

Revocations/Suspensions for Violations



POINT SYSTEM

Pages 29-30 is a synopsis of IDNR points, revocations, and suspensions. For more complete information, see the below applicable Acts and 17 IL Adm. Code 2530.

APPLICATION WITHIN ACTS	POINTS	GROUPS
<p>The point system applies to revocations/suspensions authorized under the following conservation laws:</p> <p>Fish and Aquatic Life Code (515 ILCS 5)</p> <p>Wildlife Code (520 ILCS 5)</p> <p>Endangered Species Protection Act (520 ILCS 10)</p> <p>Timber Buyers Licensing Act (225 ILCS 735)</p> <p>Ginseng Harvesting Act (525 ILCS 20) or any similar federal statutes or rules.</p>	<p>Each time a person is found guilty by a circuit court of the State of Illinois (including supervision or conditional discharge) or by a U.S. District Court in an Illinois District, the specific number of points assigned to such violation shall be charged against that person.</p> <p>Petty Offense = 3 points Class C Misdemeanor = 6 points Class B Misdemeanor = 9 points Class A Misdemeanor = 12 points Class 4 Felony = 24 points Class 3 Felony or higher = 60 points</p> <p>Any violation committed during a period of suspension = 60 points.</p> <p>Any violation of section 2.33(cc) or 2.38 of the Wildlife Code = 13 points.</p> <p>Any violation of sections 20-120(h) and 20-125(3) of the Fish and Aquatic Code = 13 points (effective 01/20/11)</p> <p>Federal offenses shall be assessed points based upon the classification of offense for the corresponding Illinois violation.</p>	<p>Group A Wildlife Code, Endangered Species Protection Act (Wildlife), Federal Offenses (Wildlife) and Section 5/48 - 3(b) of the Criminal Code of 2012 (Wildlife)</p> <p>Group B Fish and Aquatic Life Code, Endangered Species Protection Act (Aquatic Life), Federal Offenses (Aquatic Life) and Section 5/48 - 3(b) of the Criminal Code of 2012 (Aquatic Life)</p> <p>Group C Timber Buyers Licensing Act</p> <p>Group D Ginseng Harvesting Act, Endangered Species Protection Act (Plants) and Federal Offenses (Plants)</p>

SINGLE INCIDENT RULE

Type I Offenses = Those offenses related to commercial/business activities covered under the Timber Buyer, Taxidermist, Aquaculture, Aquatic Life Dealer, Minnow Dealer, Mussel Dealer, Commercial Roe Dealer, Commercial Fisherman, Commercial Mussel Harvester, Commercial Roe Harvester, Game and Game Bird Breeder, Wild Game Food Dealer, Fur Bearing Animal Breeder, Fur Tanner, **Class A Nuisance Wildlife Control Operator** or Migratory Waterfowl Hunting Area, **charter fishing licenses and permits**.

Type II Offenses = All other offenses related to activities covered under licenses and permits. (Example: hunting, trapping, fishing, etc.)

COMPUTATION OF SUSPENSION PERIODS

For **Type I Offenses**, any person who, within an 18 month period, accumulates 13 or more points in a single group shall have all licenses, permits and stamps relevant to those types of activities revoked, and the person's privilege to engage in Type I activities shall be suspended for a period of time that equals one month for each point accumulated. All accumulated points shall remain in effect for 18 months from the date of arrest that resulted in the point accumulation and shall not be removed or reduced by a period of suspension. Any second or subsequent suspension imposed shall be served consecutively to any earlier suspension.

For **Type II Offenses**, any person who, within a 36 month period, accumulates 13 or more points in a single group shall have all licenses, permits and stamps relevant to that type and group revoked, and the person's privilege to engage in the activity covered by the type and group shall be suspended for a period of time that equals one month for each point accumulated. All accumulated points shall remain in effect for 36 months from the date of arrest that resulted in the point accumulation and shall not be removed or reduced by a period of suspension. Any second or subsequent suspension imposed shall be served consecutively to any earlier suspension.

SINGLE INCIDENT RULE

In the event that multiple findings of guilt are entered against an individual arising out of a single incident or act, full points shall be assessed only for the finding of guilt with the highest point level with additional points being assessed for the remaining findings of guilt as follows:

Petty Offense = **1 point**
 Class C Misdemeanor = **2 points**
 Class B Misdemeanor = **3 points**

The Single Incident Rule shall not be applied in any cases where the highest level violation is a Class A Misdemeanor or higher (12 points or greater) or in cases where violations occurred while the individual was suspended.

