



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0395

Introduced 2/8/2021, by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

815 ILCS 357/1
815 ILCS 357/5
815 ILCS 357/10
815 ILCS 357/12
815 ILCS 357/15

Amends the Ivory Ban Act. Changes the short title of the Act to the Animal Parts and Products Ban Act. Makes the Act applicable to animal parts or products. Defines "animal part or product" to mean, in addition to ivory and rhinoceros horn, any item that contains, or is wholly or partially made from, the following animal family, genus, or species: cheetah, elephant, giraffe, great ape, hippopotamus, jaguar, leopard, lion, monk seal, narwhal, pangolin, ray or shark, rhinoceros, sea turtle, tiger, walrus, or whale, insofar as the species, subspecies, or distinct population segment is listed on specified endangered species lists. Authorizes the Department of Natural Resources to permit the transfer of covered animal parts or products to or from a museum, unless the activity is prohibited by federal law. Makes changes concerning exemptions for certain antiques.

LRB102 03915 KTG 13930 b

1 AN ACT concerning business.

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

4 Section 5. The Ivory Ban Act is amended by changing
5 Sections 1, 5, 10, 12, and 15 as follows:

6 (815 ILCS 357/1)

7 Sec. 1. Short title. This Act may be cited as the Animal
8 Parts and Products Ban ~~Ivory Ban~~ Act.

9 (Source: P.A. 100-857, eff. 1-1-19.)

10 (815 ILCS 357/5)

11 Sec. 5. Definitions. As used in this Act:

12 "Animal part or product" means any item that contains, or
13 is wholly or partially made from, the following animal family,
14 genus, or species: cheetah (Acinonyx jubatus), elephant
15 (Elephantidae), giraffe (Giraffa camelopardalis), great ape
16 (Hominoidea), hippopotamus (Hippopotamus amphibius), jaguar
17 (Panthera onca), leopard (Panthera pardus), lion (Panthera
18 leo), monk seal (Neomonachus), narwhal (Monodon monoceros),
19 pangolin (Manis), ray or shark (Elasmobranchii), rhinoceros
20 (Rhinocerotidae), sea turtle (Chelonioidae), tiger (Panthera
21 tigris), walrus (Odobenus rosmarus), or whale (Cetacea),
22 insofar as the species, subspecies, or distinct population

1 segment is listed:

2 (1) in Appendix I or II of the Convention on
3 International Trade in Endangered Species; or

4 (2) as endangered under the Endangered Species Act.

5 "Animal part or product" includes ivory, ivory products,
6 rhinoceros horns, and rhinoceros horn products.

7 "Ivory" means any tooth or tusk composed of ivory from any
8 animal, including, but not limited to, an elephant,
9 hippopotamus, mammoth, narwhal, walrus, or whale, or any piece
10 thereof, whether raw ivory or worked ivory, or made into, or
11 part of, an ivory product.

12 "Ivory product" means any item that contains, or that is
13 wholly or partially made from, any ivory.

14 "Raw ivory" means any ivory the surface of which, polished
15 or unpolished, is unaltered or minimally changed by carving.

16 "Rhinoceros horn" means the horn, or any piece thereof, of
17 any species of rhinoceros.

18 "Rhinoceros horn product" means any item that contains, or
19 is wholly or partially made from, any rhinoceros horn.

20 "Total value of the animal parts or ~~ivory, ivory products,~~
21 ~~rhinoceros horn, and rhinoceros horn~~ products" means the fair
22 market value of the animal parts or products, ~~ivory, ivory~~
23 ~~products, rhinoceros horn, and rhinoceros horn products,~~ or
24 the actual price paid for the animal parts or products, ~~ivory,~~
25 ~~ivory products, rhinoceros horn, and rhinoceros products,~~
26 whichever is greater.

1 "Worked ivory" means ivory that has been embellished,
2 carved, marked, or otherwise altered so that it can no longer
3 be considered raw ivory.

4 (Source: P.A. 100-857, eff. 1-1-19.)

5 (815 ILCS 357/10)

6 Sec. 10. Prohibitions.

7 (a) In addition to the prohibitions under any other law,
8 it shall be unlawful for any person to import, sell, offer for
9 sale, purchase, barter, or possess with intent to sell, any
10 animal part or product, ~~any ivory, ivory product, rhinoceros~~
11 ~~horn, or rhinoceros horn product~~, except as provided by this
12 Act.

13 (b) It shall be a rebuttable presumption of possession
14 with intent to sell when any animal part or product ~~ivory,~~
15 ~~ivory product, rhinoceros horn, or rhinoceros horn product~~ is
16 possessed in a retail or wholesale outlet commonly used for
17 the buying or selling of similar products; ~~, provided,~~
18 however, ~~that~~ nothing in this subsection (b) shall preclude a
19 finding of intent to sell based on any other evidence that
20 ~~which~~ may serve to independently establish that intent. The
21 act of obtaining an appraisal of an animal part or product
22 ~~ivory, an ivory product, rhinoceros horn, or a rhinoceros horn~~
23 ~~product~~, alone shall not constitute possession with intent to
24 sell.

