



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3265

by Rep. Charles Meier

SYNOPSIS AS INTRODUCED:

See Index

Amends the Herptiles-Herps Act. Provides that it shall be unlawful for any person at any time to take, harass, disturb, possess, transport, cause to be shipped, commercialize, propagate, move, relocate, or release into the wild, any herptile whether dead or alive or the parts of herptiles, including, but not limited to, their nests and eggs, contrary to provisions of the Act or administrative rules. This offense is a Class B misdemeanor. Provides that the Department of Natural Resources may approve limited transfers among existing permittees at the sole discretion of the Department for certain species. Provides that the Department may investigate any disease transmissions in any amphibian or reptile species that could be transmitted or spread, including any natural or captive populations. Provides that moneys collected under the Act shall be deposited into the Illinois Wildlife Preservation Fund (rather than the Wildlife and Fish Fund). Makes conforming and other changes. Amends the Fish and Aquatic Life Code. Modifies the definition of "aquatic life". Effective immediately.

LRB101 08826 SLF 53915 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning animals.

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

4 Section 5. The Herptiles-Herps Act is amended by changing
5 Sections 1-5, 1-15, 5-5, 5-20, 5-30, 5-35, 10-40, 20-30, 25-30,
6 45-5, 55-5, 65-5, 90-5, 100-5, 105-10, 105-35, 105-55, 105-75,
7 105-100, and 110-5 and by adding Sections 5-2 and 35-10 as
8 follows:

9 (510 ILCS 68/1-5)

10 Sec. 1-5. Purpose. For purposes of this Act, reptiles and
11 amphibians shall be exempt from the definition of "aquatic
12 life" under Section 1-20 of the Fish and Aquatic Life Code,
13 except for regulating fishing and consumptive take of herptile
14 species. All rules and enforcement actions under the Illinois
15 Conservation Law, the Illinois Endangered Species Protection
16 Act, and the dangerous animals provisions in Section 48-10 of
17 the Criminal Code of 2012 related to reptiles and amphibians
18 shall be covered exclusively by this Act.

19 (Source: P.A. 98-752, eff. 1-1-15.)

20 (510 ILCS 68/1-15)

21 Sec. 1-15. Definitions. For the purposes of this Act,
22 unless the context clearly requires otherwise, the following

1 terms are defined as:

2 "Administrative rule" means a regulatory measure issued by
3 the Director under this Act.

4 "Authorized law enforcement officer" means all sworn
5 members of the Law Enforcement Division of the Department and
6 those persons specifically granted law enforcement
7 authorization by the Director.

8 "Bona fide scientific or educational institution" means
9 confirming educational or scientific tax-exemption, from the
10 federal Internal Revenue Service or the applicant's national,
11 state, or local tax authority, or a statement of accreditation
12 or recognition as an educational institution.

13 "Contraband" means all reptile or amphibian life or any
14 part of reptile or amphibian life taken, bought, sold or
15 bartered, shipped, or held in possession or any conveyance,
16 vehicle, watercraft, or other means of transportation
17 whatsoever, except sealed railroad cars or other sealed common
18 carriers, used to transport or ship any reptile or amphibian
19 life or any part of reptile or amphibian life taken, contrary
20 to this Act, including administrative rules, or used to
21 transport, contrary to this Act, including administrative
22 rules, any of the specified species when taken illegally.

23 "Culling" means picking out from others and removing
24 rejected members because of inferior quality.

25 "Department" means the Illinois Department of Natural
26 Resources.

1 "Director" means the Director of the Illinois Department of
2 Natural Resources.

3 "Educational program" means a program of organized
4 instruction or study for providing education intended to meet a
5 public need.

6 "Endangered or threatened species" means any species
7 listed as endangered or threatened to the species level on
8 either the Illinois List of Endangered and Threatened Fauna or
9 the federal U.S. Fish and Wildlife Service List of Threatened
10 and Endangered Species.

11 "Herptile" means collectively any amphibian or reptile
12 taxon, whether indigenous to this State or not.

13 "Indigenous or native taxa" means those amphibians and
14 reptiles to the subspecies level that can be found naturally in
15 this State.

