



Rep. Lawrence "Larry" Walsh, Jr.

Filed: 3/6/2023

10300HB2461ham002

LRB103 25474 RLC 58515 a

1 AMENDMENT TO HOUSE BILL 2461

2 AMENDMENT NO. _____. Amend House Bill 2461 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Wildlife Code is amended by changing
5 Sections 2.33a, 2.36, 2.37, and 3.5 as follows:

6 (520 ILCS 5/2.33a) (from Ch. 61, par. 2.33a)
7 Sec. 2.33a. Trapping.

8 (a) It is unlawful to fail to visit and remove all animals
9 from traps staked out, set, used, tended, placed or maintained
10 at least once each calendar day.

11 (b) It is unlawful for any person to place, set, use, or
12 maintain a leghold trap or one of similar construction on
13 land, that has a jaw spread of larger than 6 1/2 inches (16.6
14 CM), or a body-gripping trap or one of similar construction
15 having a jaw spread larger than 7 inches (17.8 CM) on a side if
16 square and 8 inches (20.4 CM) if round.

1 (c) It is unlawful for any person to place, set, use, or
2 maintain a leghold trap or one of similar construction in
3 water, that has a jaw spread of larger than 7 1/2 inches (19.1
4 CM), or a body-gripping trap or one of similar construction
5 having a jaw spread larger than 10 inches (25.4 CM) on a side
6 if square and 12 inches (30.5 CM) if round.

7 (d) It is unlawful to use any trap with saw-toothed,
8 spiked, or toothed jaws.

9 (e) It is unlawful to destroy, disturb or in any manner
10 interfere with dams, lodges, burrows or feed beds of beaver
11 while trapping for beaver or to set a trap inside a muskrat
12 house or beaver lodge, except that this shall not apply to
13 individuals who ~~Drainage Districts that~~ are acting pursuant to
14 the provisions of Section 2.37 or as provided for by
15 administrative rule.

16 (f) It is unlawful to trap beaver or river otter with: (1)
17 a leghold trap or one of similar construction having a jaw
18 spread of less than 5 1/2 inches (13.9 CM) or more than 7 1/2
19 inches (19.1 CM), or (2) a body-gripping trap or one of similar
20 construction having a jaw spread of less than 7 inches (17.7
21 CM) or more than 10 inches (25.4 CM) on a side if square and 12
22 inches (30.5 CM) if round, except that these restrictions
23 shall not apply during the open season for trapping raccoons.

24 (g) It is unlawful to set traps closer than 10 feet (3.05
25 M) from any hole or den which may be occupied by a game mammal
26 or fur-bearing mammal except that this restriction shall not

1 apply to water sets.

2 (h) It is unlawful to trap or attempt to trap any
3 fur-bearing mammal with any colony, cage, box, or stove-pipe
4 trap designed to take more than one mammal at a single setting.

5 (i) It is unlawful for any person to set or place any trap
6 designed to take any fur-bearing mammal protected by this Act
7 during the closed trapping season. Proof that any trap was
8 placed during the closed trapping season shall be deemed prima
9 facie evidence of a violation of this provision.

10 (j) It is unlawful to place, set, or maintain any leghold
11 trap or one of similar construction within thirty (30) feet
12 (9.14 m) of bait placed in such a manner or position that it is
13 not completely covered and concealed from sight, except that
14 this shall not apply to underwater sets. Bait shall mean and
15 include any bait composed of mammal, bird, or fish flesh, fur,
16 hide, entrails or feathers.

17 (k) (Blank).

18 (l) It is unlawful for any person to place, set, use or
19 maintain a snare trap or one of similar construction in water,
20 that has a loop diameter exceeding 15 inches (38.1 CM) or a
21 cable or wire diameter of more than 1/8 inch (3.2 MM) or less
22 than 5/64 inch (2.0 MM), that is constructed of stainless
23 steel metal cable or wire, and that does not have a mechanical
24 lock, anchor swivel and stop device to prevent the mechanical
25 lock from closing the noose loop to a diameter of less than 2
26 1/2 inches (6.4 CM).

1 (m) It is unlawful to trap muskrat or mink with (1) a
2 leghold trap or one of similar construction or (2) a
3 body-gripping trap or one of similar construction unless the
4 body-gripping trap or similar trap is completely submerged
5 underwater when set. These restrictions shall not apply during
6 the open season for trapping raccoons.