25 (c) A person may convey an animal part or product to a

1 legal beneficiary as part of an estate, trust, or other
2 inheritance being conveyed to lawful beneficiaries upon the
3 death of the owner of the animal part or product or in
4 anticipation of that death. ~~ivory, an ivory product,~~
5 ~~rhinoceros horn, or a rhinoceros horn product to the legal~~
6 ~~beneficiary of the ivory, ivory product, rhinoceros horn, or~~
7 ~~rhinoceros horn product which is part of an estate or other~~
8 ~~items being conveyed to lawful beneficiaries upon the death of~~
9 ~~the owner of the ivory, ivory product, rhinoceros horn, or~~
10 ~~rhinoceros horn product or in anticipation of that death.~~

11 (d) None of the prohibitions set forth in this Section
12 shall apply to employees or agents of the federal or State
13 government undertaking any law enforcement activities under
14 federal or State law or any mandatory duties required by
15 federal or State law.

16 (e) The prohibition on import set forth in subsection (a)
17 of this Section shall not apply where the import is expressly
18 authorized by federal license or permit.

19 (f) Unless the activity is prohibited by federal law, the
20 ~~The~~ Department of Natural Resources may permit, under terms
21 and conditions as the Department may adopt by rule, the
22 import, sale, offer for sale, purchase, barter, or possession
23 with intent to sell, of any animal part or product: (1) ivory,
24 ~~ivory product, rhinoceros horn, or rhinoceros horn product~~ for
25 bona fide educational or scientific purposes; or (2) to or
26 from a museum , ~~unless this activity is prohibited by federal~~

1 ~~law.~~

2 (Source: P.A. 100-857, eff. 1-1-19.)

3 (815 ILCS 357/12)

4 Sec. 12. Exemptions. The prohibitions under Section 10
5 shall not apply:

6 (1) When the animal part or product ~~ivory or~~
7 ~~rhinoceros horn~~ is part of a bona fide antique, if:

8 (A) the animal part or product ~~gun or knife~~ and is
9 less than 20% by volume of the antique;

10 (B) the animal part or product is a fixed
11 component or components of a larger item and is not, in
12 its current form, the primary source of value of the
13 item; and

14 (C) , ~~and~~ the seller establishes by documentation
15 that the antique is not less than 100 years old.

16 (2) When the animal part or product ~~ivory or~~
17 ~~rhinoceros horn~~ is part of a musical instrument,
18 including, but not limited to, a string or wind instrument
19 or piano, and that is less than 20% by volume of the
20 instrument, and the owner or seller provides historical
21 documentation demonstrating provenance and showing the
22 item was manufactured no later than 1975.

23 (Source: P.A. 100-857, eff. 1-1-19.)

24 (815 ILCS 357/15)

1 Sec. 15. Penalties.

2 (a) In addition to any applicable penalties that ~~which~~ may
3 be imposed under any other law, a person violating any
4 provision of Section 10 of this Act, or any rule adopted under
5 Section 20 of this Act, shall be guilty of:

6 (1) for a first offense, a business offense and shall
7 be fined not less than \$1,000 or an amount equal to 2 times
8 the total value of the animal parts or ~~ivory, ivory~~
9 ~~products, rhinoceros horn, and rhinoceros horn~~ products
10 involved in the offense, whichever is greater; and

11 (2) for a second or subsequent offense, a Class A
12 misdemeanor and shall be fined not less than \$5,000 or an
13 amount equal to 2 times the total value of the animal parts
14 or ~~ivory, ivory products, rhinoceros horn, and rhinoceros~~
15 ~~horn~~ products involved in the offense, whichever is
16 greater.

17 (b) Upon a conviction for violating the provisions of
18 Section 10 of this Act, the court shall order the seizure of
19 all animal parts or products ~~ivory, ivory products, rhinoceros~~
20 ~~horn, and rhinoceros horn products~~ involved in the violation
21 and determine the penalty for the violation based on the
22 assessed value of the seized products under subsection (a) of
23 this Section. After sentencing the defendant, the court shall
24 order that the seized animal parts or products ~~ivory, ivory~~
25 ~~products, rhinoceros horn, and rhinoceros horn products~~ be
26 transferred to the Department of Natural Resources for proper

1 disposition. The Department, at its discretion, may destroy
2 the animal parts or products ~~ivory, ivory products, rhinoceros~~
3 ~~horn, and rhinoceros horn products~~ or donate them to an
4 educational or scientific institution or organization,
5 including, but not ~~necessarily~~ limited to, a museum,
6 university, or research group.

7 (Source: P.A. 100-857, eff. 1-1-19.)