16 "Individual" means a natural person.

17 "Medically significant" means a venomous or poisonous
18 species whose venom or toxin can cause death or serious illness
19 or injury in humans that may require emergency room care or the
20 immediate care of a physician. These species are categorized as
21 being "medically significant" or "medically important".

22 "Owner" means an individual who has a legal right to the
23 possession of a herptile.

24 "Person" means any individual, partnership, corporation,
25 organization, trade or professional association, firm, limited
26 liability company, joint venture, or group.

1 "Possession limit" means the maximum number or amount of
2 herptiles that can be lawfully held or possessed by one person
3 at any time.

4 "Possessor" means any person who possesses, keeps,
5 harbors, brings into the State, cares for, acts as a custodian
6 for, has in his or her custody or control, or holds a property
7 right to a herptile.

8 "Reptile show" means any event open to the public, for a
9 fee or without a fee, that is not a licensed pet store, where
10 herptiles or herptiles together with other animals are
11 exhibited, displayed, sold, bought, traded, or otherwise made
12 available for public display.

13 "Resident" means a person who in good faith makes
14 application for any license or permit and verifies by statement
15 that he or she has maintained his or her permanent abode in
16 this State for a period of at least 30 consecutive days
17 immediately preceding the person's application, and who does
18 not maintain permanent abode or claim residency in another
19 state for the purposes of obtaining any of the same or similar
20 licenses or permits under this Act. A person's permanent abode
21 is his or her fixed and permanent dwelling place, as
22 distinguished from a temporary or transient place of residence.
23 Domiciliary intent is required to establish that the person is
24 maintaining his or her permanent abode in this State. Evidence
25 of domiciliary intent includes, but is not limited to, the
26 location where the person votes, pays personal income tax, or

1 obtains a drivers license. Any person on active duty in the
2 Armed Forces shall be considered a resident of Illinois during
3 his or her period of military duty.

4 "Special use herptile" means any taxon of amphibian or
5 reptile including, but not limited to, crocodilians, Komodo
6 dragons, crocodile monitor lizards, or venomous species for
7 which a Herptile Special Use permit is required to acquire and
8 possess.

9 "Take" means possess, collect, catch, detain, hunt, shoot,
10 pursue, lure, kill, destroy, capture, gig or spear, trap or
11 ensnare, harass, or an attempt to do so.

12 "Transport" or "ship" means to convey by parcel post,
13 express, freight, baggage, or shipment by common carrier or any
14 description; by automobile, motorcycle, or other vehicle of any
15 kind; by water or aircraft of any kind; or by any other means
16 of transportation.

17 "Turtle farming" means the act of breeding, hatching,
18 raising, selling turtles, or any combination commercially for
19 the purpose of providing turtles, turtle eggs, or turtle parts
20 to pet suppliers, exporters, and food industries.

21 "Wildlife sanctuary" means any non-profit organization
22 that: (1) is exempt from taxation under the federal Internal
23 Revenue Code and is currently confirmed as tax exempt by the
24 federal Internal Revenue Service; (2) operates a place of
25 refuge where wild animals are provided care for their lifetime
26 or released back to their natural range; (3) does not conduct

1 activities on animals in its possession that are not inherent
2 to the animal's nature; (4) does not use animals in its
3 possession for entertainment; (5) does not sell, trade, or
4 barter animals in its possession or parts of those animals; and
5 (6) does not breed animals in its possession.

6 (Source: P.A. 98-752, eff. 1-1-15.)

7 (510 ILCS 68/5-2 new)

8 Sec. 5-2. Herptiles under this Act. It shall be unlawful
9 for any person at any time to take, harass, disturb, possess,
10 transport, cause to be shipped, commercialize, propagate,
11 move, relocate, or release into the wild, any herptile whether
12 dead or alive or the parts of herptiles, including, but not
13 limited to, their nests and eggs, contrary to provisions of
14 this Act or administrative rules. Any person who violates this
15 Section shall be guilty of a Class B misdemeanor.