Suspensions Imposed on a Quarterly Basis

Whenever sufficient points have been accumulated, the suspension will be imposed by the Department on a quarterly basis as follows:

DISPOSITIONS RECEIVED

January – March
April – June
July – September
October – December

SUSPENSIONS BEGINS ON:

April 30th
July 30th
October 30th
January 30th

A person has the right to appeal any revocation/suspension to a Department of Natural Resources Hearing Officer, within the guidelines found in 17 IL Adm. Code 2530.

EXAMPLES:

A) Type I – Findings of Guilt for Separate Incidents: A person found guilty of violations under the Wildlife Code of no taxidermy license, failure to tag specimens and failure to keep proper records (a Class B Misdemeanor and two petty offenses, respectively) occurring on different dates is assessed the full 15 points (9+3+3), and revocation of Type I licenses and suspension of Type I privileges is imposed for a period of 15 months.

B) Type I – Findings of Guilt for a Single Incident: A person found guilty of the same violations as A) above (a Class B Misdemeanor and two petty offenses) arising out of a single incident has no revocation/suspension imposed, with 10 points assessed (9+1+1).

C) Type II – Findings of Guilt for Separate Incidents: A person found guilty of hunting by use of lights from a vehicle (Class A Misdemeanor=12 points) and taking an over limit of quail (Petty Offense 3 points) has his/her hunting license, trapping license, migratory waterfowl stamp, habitat stamp, deer/turkey permits, etc. revoked, and Type II privileges suspended in Group A for a period of 15 months.

D) Type II – Findings of Guilt for a Single Incident

1) A person found guilty of violations of taking game birds with a rifle and no hunting license (Class A Misdemeanor and Petty Offense) arising out of a single incident is assessed 15 points and suspension imposed as described in C above. The Single Incident Rule does not apply to cases where the highest level violation is a Class A Misdemeanor or higher.

2) A person found guilty of violations of taking deer without a permit and no hunting license (Class B Misdemeanor and Petty Offense) arising out of a single incident has no revocation/suspension imposed, with 10 points assessed (9+1).

E) Imposition of Subsequent Suspensions

1) The person in C above completes the 15 month suspension, and two months later (less than 36 months from the date of the first violation) again hunts by use of lights from a motor vehicle and is found guilty (12 points). This person's licenses are again revoked and privileges suspended for a period of 27 months (15+12).

2) The person in C above is found guilty of a violation under the Wildlife Code that occurred during the time that his/her privileges were suspended. 60 additional points are assessed and a second suspension is imposed, to run consecutively after the first suspension (15+60=75 months total).

ADMINISTRATIVE ACTIONS

DNR also may hold an administrative hearing to revoke licenses/suspend privileges in certain flagrant cases regardless of whether or not sufficient points for suspension have been reached.

ADDITIONAL PROVISIONS

Any person whose license or permit has been revoked or his/her privileges suspended may not, during the period of revocation/suspension 1) apply for or obtain any licenses or permits of such type covered by the suspension, or; 2) be in the company of any person engaged in the activity covered by the revocation/suspension, or; 3) serve as a guide, outfitter or facilitator for any person who is engaged or prepared to engage in the activity covered by the revocation/suspension, until such time as the period of revocation/ suspension is completed and the appropriate licenses/permits have been obtained.

IDNR is in the process of instituting re-instatement fees. For more information on these fees, contact the IDNR Office of Law Enforcement at 217-782-6431.

REVOCATIONS/SUSPENSIONS IN OTHER STATES AND CANADA

It also shall be unlawful for any person to be issued or obtain an Illinois license or permit, or while in Illinois engage in any activity during the time that person's privileges to engage in the same or similar activities are suspended or revoked by another state, by a federal agency or by a province of Canada.

