



Rep. Charles Meier

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LRB101 08826 SLF 59126 a

1 AMENDMENT TO HOUSE BILL 3265

2 AMENDMENT NO. _____. Amend House Bill 3265 by replacing
3 everything after the enacting clause with the following:

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, 95-10, 100-5, 105-10, 105-35, 105-55,
7 105-75, 105-100, and 110-5, by adding Sections 5-2 and 35-10,
8 and by adding Article 37 as 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 and the dangerous animals provisions in
16 Section 48-10 of the Criminal Code of 2012 related to reptiles

1 and amphibians shall be covered exclusively by this Act.

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

3 (510 ILCS 68/1-15)

4 Sec. 1-15. Definitions. For the purposes of this Act,
5 unless the context clearly requires otherwise, the following
6 terms are defined as:

7 "Administrative rule" means a regulatory measure issued by
8 the Director under this Act.

9 "Authorized law enforcement officer" means all sworn
10 members of the Law Enforcement Division of the Department and
11 those persons specifically granted law enforcement
12 authorization by the Director.

13 "Bona fide scientific or educational institution" means
14 confirming educational or scientific tax-exemption, from the
15 federal Internal Revenue Service or the applicant's national,
16 state, or local tax authority, or a statement of accreditation
17 or recognition as an educational institution.

18 "Contraband" means all reptile or amphibian life or any
19 part of reptile or amphibian life taken, bought, sold or
20 bartered, shipped, or held in possession or any conveyance,
21 vehicle, watercraft, or other means of transportation
22 whatsoever, except sealed railroad cars or other sealed common
23 carriers, used to transport or ship any reptile or amphibian
24 life or any part of reptile or amphibian life taken, contrary
25 to this Act, including administrative rules, or used to

1 transport, contrary to this Act, including administrative
2 rules, any of the specified species when taken illegally.

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

5 "Department" means the Illinois Department of Natural
6 Resources.

7 "Director" means the Director of the Illinois Department of
8 Natural Resources.

9 "Educational program" means a program of organized
10 instruction or study for providing education intended to meet a
11 public need.

12 "Endangered or threatened species" means any species
13 listed as endangered or threatened to the species level on
14 either the Illinois List of Endangered and Threatened Fauna or
15 the federal U.S. Fish and Wildlife Service List of Threatened
16 and Endangered Species.

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

19 "Indigenous or native taxa" means those amphibians and
20 reptiles to the subspecies level that can be found naturally in
21 this State.

22 "Individual" means a natural person.

23 "Medically significant" means a venomous or poisonous
24 species whose venom or toxin can cause death or serious illness
25 or injury in humans that may require emergency room care or the
26 immediate care of a physician. These species are categorized as

1 being "medically significant" or "medically important".

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

4 "Person" means any individual, partnership, corporation,
5 organization, trade or professional association, firm, limited
6 liability company, joint venture, or group.

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

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

14 "Reptile show" means any event open to the public, for a
15 fee or without a fee, that is not a licensed pet store, where
16 herptiles or herptiles together with other animals are
17 exhibited, displayed, sold, bought, traded, or otherwise made
18 available for public display.

19 "Resident" means a person who in good faith makes
20 application for any license or permit and verifies by statement
21 that he or she has maintained his or her permanent abode in
22 this State for a period of at least 30 consecutive days
23 immediately preceding the person's application, and who does
24 not maintain permanent abode or claim residency in another
25 state for the purposes of obtaining any of the same or similar
26 licenses or permits under this Act. A person's permanent abode

1 is his or her fixed and permanent dwelling place, as
2 distinguished from a temporary or transient place of residence.
3 Domiciliary intent is required to establish that the person is
4 maintaining his or her permanent abode in this State. Evidence
5 of domiciliary intent includes, but is not limited to, the
6 location where the person votes, pays personal income tax, or
7 obtains a drivers license. Any person on active duty in the
8 Armed Forces shall be considered a resident of Illinois during
9 his or her period of military duty.