16 (510 ILCS 68/5-5)

17 Sec. 5-5. Possession limits.

18 (a) The possession limit for indigenous amphibian and
19 reptile taxa (excluding common snapping turtles and bullfrogs)
20 is 8 total collectively with no more than 4 per species. Young
21 of gravid wild-collected amphibians and reptiles shall be
22 returned to the site of adult capture after birth.

23 (b) Only residents may possess herptiles collected from the
24 wild within this State under a valid sport fishing license;

1 non-residents may not possess herptiles collected from the wild
2 within this State except for scientific purposes, with a
3 Herptile Scientific Collection permit or for personal
4 consumption as authorized by the Fish and Aquatic Life Code.

5 (c) All herptile species (other than bullfrogs and common
6 snapping turtles) may be captured by hand only, unless
7 authorized. This shall not restrict the use of legally taken
8 herptiles as bait by anglers as authorized by the Fish and
9 Aquatic Life Code. Any captured herptiles that are not to be
10 retained in the possession of the captor shall be immediately
11 released at the site of capture, unless taken with a lethal
12 method such as bow and arrow, gig, spear, or pitchfork which
13 does not permit release without harm. All common snapping
14 turtles and bullfrogs taken for personal consumption must be
15 kept and counted in the daily catch creel or bag. No culling of
16 these 2 species for personal consumption is permitted.

17 (d) The trier of fact may infer that a person is collecting
18 from the wild within this State if he or she possesses
19 indigenous reptiles or amphibians, in whole or in part, if no
20 documentation exists stating that the animals were legally
21 collected from the wild outside of this State.

22 (e) Residents may possess a total of 8 native herp
23 specimens collectively, with no more than 4 per species,
24 without obtaining and possessing either a Herptile Scientific
25 Collection permit or Herpetoculture permit from the
26 Department, regardless of the origin of the species. A sport

1 fishing license is required for residents, unless exempt from a
2 sport fishing license under Section 20-5 of the Fish and
3 Aquatic Life Code, to legally collect any native herp taxon on
4 private land, with the landowner's permission. Collecting
5 herptiles on public lands shall require additional permits.

6 (f) Any resident wishing to possess more than his or her
7 allowed possession limit shall first apply to the Department
8 for a Herptile Scientific Collection permit or Herpetoculture
9 permit to do so. Issuance, modification, or denial of any and
10 all of these permits shall be at the sole discretion of the
11 Department.

12 (g) Due to the similarity of appearance (S/A) of certain
13 intergrade or hybrid specimens, the Department retains the
14 authority to enforce any and all provisions under this Act.
15 Specimens determined by the Department, or its agents, to fit
16 into this S/A category shall receive all benefits of this Act,
17 as well as the Illinois Endangered Species Protection Act if
18 applicable, and shall be included in an individual's overall
19 possession limit.

20 (Source: P.A. 98-752, eff. 1-1-15.)

21 (510 ILCS 68/5-20)

22 Sec. 5-20. Taking of endangered or threatened species.

23 (a) No person shall take or possess any of the herptiles
24 listed in the Illinois Endangered Species Protection Act or
25 subsequent administrative rules, except as provided by this

1 ~~that~~ Act.

2 (b) Any Department-permitted threatened or endangered
3 (T/E) herptile species shall be exempt from an individual's
4 overall possession limit under the permitting system set forth
5 in this Act. However, any and all T/E specimens shall be
6 officially recorded ~~with the Department's Endangered Species~~
7 ~~Conservation Program~~. Any species occurring on the federal T/E
8 list also requires a Department permit for possession,
9 propagation, sale, or offer for sale unless otherwise permitted
10 through the Department.

11 (c) Due to the similarity of appearance (S/A) of certain
12 intergrade or hybrid specimens, the Department retains the
13 authority to enforce any and all provisions under this Act.
14 Specimens determined by the Department, or agents, to fit into
15 this S/A category shall receive all benefits of this Act, as
16 well as the Illinois Endangered Species Protection Act if
17 applicable, and shall be included in an individual's overall
18 possession limit.

19 (d) Federally licensed exhibits shall not be exempt from
20 the Illinois Endangered Species Protection Act or this Act.