Interstate Wildlife Violator Compact

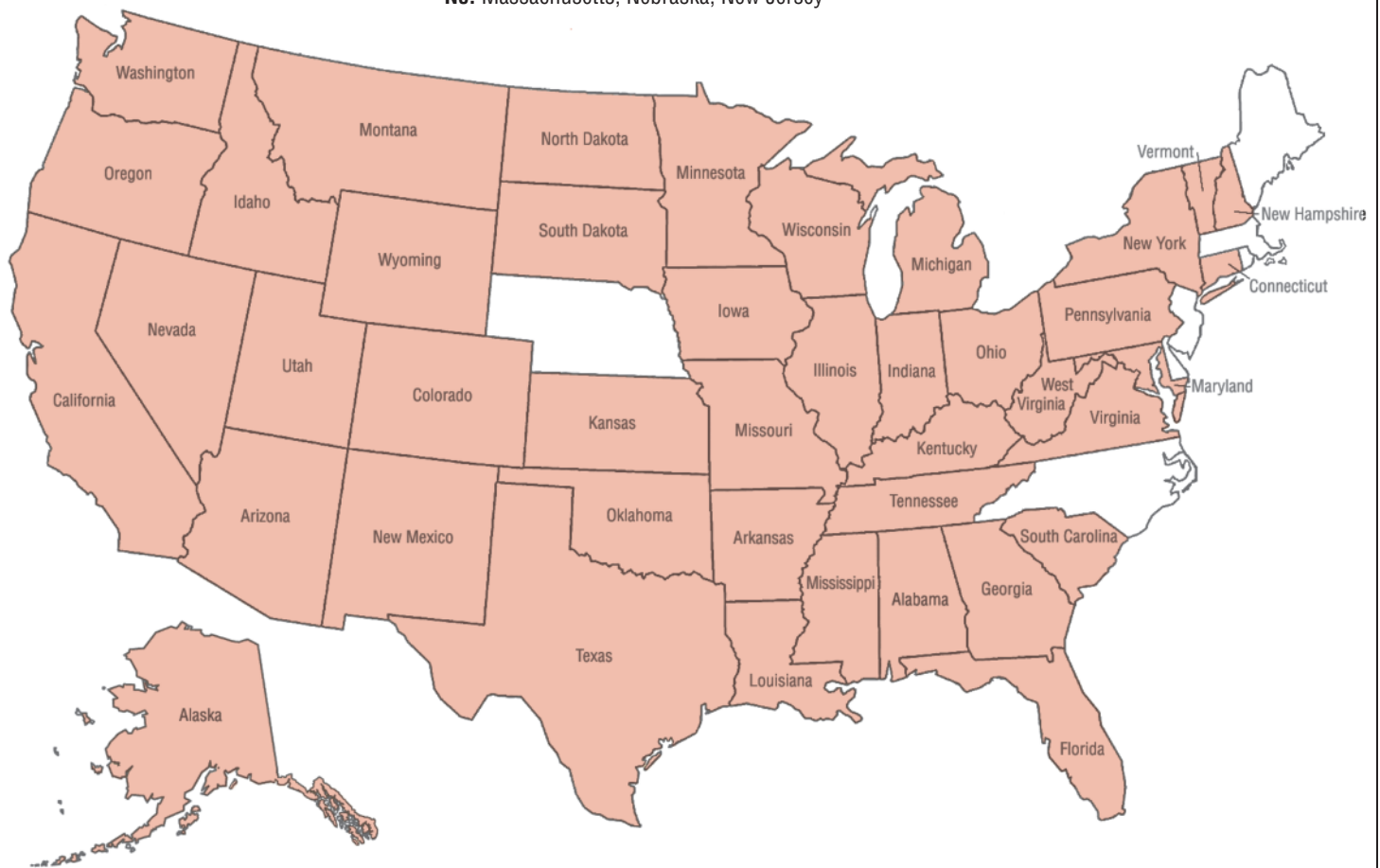
Illinois is a participating member of the Interstate Wildlife Violator Compact.

How the IWVC works:

- Compact membership applies to aquatic life and wildlife violations.
- The Compact allows non-resident violators receiving citations for violations in participating states to be treated the same as residents who are in violation.
- A violator who fails to comply with the terms of a citation issued in a participating state faces the possibility of the suspension of his/her privileges in his/her home state until the terms of the citation are met.
- The Compact provides for the reciprocal recognition of the suspension of license privileges by participating states. (Illinois has recognized suspensions imposed by other states for several years. Membership in the Compact allows other states to recognize Illinois' suspensions.)
- The Compact provides that information on convictions in participating states may be forwarded to the home state of the violator.
- IWVC not only assures equal treatment of residents and non-residents of participating states, but also enhances the law enforcement services and deterrent value of time spent patrolling by uniformed officers. The reciprocal recognition of suspensions between states is intended to address the problems associated with the mobility of many violators.

Compact Member States:

Passed Legislation: Delaware, Hawaii, Maine, North Carolina, Rhode Island
No: Massachusetts, Nebraska, New Jersey



Additional states may join the Compact throughout the year. It is your responsibility to contact any other state to determine your eligibility before you obtain or attempt to obtain any license or permit, or engage in any activity covered by your revocation/suspension.

PENALTIES FOR VIOLATIONS OF REVOCATIONS/SUSPENSIONS DENIAL OR PRIVILEGE

Persons who violate the prohibitions of their revocation/suspension/denial of privileges shall be guilty of a Class A Misdemeanor with penalties of up to 364 days jail time and up to \$2500 in fines and up to an additional 5 year period of suspension to be served consecutively after the original suspension.

**For more information, contact the DNR Office of Law Enforcement at
(217) 782-6431, or visit www.dnr.state.il.us/law3/**