7 (Source: P.A. 99-33, eff. 1-1-16; 100-201, eff. 8-18-17.)

8 (520 ILCS 5/2.36) (from Ch. 61, par. 2.36)

9 Sec. 2.36. It shall be unlawful to buy, sell or barter, or
10 offer to buy, sell or barter, and for a commercial
11 institution, other than a regularly operated refrigerated
12 storage establishment, to have in its possession any of the
13 wild birds, or any part thereof (and their eggs), or wild
14 mammals or any parts thereof, protected by this Act unless
15 done as hereinafter provided:

16 Game birds or any parts thereof (and their eggs), may be
17 held, possessed, raised and sold, or otherwise dealt with, as
18 provided in Section 3.23 of this Act or when legally produced
19 under similar special permit in another state or country and
20 legally transported into the State of Illinois; provided that
21 such imported game birds or any parts thereof, shall be marked
22 with permanent irremovable tags, or similar devices, to
23 establish and retain their origin and identity;

24 Rabbits may be legally taken and possessed as provided in
25 Sections 3.23, 3.24, and 3.26 of this Act;

1 Deer, or any parts thereof, may be held, possessed, sold
2 or otherwise dealt with as provided in this Section and
3 Sections 3.23 and 3.24 of this Act;

4 If a properly tagged deer is processed at a licensed meat
5 processing facility, the meat processor at the facility is an
6 active member of the Illinois Sportsmen Against Hunger
7 program, and the owner of the deer (i) fails to claim the
8 processed deer within a reasonable time or (ii) notifies the
9 licensed meat processing facility that the owner no longer
10 wants the processed deer, then the deer meat may be given away
11 by the licensed meat processor to another person or donated to
12 any other charitable organization or community food bank that
13 receives wild game meat. The licensed meat processing facility
14 may charge the person receiving the deer meat a reasonable and
15 customary processing fee;

16 Meat processors who are active members of the Illinois
17 Sportsmen Against Hunger program shall keep written records of
18 all deer received. Records shall include the following
19 information:

20 (1) the date the deer was received;

21 (2) the name, address, and telephone number of the
22 person from whom the deer was received;

23 (3) whether the deer was received as a whole carcass
24 or as deboned meat; if the deer was brought to the meat
25 processor as deboned meat, the processor shall include the
26 weight of the meat;

1 (4) the number and state of issuance of the permit of
2 the person from whom the deer was received; in the absence
3 of a permit number, the meat processor may rely on the
4 written certification of the person from whom the deer was
5 received that the deer was legally taken or obtained; and

6 (5) if the person who originally delivered the deer to
7 the meat processor fails to collect or make arrangements
8 for the packaged deer meat to be collected and the meat
9 processor gives all or part of the unclaimed deer meat to
10 another person, the meat processor shall maintain a record
11 of the exchange; the meat processor's records shall
12 include the customer's name, physical address, telephone
13 number, as well as the quantity and type of deer meat given
14 to the customer. The meat processor shall also include the
15 amount of compensation received for the deer meat in his
16 or her records.

17 Meat processor records for unclaimed deer meat shall be
18 open for inspection by any peace officer at any reasonable
19 hour. Meat processors shall maintain records for a period of 2
20 years after the date of receipt of the wild game or for as long
21 as the specimen or meat remains in the meat processors
22 possession, whichever is longer;

23 No meat processor shall have in his or her possession any
24 deer that is not listed in his or her written records and
25 properly tagged or labeled;

26 All licensed meat processors who ship any deer or parts of

1 deer that have been held, possessed, or otherwise dealt with
2 shall tag or label the shipment, and the tag or label shall
3 state the name of the meat processor;

4 Nothing in this Section removes meat processors from
5 responsibility for the observance of any State or federal
6 laws, rules, or regulations that may apply to the meat
7 processing business;

8 Fur-bearing mammals, or any parts thereof, may be held,
9 possessed, sold or otherwise dealt with as provided in
10 Sections 3.16, 3.24, and 3.26 of this Act or when legally taken
11 and possessed in Illinois or legally taken and possessed in
12 and transported from other states or countries;

13 It is unlawful for any person to act as a nuisance wildlife
14 control operator for fee or compensation without a permit as
15 provided in subsection subsection (b) of Section 2.37 of this
16 Act unless such trapping is in compliance with Section 2.30.