21 (e) Any changes in T/E permit numbers for herptiles by
22 current, existing permit holders shall be reported to the
23 Department in writing no later than the first business day
24 after that change occurred. Requests for permits by any
25 resident acquiring a T/E species who is not permitted shall not
26 be issued after-the-fact.

1 (f) Annual reports are due by January 31 of each year for
2 the preceding year's activities. Failure to submit the annual
3 report by the due date shall result in a permit violation.

4 (g) An annual fee for herptile T/E species permits, per
5 permittee, shall be set by administrative rule. All fees for
6 herptile T/E species permits shall be deposited into the
7 Wildlife Preservation Fund.

8 (h) Procedures for acquisition, breeding, and sales of T/E
9 herptile species shall be set forth in administrative rule.

10 (i) Record keeping requirements for T/E herptile species
11 shall be set forth in administrative rule.

12 (Source: P.A. 98-752, eff. 1-1-15.)

13 (510 ILCS 68/5-30)

14 Sec. 5-30. Taking of turtles or bullfrogs; illegal devices.

15 (a) No person shall take turtles or bullfrogs by commercial
16 fishing devices, including dip nets, hoop nets, traps, or
17 seines, or by the use of firearms, airguns, or gas guns.
18 Turtles may be taken only by methods as provided in
19 administrative rule ~~hand or means of hook and line.~~

20 (b) Bullfrog; common snapping turtle; open season.

21 (1) All individuals taking bullfrogs shall possess a
22 valid sport fishing license, unless exempt from a sport
23 fishing license under Section 20-5 of the Fish and Aquatic
24 Life Code, and may take bullfrogs only during the open
25 season to be specified by administrative rule. Bullfrogs

1 may only be taken by hook and line, gig, pitchfork, spear,
2 bow and arrow, hand, or landing net.

3 (2) The daily catch limit and total possession limit
4 for all properly licensed persons shall be specified by
5 administrative rule.

6 (3) All persons taking common snapping turtles shall
7 possess a valid sport fishing license, unless exempt from a
8 sport fishing license under Section 20-5 of the Fish and
9 Aquatic Life Code, and may take common snapping turtles
10 only during the open season to be specified by
11 administrative rule. Common snapping turtles (Chelydra
12 serpentina) may be taken only by methods as provided in
13 administrative rule ~~hand, hook and line, or bow and arrow,~~
14 except in the counties listed in administrative rule
15 ~~Section 5-35~~ where bowfishing for common snapping turtles
16 is not allowed.

17 (4) The daily catch limit and total possession limit
18 for all properly licensed persons shall be specified by
19 administrative rule.

20 (c) The alligator snapping turtle (Macrochelys temminckii)
21 is protected and may not be taken by any method including, but
22 not limited to, any sport fishing method.

23 (Source: P.A. 98-752, eff. 1-1-15.)

24 (510 ILCS 68/5-35)

25 Sec. 5-35. Areas closed to the taking of reptiles and

1 amphibians.

2 (a) Unless otherwise provided ~~allowed~~ by law or
3 administrative rule, the taking of reptiles and amphibians at
4 any time and by any method is prohibited in the following
5 areas:

6 The LaRue-Pine Hills or Otter Pond Research Natural Area in
7 Union County. The closed area shall include the Research
8 Natural Area as designated by the U.S. Forest Service and
9 the right-of-way of Forest Road 345 with Forest Road 236 to
10 the intersection of Forest Road 345 with the Missouri
11 Pacific railroad tracks. Unless otherwise authorized,
12 possession of any collecting equipment is prohibited
13 within the closed area.

14 (b) (Blank). ~~In the following counties bowfishing for~~
15 ~~common snapping turtles is not permitted: Randolph, Perry,~~
16 ~~Franklin, Hamilton, White, Gallatin, Saline, Williamson,~~
17 ~~Jackson, Union, Johnson, Pope, Hardin, Massac, Pulaski, and~~
18 ~~Alexander, or in any additional counties added through~~
19 ~~administrative rule.~~

20 (c) Collection of wild turtles for races or other types of
21 events involving congregating and gathering numbers of wild
22 turtles is prohibited in counties where ranavirus has been
23 documented. Inclusion on the county list shall be determined by
24 rule.