10 "Special use herptile" means any taxon of amphibian or
11 reptile including, but not limited to, crocodilians, Komodo
12 dragons, crocodile monitor lizards, or venomous species for
13 which a Herptile Special Use permit is required to acquire and
14 possess.

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

18 "Transport" or "ship" means to convey by parcel post,
19 express, freight, baggage, or shipment by common carrier or any
20 description; by automobile, motorcycle, or other vehicle of any
21 kind; by water or aircraft of any kind; or by any other means
22 of transportation.

23 "Turtle farming" means the act of breeding, hatching,
24 raising, selling turtles, or any combination commercially for
25 the purpose of providing turtles, turtle eggs, or turtle parts
26 to pet suppliers, exporters, and food industries.

1 "Wildlife sanctuary" means any non-profit organization
2 that: (1) is exempt from taxation under the federal Internal
3 Revenue Code and is currently confirmed as tax exempt by the
4 federal Internal Revenue Service; (2) operates a place of
5 refuge where wild animals are provided care for their lifetime
6 or released back to their natural range; (3) does not conduct
7 activities on animals in its possession that are not inherent
8 to the animal's nature; (4) does not use animals in its
9 possession for entertainment; (5) does not sell, trade, or
10 barter animals in its possession or parts of those animals; and
11 (6) does not breed animals in its possession.

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

13 (510 ILCS 68/5-2 new)

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

22 (510 ILCS 68/5-5)

23 Sec. 5-5. Possession limits.

24 (a) The possession limit for indigenous amphibian and

1 reptile taxa (excluding common snapping turtles and bullfrogs)
2 is 8 total collectively with no more than 4 per species. Young
3 of gravid wild-collected amphibians and reptiles shall be
4 returned to the site of adult capture after birth.

5 (b) Only residents may possess herptiles collected from the
6 wild within this State under a valid sport fishing license;
7 non-residents may not possess herptiles collected from the wild
8 within this State except for scientific purposes, with a
9 Herptile Scientific Collection permit or for personal
10 consumption as authorized by the Fish and Aquatic Life Code.

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

23 (d) The trier of fact may infer that a person is collecting
24 from the wild within this State if he or she possesses
25 indigenous reptiles or amphibians, in whole or in part, if no
26 documentation exists stating that the animals were legally

1 collected from the wild outside of this State.

2 (e) Residents may possess a total of 8 native herp
3 specimens collectively, with no more than 4 per species,
4 without obtaining and possessing either a Herptile Scientific
5 Collection permit or Herpetoculture permit from the
6 Department, regardless of the origin of the species. A sport
7 fishing license is required for residents, unless exempt from a
8 sport fishing license under Section 20-5 of the Fish and
9 Aquatic Life Code, to legally collect any native herp taxon on
10 private land, with the landowner's permission. Collecting
11 herptiles on public lands shall require additional permits.

12 (f) Any resident wishing to possess more than his or her
13 allowed possession limit shall first apply to the Department
14 for a Herptile Scientific Collection permit or Herpetoculture
15 permit to do so. Issuance, modification, or denial of any and
16 all of these permits shall be at the sole discretion of the
17 Department.

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

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

1 (510 ILCS 68/5-20)

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

3 (a) No person shall take or possess any of the herptiles
4 listed in the Illinois Endangered Species Protection Act or
5 subsequent administrative rules, except as provided by this
6 ~~that~~ Act and the Illinois Endangered Species Protection Act.

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

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

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

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

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

10 (g) An annual fee for herptile T/E species permits, per
11 permittee, shall be set by administrative rule. All fees for
12 herptile T/E species permits shall be deposited into the
13 Wildlife Preservation Fund.

