



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5317

by Rep. Jerry Costello, II

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.36a

from Ch. 61, par. 2.36a

Amends the Wildlife Code. Raises the fair market value or replacement cost of various species protected by the Act. Provides that a person who possesses whitetail antlered deer, in whole or in part, captured or killed in violation of the Act, shall pay restitution to the Department of Natural Resources in the amount of \$1,000 per whitetail antlered deer and an additional \$500 per antler point, for each whitetail antlered deer with at least 8 but not more than 10 antler points. Provides that for whitetail antlered deer with 11 or more antler points, restitution of \$1,000 shall be paid to the Department per whitehead antlered deer plus \$750 per antler point. Defines "point". Effective immediately.

LRB100 18251 SLF 33454 b

FISCAL 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 2.36a as follows:

6 (520 ILCS 5/2.36a) (from Ch. 61, par. 2.36a)

7 Sec. 2.36a. Value of protected species; violations.

8 (a) Any person who, for profit or commercial purposes,
9 knowingly captures or kills, possesses, offers for sale, sells,
10 offers to barter, barter, offers to purchase, purchases,
11 delivers for shipment, ships, exports, imports, causes to be
12 shipped, exported, or imported, delivers for transportation,
13 transports or causes to be transported, carries or causes to be
14 carried, or receives for shipment, transportation, carriage,
15 or export any animal or part of animal of the species protected
16 by this Act, contrary to the provisions of this Act, and such
17 animals, in whole or in part, are valued at or in excess of a
18 total of \$300, as per specie value specified in subsection (c)
19 of this Section, commits a Class 3 felony.

20 A person shall be guilty of a Class 4 felony if convicted
21 under this Section for more than one violation within a 90-day
22 period where the animals of each violation are not valued at or
23 in excess of \$300, but the total value of the animals from the

1 multiple violations is at or in excess of \$300. The prosecution
2 for a Class 4 felony for these multiple violations must be
3 alleged in a single charge or indictment and brought in a
4 single prosecution.

5 (b) Possession of animals, in whole or in part, captured or
6 killed in violation of this Act, valued at or in excess of
7 \$600, as per specie value specified in subsection (c) of this
8 Section, shall be considered prima facie evidence of possession
9 for profit or commercial purposes.

10 (c) For purposes of this Section, the fair market value or
11 replacement cost, whichever is greater, shall be used to
12 determine the value of the species protected by this Act, but
13 in no case shall the minimum value of all species protected by
14 this Act be less than as follows:

- 15 (1) Eagle, \$1,000 ~~\$500~~;
- 16 (2) Whitetail deer, \$1,000 and wild turkey, \$500 ~~\$250~~;
- 17 (3) Fur-bearing mammals, \$50 ~~\$25~~;
- 18 (4) Game birds (except the wild turkey) and migratory
19 game birds (except Trumpeter swans), \$50 ~~\$25~~;
- 20 (5) Owls, hawks, falcons, kites, harriers, and
21 ospreys, and other birds of prey \$250 ~~\$125~~;
- 22 (6) Game mammals (except whitetail deer), \$50 ~~\$25~~;
- 23 (7) Other mammals, \$100 ~~\$50~~;
- 24 (8) Resident and migratory non-game birds (except
25 birds of prey), \$100 ~~\$50~~;
- 26 (9) Trumpeter swans, \$1,000 ~~\$250~~.

1 (d) In this subsection (d), "point" means a projection on
2 the antler of a whitetail antlered deer that is at least
3 one-inch long as measured from the tip to the nearest edge of
4 antler beam and the length of which exceeds the length of its
5 base. A person who possesses whitetail antlered deer, in whole
6 or in part, captured or killed in violation of this Act, shall
7 pay restitution to the Department in the amount of \$1,000 per
8 whitetail antlered deer and an additional \$500 per antler
9 point, for each whitetail antlered deer with at least 8 but not
10 more than 10 antler points. For whitetail antlered deer with 11
11 or more antler points, restitution of \$1,000 shall be paid to
12 the Department per whitehead antlered deer plus \$750 per antler
13 point.

14 (Source: P.A. 90-743, eff. 1-1-99.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.