25 (Source: P.A. 98-752, eff. 1-1-15.)

1 (510 ILCS 68/10-40)

2 Sec. 10-40. Additional regulations. Venomous reptiles
3 shall not be bred, sold, or offered for sale within this State.
4 The Department may approve limited transfers among existing
5 permittees at the sole discretion of the Department.

6 As determined by the Department, non-residents may apply
7 for a permit not to exceed 15 consecutive days to use venomous
8 reptiles in bona fide educational programs. The fee for the
9 permit shall be set by administrative rule, and all fees shall
10 be deposited into the Illinois Wildlife Preservation ~~and Fish~~
11 Fund.

12 (Source: P.A. 98-752, eff. 1-1-15.)

13 (510 ILCS 68/20-30)

14 Sec. 20-30. Additional regulations. Crocodilians shall not
15 be bred, sold, or offered for sale within this State. The
16 Department may approve limited transfers among existing
17 permittees at the sole discretion of the Department.

18 As determined by the Department, non-residents may apply
19 for a permit not to exceed 15 consecutive days to use
20 crocodilians in bona fide educational programs. The fee for
21 this permit shall be set by administrative rule, and all fees
22 shall be deposited into the Illinois Wildlife Preservation ~~and~~
23 ~~Fish~~ Fund.

24 (Source: P.A. 98-752, eff. 1-1-15.)

1 (510 ILCS 68/25-30)

2 Sec. 25-30. Additional regulations. Monitor lizards shall
3 not be bred, sold, or offered for sale within this State. The
4 Department may approve limited transfers among existing
5 permittees at the sole discretion of the Department.

6 As determined by the Department, non-residents may apply
7 for a permit not to exceed 15 consecutive days to use monitor
8 lizards in bona fide educational programs. The fee for the
9 permit shall be set by administrative rule, and all fees shall
10 be deposited into the Illinois Wildlife Preservation and Fish
11 Fund.

12 (Source: P.A. 98-752, eff. 1-1-15.)

13 (510 ILCS 68/35-10 new)

14 Sec. 35-10. Herptile diseases. The Department may
15 investigate any disease transmissions in any amphibian or
16 reptile species that could be transmitted or spread, including
17 any natural or captive populations. Specific herptile
18 diseases, pathogens, or fungi shall be addressed through
19 administrative rule. Possession of any herptile harboring a
20 disease, pathogen, or fungus specified in administrative rule
21 is subject to confiscation and forfeiture.

22 (510 ILCS 68/45-5)

23 Sec. 45-5. Permit application and fees. An applicant for a
24 Herptile Scientific Collection permit must file an application

1 with the Department on a form provided by the Department. The
2 application must include all information and requirements as
3 set by administrative rule. The application for these permits
4 shall be reviewed by the Department to determine if a permit
5 should be issued.

6 Unless addressed or exempted by administrative rule,
7 annual permit renewal must be accompanied by non-refundable fee
8 as set by the Department. The annual fee for a Herptile
9 Scientific Collection permit shall be set by administrative
10 rule. The Department shall adopt, by administrative rule, any
11 additional procedures for the renewal of a Herptile Scientific
12 Collection permit. All fees shall be deposited into the
13 Illinois Fish and Wildlife Preservation Fund.

14 (Source: P.A. 98-752, eff. 1-1-15.)

15 (510 ILCS 68/55-5)

16 Sec. 55-5. Permit application and fees. An applicant for a
17 Herpetoculture permit must file an application with the
18 Department on a form provided by the Department. The
19 application must include all information and requirements as
20 set forth by administrative rule. The application for these
21 permits shall be reviewed by the Department to determine if a
22 permit should be issued.

23 Unless addressed or exempted by administrative rule,
24 annual permit renewal must be accompanied by a non-refundable
25 fee as set by the Department. The annual fee for a residential

1 Herpetoculture permit shall be set by administrative rule. The
2 Department shall adopt, by administrative rule, any additional
3 procedures for the renewal of a Herpetoculture permit. All fees
4 shall be deposited into the Illinois Wildlife Preservation ~~and~~
5 ~~Fish~~ Fund.