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

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

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

19 (510 ILCS 68/5-30)

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

21 ~~(a) No person shall take turtles or bullfrogs by commercial~~
22 ~~fishing devices, including dip nets, hoop nets, traps, or~~
23 ~~seines, or by the use of firearms, airguns, or gas guns.~~

24 Turtles may be taken only by methods as provided in
25 administrative rule ~~hand or means of hook and line.~~

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

2 (1) All individuals taking bullfrogs shall possess a
3 valid sport fishing license, unless exempt from a sport
4 fishing license under Section 20-5 of the Fish and Aquatic
5 Life Code, and may take bullfrogs only during the open
6 season to be specified by administrative rule. ~~Bullfrogs~~
7 ~~may only be taken by hook and line, gig, pitchfork, spear,~~
8 ~~bow and arrow, hand, or landing net.~~

9 (2) The daily catch limit and total possession limit
10 for all properly licensed persons shall be specified by
11 administrative rule.

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

23 (4) The daily catch limit and total possession limit
24 for all properly licensed persons shall be specified by
25 administrative rule.

26 (c) (Blank). ~~The alligator snapping turtle (*Macrochelys*~~

1 ~~temminckii) is protected and may not be taken by any method~~
2 ~~including, but not limited to, any sport fishing method.~~

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

4 (510 ILCS 68/5-35)

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

7 (a) Unless otherwise provided ~~allowed~~ by law or
8 administrative rule, the taking of reptiles and amphibians at
9 any time and by any method is prohibited in the following
10 areas:

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

19 Any area the Department may close for any reason
20 including biological significance or disease through
21 administrative rules.

22 (b) (Blank). ~~In the following counties bowfishing for~~
23 ~~common snapping turtles is not permitted: Randolph, Perry,~~
24 ~~Franklin, Hamilton, White, Gallatin, Saline, Williamson,~~
25 ~~Jackson, Union, Johnson, Pope, Hardin, Massac, Pulaski, and~~

1 ~~Alexander, or in any additional counties added through~~
2 ~~administrative rule.~~

3 (c) (Blank). ~~Collection of wild turtles for races or other~~
4 ~~types of events involving congregating and gathering numbers of~~
5 ~~wild turtles is prohibited in counties where ranavirus has been~~
6 ~~documented. Inclusion on the county list shall be determined by~~
7 ~~rule.~~

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

9 (510 ILCS 68/10-40)

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

14 As determined by the Department, non-residents may apply
15 for a permit not to exceed 15 consecutive days to use venomous
16 reptiles in bona fide educational programs. The fee for the
17 permit shall be set by administrative rule, and all fees shall
18 be deposited into the Illinois Wildlife Preservation and Fish
19 Fund.

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

21 (510 ILCS 68/20-30)

22 Sec. 20-30. Additional regulations. Crocodilians shall not
23 be bred, sold, or offered for sale within this State. The
24 Department may approve limited transfers among existing

1 permittees at the sole discretion of the Department.

2 As determined by the Department, non-residents may apply
3 for a permit not to exceed 15 consecutive days to use
4 crocodilians in bona fide educational programs. The fee for
5 this permit shall be set by administrative rule, and all fees
6 shall be deposited into the Illinois Wildlife Preservation ~~and~~
7 ~~Fish~~ Fund.

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

9 (510 ILCS 68/25-30)

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

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

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

21 (510 ILCS 68/Art. 37 heading new)

22 ARTICLE 37. HERPTILE DISEASES.

23 (510 ILCS 68/37-5 new)

1 Sec. 37-5. Herptile diseases. The Department may
2 investigate, in conjunction with a licensed veterinarian, any
3 disease transmissions in any amphibian or reptile species that
4 could be transmitted or spread, including any natural or
5 captive populations. The Department may adopt administrative
6 rules to identify specific herptile diseases, pathogens, or
7 fungi, as well as treatment and caretaking requirements. Any
8 herptile harboring a disease, pathogen, or fungus specified in
9 administrative rule may be subject to confiscation and
10 forfeiture.

11 (510 ILCS 68/45-5)

12 Sec. 45-5. Permit application and fees. An applicant for a
13 Herptile Scientific Collection permit must file an application
14 with the Department on a form provided by the Department. The
15 application must include all information and requirements as
16 set by administrative rule. The application for these permits
17 shall be reviewed by the Department to determine if a permit
18 should be issued.

