation of this subsection (b) if
6 the officer observes the conduct, or has reasonable grounds
7 to believe that the person has engaged in the conduct that
8 day or that the person plans or intends to engage in the
9 conduct that day on a specific premises; or

10 (10) uses a drone in a way that interferes with another
11 person's lawful taking of wildlife or aquatic life. For the
12 purposes of this paragraph (10), "drone" means any aerial
13 vehicle that does not carry a human operator.

14 (c) Exemptions; defenses.

15 (1) This Section does not apply to actions performed by
16 authorized employees of the Department of Natural
17 Resources, duly accredited officers of the U.S. Fish and
18 Wildlife Service, sheriffs, deputy sheriffs, or other
19 peace officers if the actions are authorized by law and are
20 necessary for the performance of their official duties.

21 (2) This Section does not apply to landowners, tenants,
22 or lease holders exercising their legal rights to the
23 enjoyment of land, including, but not limited to, farming
24 and restricting trespass, except when those actions are
25 knowingly or intentionally interfering with the lawful
26 taking of wildlife or aquatic life by an adjacent

1 landowner, tenant, or lease holder.

2 (3) It is an affirmative defense to a prosecution for a
3 violation of this Section that the defendant's conduct is
4 protected by his or her right to freedom of speech under
5 the constitution of this State or the United States.

6 (4) Any interested parties may engage in protests or
7 other free speech activities adjacent to or on the
8 perimeter of the location where the lawful taking of
9 wildlife or aquatic life is taking place, provided that
10 none of the provisions of this Section are being violated.

11 (d) Sentence. A first violation of paragraphs (1) through
12 (8) of subsection (b) is a Class B misdemeanor. A second or
13 subsequent violation of paragraphs (1) through (8) of
14 subsection (b) is a Class A misdemeanor for which imprisonment
15 for not less than 7 days shall be imposed. A person guilty of a
16 second or subsequent violation of paragraphs (1) through (8) of
17 subsection (b) is not eligible for court supervision. A
18 violation of paragraph (9) or (10) of subsection (b) is a Class
19 A misdemeanor. A court shall revoke, for a period of one year
20 to 5 years, any Illinois hunting, fishing, or trapping
21 privilege, license or permit of any person convicted of
22 violating any provision of this Section. For purposes of this
23 subsection, a "second or subsequent violation" means a
24 conviction under paragraphs (1) through (8) of subsection (b)
25 of this Section within 2 years of a prior violation arising
26 from a separate set of circumstances.

1 (e) Injunctions; damages.

2 (1) Any court may enjoin conduct which would be in
3 violation of paragraphs (1) through (8) or (10) of
4 subsection (b) upon petition by a person affected or who
5 reasonably may be affected by the conduct, upon a showing
6 that the conduct is threatened or that it has occurred on a
7 particular premises in the past and that it is not
8 unreasonable to expect that under similar circumstances it
9 will be repeated.

10 (2) A court shall award all resulting costs and damages
11 to any person adversely affected by a violation of
12 paragraphs (1) through (8) or (10) of subsection (b), which
13 may include an award for punitive damages. In addition to
14 other items of special damage, the measure of damages may
15 include expenditures of the affected person for license and
16 permit fees, travel, guides, special equipment and
17 supplies, to the extent that these expenditures were
18 rendered futile by prevention of the taking of wildlife or
19 aquatic life.

20 (Source: P.A. 97-1108, eff. 1-1-13; 98-402, eff. 8-16-13.)