6 As determined by the Department, non-residents may apply
7 for a permit not to exceed 15 consecutive days to commercialize
8 herptiles indigenous to this State as outlined in this Article.
9 The fee for the permit shall be set by administrative rule, and
10 all fees shall be deposited into the Illinois Wildlife
11 Preservation ~~and Fish~~ Fund.

12 The Department shall adopt, by administrative rule,
13 additional procedures for the renewal of annual Herpetoculture
14 permits.

15 (Source: P.A. 98-752, eff. 1-1-15.)

16 (510 ILCS 68/65-5)

17 Sec. 65-5. Permit application and fees. An applicant for a
18 Herptile Special Use permit must file an application with the
19 Department on a form provided by the Department. The
20 application must include all information and requirements as
21 set forth by administrative rule.

22 The annual fee for a residential Herptile Special Use
23 permit shall be set by administrative rule on a per person
24 basis. The Herptile Special Use permit shall not be based on
25 the number of special use herptile kept by an owner or

1 possessor. All fees shall be deposited into the Illinois
2 Wildlife Preservation and Fish Fund.

3 The Department shall adopt, by administrative rule,
4 procedures for the renewal of annual Herptile Special Use
5 permits.

6 Any person possessing and in legal possession of a special
7 use herptile as stipulated in this Article that no longer
8 wishes to keep the herptile may be assisted by the Department,
9 at no charge to them and without prosecution, to place the
10 special use herptile in a new home, within 30 days after the
11 effective date of this Act.

12 The Department may issue a Limited Entry permit to an
13 applicant who: (i) is not a resident of this State; (ii)
14 complies with the requirements of this Act and all rules
15 adopted by the Department under the authority of this Act;
16 (iii) provides proof to the Department that he or she shall,
17 during the permit term, maintain sufficient liability
18 insurance coverage; (iv) pays to the Department, along with
19 each application for a Limited Entry permit, a non-refundable
20 fee as set by administrative rule, which the Department shall
21 deposit into the Wildlife and Fish Fund; and (v) uses the
22 herptile for an activity authorized in the Limited Entry
23 permit. A Limited Entry permit shall be valid for not more than
24 15 ~~30~~ consecutive days ~~unless extended by the Department,~~
25 ~~however, no extension shall be longer than 15 days.~~

26 (Source: P.A. 98-752, eff. 1-1-15.)

1 (510 ILCS 68/90-5)

2 Sec. 90-5. Penalties. A person who violates Article 85 of
3 this Act is guilty of a Class A misdemeanor for a first offense
4 and a Class 4 felony for a second or subsequent offense
5 occurring within one year after a finding of guilt on a first
6 offense. A person who violates Article 75 of this Act is guilty
7 of a Class B misdemeanor. Each day of a violation constitutes a
8 separate offense. Any other violation of this Act is a Class A
9 misdemeanor unless otherwise stated.

10 All fines and penalties collected under the authority of
11 this Act or its administrative rules shall be deposited into
12 the Illinois Wildlife Preservation and Fish Fund.

13 (Source: P.A. 98-752, eff. 1-1-15.)

14 (510 ILCS 68/100-5)

15 Sec. 100-5. Prima facie evidence; confiscation. The
16 possession of any reptile or amphibian life or any part of
17 reptile or amphibian life protected under this Act is prima
18 facie evidence that the reptile or amphibian life or any part
19 of reptile or amphibian life is subject to the provisions of
20 this Act, including administrative rules.

21 Whenever the contents of any box, barrel, package, or
22 receptacle consists partly of contraband and partly of legal
23 reptile or amphibian life or any part of reptile or amphibian
24 life, the entire contents of the box, barrel, or package, or

1 other receptacle are subject to seizure and forfeiture
2 ~~confiscation~~.

3 Whenever a person has in his or her possession in excess of
4 the number of reptile or amphibian life or any parts of reptile
5 or amphibian life permitted under this Act, including
6 administrative rules, the entire number of reptile or amphibian
7 life or any parts of reptile or amphibian life in his or her
8 possession is subject to seizure and forfeiture ~~confiscation~~.

9 (Source: P.A. 98-752, eff. 1-1-15.)