19 Unless addressed or exempted by administrative rule,
20 annual permit renewal must be accompanied by non-refundable fee
21 as set by the Department. The annual fee for a Herptile
22 Scientific Collection permit shall be set by administrative
23 rule. The Department shall adopt, by administrative rule, any
24 additional procedures for the renewal of a Herptile Scientific
25 Collection permit. All fees shall be deposited into the

1 Illinois Fish and Wildlife Preservation Fund.

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

3 (510 ILCS 68/55-5)

4 Sec. 55-5. Permit application and fees. An applicant for a
5 Herpetoculture permit must file an application with the
6 Department on a form provided by the Department. The
7 application must include all information and requirements as
8 set forth by administrative rule. The application for these
9 permits shall be reviewed by the Department to determine if a
10 permit should be issued.

11 Unless addressed or exempted by administrative rule,
12 annual permit renewal must be accompanied by a non-refundable
13 fee as set by the Department. The annual fee for a residential
14 Herpetoculture permit shall be set by administrative rule. The
15 Department shall adopt, by administrative rule, any additional
16 procedures for the renewal of a Herpetoculture permit. All fees
17 shall be deposited into the Illinois Wildlife Preservation and
18 Fish Fund.

19 As determined by the Department, non-residents may apply
20 for a permit not to exceed 15 consecutive days to commercialize
21 herptiles indigenous to this State as outlined in this Article.
22 The fee for the permit shall be set by administrative rule, and
23 all fees shall be deposited into the Illinois Wildlife
24 Preservation and Fish Fund.

25 The Department shall adopt, by administrative rule,

1 additional procedures for the renewal of annual Herpetoculture
2 permits.

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

4 (510 ILCS 68/65-5)

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

10 The annual fee for a residential Herptile Special Use
11 permit shall be set by administrative rule on a per person
12 basis. The Herptile Special Use permit shall not be based on
13 the number of special use herptile kept by an owner or
14 possessor. All fees shall be deposited into the Illinois
15 Wildlife Preservation and Fish Fund.

16 The Department shall adopt, by administrative rule,
17 procedures for the renewal of annual Herptile Special Use
18 permits.

19 Any person possessing and in legal possession of a special
20 use herptile as stipulated in this Article that no longer
21 wishes to keep the herptile may be assisted by the Department,
22 at no charge to them and without prosecution, to place the
23 special use herptile in a new home, within 30 days after the
24 effective date of this Act.

25 The Department may issue a Limited Entry permit to an

1 applicant who: (i) is not a resident of this State; (ii)
2 complies with the requirements of this Act and all rules
3 adopted by the Department under the authority of this Act;
4 (iii) provides proof to the Department that he or she shall,
5 during the permit term, maintain sufficient liability
6 insurance coverage; (iv) pays to the Department, along with
7 each application for a Limited Entry permit, a non-refundable
8 fee as set by administrative rule, which the Department shall
9 deposit into the Wildlife and Fish Fund; and (v) uses the
10 herptile for an activity authorized in the Limited Entry
11 permit. A Limited Entry permit shall be valid for not more than
12 15 ~~30~~ consecutive days ~~unless extended by the Department,~~
13 ~~however, no extension shall be longer than 15 days.~~

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

15 (510 ILCS 68/90-5)

16 Sec. 90-5. Penalties. A person who violates Article 85 of
17 this Act is guilty of a Class A misdemeanor for a first offense
18 and a Class 4 felony for a second or subsequent offense
19 occurring within one year after a finding of guilt on a first
20 offense. A person who violates Article 75 of this Act is guilty
21 of a Class B misdemeanor. Each day of a violation constitutes a
22 separate offense. Any other violation of this Act is a Class A
23 misdemeanor unless otherwise stated.

24 In addition to any fines imposed under this Section or as
25 otherwise provided in this Act, any person found guilty of

1 unlawfully taking or possessing any species protected by this
2 Act, shall be assessed a civil penalty for such species in
3 accordance with the values prescribed in Section 105-95.

4 All fines and penalties collected under the authority of
5 this Act or its administrative rules shall be deposited into
6 the Illinois Wildlife Preservation ~~and Fish~~ Fund.

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

8 (510 ILCS 68/95-10)

9 Sec. 95-10. Civil liability and immunity. If any herptile
10 escapes or is released, the owner and possessor of the herptile
11 shall be strictly liable for all costs incurred in apprehending
12 and confining the herptile, including any injuries incurred to
13 humans or damage to property, both real and personal, including
14 pets and livestock, and the owner shall indemnify any animal
15 control officer, police officer, or Department employee acting
16 in his or her official capacity to capture or control an
17 escaped herptile.

18 The owner, keeper, or possessor of an escaped herptile
19 shall be solely responsible for any and all liabilities arising
20 out of or in connection with the escape or release of any
21 herptile including liability for any damage, injury, or death
22 caused by or to the herptile during or after the herptile's
23 escape or release or as a result of the apprehension or
24 confinement of the herptile after its escape or release. In
25 addition, the owner, keeper, or possessor of an escaped

1 herptile shall be solely responsible for any and all costs
2 incurred by an animal control officer, police officer, or
3 Department employee acting in his or her official capacity to
4 capture or control an escaped herptile.

5 ~~A licensed veterinarian who may have cause to treat a~~
6 ~~special use herptile that is in violation of this Act shall not~~
7 ~~be held liable, except for willful and wanton misconduct, under~~
8 ~~this Act provided that the veterinarian (i) promptly reports~~
9 ~~violations of this Act of which he or she has knowledge to a~~
10 ~~law enforcement agency within 24 hours after becoming aware of~~
11 ~~the incident; (ii) provides the name, address, and phone number~~
12 ~~of the person possessing the special use herptile at time of~~
13 ~~incident or treatment; (iii) provides the name and address of~~
14 ~~the owner of the special use herptile if known; (iv) identifies~~
15 ~~the kind and number of special use herptiles being treated; and~~
16 ~~(v) describes the reason for the treatment of the special use~~
17 ~~herptile.~~

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

19 (510 ILCS 68/100-5)

20 Sec. 100-5. Prima facie evidence; confiscation. The
21 possession of any reptile or amphibian life or any part of
22 reptile or amphibian life protected under this Act is prima
23 facie evidence that the reptile or amphibian life or any part
24 of reptile or amphibian life is subject to the provisions of
25 this Act, including administrative rules.

1 Whenever the contents of any box, barrel, package, or
2 receptacle consists partly of contraband and partly of legal
3 reptile or amphibian life or any part of reptile or amphibian
4 life, the entire contents of the box, barrel, or package, or
5 other receptacle are subject to seizure and forfeiture
6 ~~confiscation~~.

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

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

14 (510 ILCS 68/105-10)

15 Sec. 105-10. Conservation of reptiles and amphibians. The
16 Department shall take all measures necessary for the
17 conservation, distribution, introduction, and restoration of
18 reptiles and amphibians. After any investigation when it is
19 found by the Department that there is imminent danger of loss
20 of native reptiles and amphibians, the Director may authorize
21 the taking of native reptiles and amphibians from any area and
22 specify other reasonable limits, methods, and devices as the
23 Director may deem advisable to salvage imperiled species. The
24 Department shall also bring or cause to be brought actions and
25 proceedings, in the name and by the authority of the People of

1 the State of Illinois, to enforce this Act, including
2 administrative rules, and to recover any and all fines and
3 penalties provided for in this Act. Nothing in this Act shall
4 be construed to authorize the Department to change any penalty
5 prescribed by law or to change the amount of license fees or
6 the authority conferred by licenses prescribed by law. The
7 Department is authorized to cooperate with the appropriate
8 Departments of the federal government and other Departments or
9 agencies of State government and educational institutions in
10 conducting surveys, experiments, or work of joint interest or
11 benefit.