10 (510 ILCS 68/105-10)

11 Sec. 105-10. Conservation of reptiles and amphibians. The
12 Department shall take all measures necessary for the
13 conservation, distribution, introduction, and restoration of
14 reptiles and amphibians. After any investigation if it is found
15 by the Department that there is imminent danger of loss of
16 native reptiles and amphibians, the Director may authorize the
17 taking of native reptiles and amphibians from any area and
18 specify other reasonable limits, methods, and devices as the
19 Director may deem advisable to salvage imperiled species. The
20 Department shall also bring or cause to be brought actions and
21 proceedings, in the name and by the authority of the People of
22 the State of Illinois, to enforce this Act, including
23 administrative rules, and to recover any and all fines and
24 penalties provided for in this Act. Nothing in this Act shall
25 be construed to authorize the Department to change any penalty

1 prescribed by law or to change the amount of license fees or
2 the authority conferred by licenses prescribed by law. The
3 Department is authorized to cooperate with the appropriate
4 Departments of the federal government and other Departments or
5 agencies of State government and educational institutions in
6 conducting surveys, experiments, or work of joint interest or
7 benefit.

8 (Source: P.A. 98-752, eff. 1-1-15.)

9 (510 ILCS 68/105-35)

10 Sec. 105-35. Collection of fines. All fines provided for by
11 this Act shall be collected and remitted to the Illinois
12 ~~Department's~~ Wildlife Preservation and Fish Fund, within 30
13 days after the collection of the fine, by the clerk of the
14 circuit court collecting the fines who shall submit at the same
15 time to the Department a statement of the names of the persons
16 so fined and the name of the arresting officer, the offense
17 committed, the amount of the fine, and the date of the
18 conviction.

19 (Source: P.A. 98-752, eff. 1-1-15.)

20 (510 ILCS 68/105-55)

21 Sec. 105-55. Illegal collecting devices; public nuisance.
22 Every collecting device, including seines, nets, traps,
23 pillowcases, bags, snake hooks or tongs, or any electrical
24 device or any other devices including vehicles or conveyance,

1 watercraft, or aircraft used or operated illegally or attempted
2 to be used or operated illegally by any person in taking,
3 transporting, holding, or conveying any reptile or amphibian
4 life or any part of reptile or amphibian life, contrary to this
5 Act, including administrative rules, shall be deemed a public
6 nuisance and therefore illegal and subject to seizure and
7 confiscation by any authorized employee of the Department. Upon
8 the seizure of this item, the Department shall take and hold
9 the item until disposed of as provided in this Act.

10 Upon the seizure of any device because of its illegal use,
11 the officer or authorized employee of the Department making the
12 seizure shall, as soon as reasonably possible, cause a
13 complaint to be filed before the circuit court and a summons to
14 be issued requiring the owner or person in possession of the
15 property to appear in court and show cause why the device
16 seized should not be forfeited to the State. Upon the return of
17 the summons duly served or upon posting or publication of
18 notice as provided in this Act, the court shall proceed to
19 determine the question of the illegality of the use of the
20 seized property. Upon judgment being entered that the property
21 was illegally used, an order shall be entered providing for the
22 forfeiture of the seized property to the State. The owner of
23 the property may have a jury determine the illegality of its
24 use and shall have the right of an appeal as in other civil
25 cases. Confiscation or forfeiture shall not preclude or
26 mitigate against prosecution and assessment of penalties

1 provided in Article 90 of this Act.

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

25 Any property forfeited to the State by court order under
26 this Section may be disposed of by public auction, except that

1 any property that is the subject of a court order shall not be
2 disposed of pending appeal of the order. The proceeds of the
3 sales at auction shall be deposited in the Illinois Wildlife
4 Preservation ~~and Fish~~ Fund.

5 The Department shall pay all costs of posting or
6 publication of notices required by this Section.

7 Property seized or forfeited under this Section is subject
8 to reporting under the Seizure and Forfeiture Reporting Act.

9 (Source: P.A. 100-512, eff. 7-1-18.)