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

13 (510 ILCS 68/105-35)

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

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

24 (510 ILCS 68/105-55)

1 Sec. 105-55. Illegal collecting devices; public nuisance.
2 Every collecting device, including seines, nets, traps,
3 pillowcases, bags, snake hooks or tongs, or any electrical
4 device or any other devices including vehicles or conveyance,
5 watercraft, or aircraft used or operated illegally or attempted
6 to be used or operated illegally by any person in taking,
7 transporting, holding, or conveying any reptile or amphibian
8 life or any part of reptile or amphibian life, contrary to this
9 Act, including administrative rules, shall be deemed a public
10 nuisance and therefore illegal and subject to seizure and
11 confiscation by any authorized employee of the Department. Upon
12 the seizure of this item, the Department shall take and hold
13 the item until disposed of as provided in this Act.

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

1 the property may have a jury determine the illegality of its
2 use and shall have the right of an appeal as in other civil
3 cases. Confiscation or forfeiture shall not preclude or
4 mitigate against prosecution and assessment of penalties
5 provided in Article 90 of this Act.

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

1 possession and reimbursing the Department for all reasonable
2 expenses of custody.

3 Any property forfeited to the State by court order under
4 this Section may be disposed of by public auction, except that
5 any property that is the subject of a court order shall not be
6 disposed of pending appeal of the order. The proceeds of the
7 sales at auction shall be deposited in the Illinois Wildlife
8 Preservation and Fish Fund.

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

11 Property seized or forfeited under this Section is subject
12 to reporting under the Seizure and Forfeiture Reporting Act.
13 (Source: P.A. 100-512, eff. 7-1-18.)

14 (510 ILCS 68/105-75)

15 Sec. 105-75. Illinois Wildlife Preservation and Fish Fund;
16 disposition of money received. All fees, fines, income of
17 whatever kind or nature derived from reptile and amphibian
18 activities regulated by this Act on lands, waters, or both
19 under the jurisdiction or control of the Department and all
20 penalties collected under this Act shall be deposited into the
21 State treasury and shall be set apart in a special fund known
22 as the Illinois Wildlife Preservation and Fish Fund.
23 (Source: P.A. 98-752, eff. 1-1-15.)

24 (510 ILCS 68/105-100)

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

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

5 (510 ILCS 68/110-5)

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

9 (1) public zoos or aquaria accredited by the
10 Association of Zoos and Aquariums or the Zoological
11 Association of America;

12 (2) licensed veterinarians or anyone operating under
13 the authority of a licensed veterinarian that is actively
14 treating a Special Use Herptile in his or her care and is
15 being maintained in the veterinarian facility under
16 Section 10-25, 20-15, or 25-15 in order to prevent escape
17 and protect public health and safety;

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

19 (4) accredited research or medical institutions;

20 (5) licensed or accredited educational institutions;

21 (6) circuses licensed and in compliance with the Animal
22 Welfare Act and all rules adopted by the Department of
23 Agriculture;

24 (7) federal, State, and local law enforcement
25 officers, including animal control officers acting under

1 the authority of this Act;

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

4 (9) (blank) ~~any bona fide wildlife rehabilitation~~
5 ~~facility licensed or otherwise authorized by the~~
6 ~~Department~~; and

7 (10) any non-resident motion picture or television
8 production company that uses licensed dealers, exhibitors,
9 and transporters under the federal Animal Welfare Act, 7
10 U.S.C. 2132.

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

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

14 (515 ILCS 5/1-20) (from Ch. 56, par. 1-20)

15 Sec. 1-20. Aquatic life. "Aquatic life" means all fish,
16 reptiles, amphibians, aquatic mollusks, crustaceans, algae,
17 aquatic plants, and aquatic invertebrates and any other aquatic
18 animal or plant that the Department identifies in
19 administrative rules. Reptiles and amphibians are defined as
20 "aquatic life" only for regulating fishing and consumptive take
21 of herptile species in administrative rules. mollusks,
22 ~~crustaceans, algae, aquatic plants, aquatic invertebrates, and~~
23 ~~any other aquatic animals or plants that the Department~~
24 ~~identifies in rules adopted after consultation with~~

1 ~~biologists, zoologists, or other wildlife experts. "Aquatic~~
2 ~~life" does not mean any herptiles that are found in the~~
3 ~~Herptiles Herps Act.~~

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."