10 (510 ILCS 68/105-75)

11 Sec. 105-75. Illinois Wildlife Preservation ~~and Fish~~ Fund;
12 disposition of money received. All fees, fines, income of
13 whatever kind or nature derived from reptile and amphibian
14 activities regulated by this Act on lands, waters, or both
15 under the jurisdiction or control of the Department and all
16 penalties collected under this Act shall be deposited into the
17 State treasury and shall be set apart in a special fund known
18 as the Illinois Wildlife Preservation ~~and Fish~~ Fund.

19 (Source: P.A. 98-752, eff. 1-1-15.)

20 (510 ILCS 68/105-100)

21 Sec. 105-100. Home rule. A municipality or county may adopt
22 an ordinance governing amphibian and reptile species captive
23 ownership that is more restrictive than this Act.

24 (Source: P.A. 98-752, eff. 1-1-15.)

1 (510 ILCS 68/110-5)

2 Sec. 110-5. Exemptions. When acting in their official
3 capacity, the following entities and their agents are exempt
4 from Articles 75 and 85 of this Act:

5 (1) public zoos or aquaria accredited by the
6 Association of Zoos and Aquariums or the Zoological
7 Association of America;

8 (2) (blank) ~~licensed veterinarians or anyone operating~~
9 ~~under the authority of a licensed veterinarian;~~

10 (3) (blank) ~~wildlife sanctuaries;~~

11 (4) accredited research or medical institutions;

12 (5) licensed or accredited educational institutions;

13 (6) circuses licensed and in compliance with the Animal
14 Welfare Act and all rules adopted by the Department of
15 Agriculture;

16 (7) federal, State, and local law enforcement
17 officers, including animal control officers acting under
18 the authority of this Act;

19 (8) members of federal, State, or local agencies or as
20 otherwise authorized ~~approved~~ by the Department;

21 (9) (blank) ~~any bona fide wildlife rehabilitation~~
22 ~~facility licensed or otherwise authorized by the~~
23 ~~Department;~~ and

24 (10) any non-resident motion picture or television
25 production company that uses licensed dealers, exhibitors,

1 and transporters under the federal Animal Welfare Act, 7
2 U.S.C. 2132.

3 (Source: P.A. 98-752, eff. 1-1-15.)

4 Section 10. The Fish and Aquatic Life Code is amended by
5 changing Section 1-20 as follows:

6 (515 ILCS 5/1-20) (from Ch. 56, par. 1-20)

7 Sec. 1-20. Aquatic life. "Aquatic life" means all fish,
8 reptiles, amphibians, aquatic mollusks, crustaceans, algae,
9 aquatic plants, and aquatic invertebrates and any other aquatic
10 animals or plants that the Department identifies in
11 administrative rules. Reptiles and amphibians are defined as
12 "aquatic life" only for regulating fishing and consumptive take
13 of herptile species in administrative rules. mollusks,
14 crustaceans, algae, aquatic plants, aquatic invertebrates, and
15 any other aquatic animals or plants that the Department
16 identifies in rules adopted after consultation with
17 biologists, zoologists, or other wildlife experts. "Aquatic
18 life" does not mean any herptiles that are found in the
19 Herptiles Herps Act.

20 (Source: P.A. 98-752, eff. 1-1-15; 98-771, eff. 1-1-15; 99-78,
21 eff. 7-20-15.)

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

1 INDEX

2 Statutes amended in order of appearance

3 510 ILCS 68/1-5

4 510 ILCS 68/1-15

5 510 ILCS 68/5-2 new

6 510 ILCS 68/5-5

7 510 ILCS 68/5-20

8 510 ILCS 68/5-30

9 510 ILCS 68/5-35

10 510 ILCS 68/10-40

11 510 ILCS 68/20-30

12 510 ILCS 68/25-30

13 510 ILCS 68/35-10 new

14 510 ILCS 68/45-5

15 510 ILCS 68/55-5

16 510 ILCS 68/65-5

17 510 ILCS 68/90-5

18 510 ILCS 68/100-5

19 510 ILCS 68/105-10

20 510 ILCS 68/105-35

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22 510 ILCS 68/105-75

23 510 ILCS 68/105-100

24 510 ILCS 68/110-5

25 515 ILCS 5/1-20

from Ch. 56, par. 1-20