17 The inedible parts of game mammals may be held, possessed,
18 sold or otherwise dealt with when legally taken, in Illinois
19 or legally taken and possessed in and transported from other
20 states or countries.

21 Failure to establish proof of the legality of possession
22 in another state or country and importation into the State of
23 Illinois, shall be prima facie evidence that such game birds
24 or any parts thereof, and their eggs, game mammals and
25 fur-bearing mammals, or any parts thereof, were taken within
26 the State of Illinois.

1 (Source: P.A. 97-567, eff. 8-25-11.)

2 (520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

3 Sec. 2.37. Authority to kill wildlife responsible for
4 damage.

5 (a) Subject to federal regulations and Section 3 of the
6 Illinois Endangered Species Act, the Department may authorize
7 owners and tenants of lands or their agents, who are
8 performing the service without fee or compensation, to remove
9 or destroy any wild bird or wild mammal when the wild bird or
10 wild mammal is known to be destroying property or causing a
11 risk to human health or safety upon his or her land.

12 Upon receipt by the Department of information from the
13 owner, tenant, or sharecropper that any one or more species of
14 wildlife is damaging dams, levees, ditches, cattle pastures,
15 or other property on the land on which he resides or controls,
16 together with a statement regarding location of the property
17 damages, the nature and extent of the damage, and the
18 particular species of wildlife committing the damage, the
19 Department shall make an investigation.

20 If, after investigation, the Department finds that damage
21 does exist and can be abated only by removing or destroying
22 that wildlife, a permit shall be issued by the Department to
23 remove or destroy the species responsible for causing the
24 damage.

25 A permit to control the damage shall be for a period of up

1 to 90 days, shall specify the means and methods by which and
2 the person or persons by whom the wildlife may be removed or
3 destroyed, without fee or compensation, and shall set forth
4 the disposition procedure to be made of all wildlife taken and
5 other restrictions the Director considers necessary and
6 appropriate in the circumstances of the particular case.
7 Whenever possible, the specimens destroyed shall be given to a
8 bona-fide public or State scientific, educational, or
9 zoological institution.

10 The permittee shall advise the Department in writing,
11 within 10 days after the expiration date of the permit, of the
12 number of individual species of wildlife taken, disposition
13 made of them, and any other information which the Department
14 may consider necessary.

15 (b) Subject to federal regulations and Section 3 of the
16 Illinois Endangered Species Act, the Department may grant the
17 authority to control species protected by this Code pursuant
18 to the issuance of a Nuisance Wildlife Control Permit to:

19 (1) any person who is providing such service for a fee
20 or compensation; ~~an individual, corporation, association~~
21 ~~or~~

22 (2) a governmental body; or

23 (3) a nonprofit or other charitable organization ~~the~~
24 ~~authority to control species protected by this Code~~
25 ~~pursuant to the issuance of a Nuisance Wildlife Control~~
26 ~~Permit.~~

1 The Department shall set forth applicable regulations in
2 an Administrative Order and may require periodic reports
3 listing species taken, numbers of each species taken, dates
4 when taken, and other pertinent information.

5 Any person operating under a Nuisance Wildlife Control
6 Permit who subcontracts the operation of nuisance wildlife
7 control to another shall ensure that such subcontractor
8 possesses a valid Nuisance Wildlife Control Permit issued by
9 the Department. The person must maintain a record of the
10 subcontractor including the subcontractor's name, address, and
11 phone number, and type of work to be performed, for a period of
12 not less than 2 years from the date the subcontractor is no
13 longer performing services on behalf of the person. The
14 records shall be presented to an authorized employee of the
15 Department or law enforcement officer upon request for
16 inspection.

17 Any person operating without the required permit as
18 outlined under this subsection (b) or in violation of this
19 subsection (b) is deemed to be taking, attempting to take,
20 disturbing, or harassing wildlife contrary to the provisions
21 of this Code, including the taking or attempting to take such
22 species for commercial purposes as outlined in Sections 2.36
23 and 2.36a of this Code. Any devices and equipment, including
24 vehicles, used in violation of this subsection (b) may be
25 subject to the provisions of Section 1.25 of this Code.

26 (c) Except when operating under subsection (b) of this

1 Section, drainage districts ~~Drainage Districts~~ shall have the
2 authority to control beaver provided that they must notify the
3 Department in writing that a problem exists and of their
4 intention to trap the animals at least 7 days before the
5 trapping begins. The district ~~District~~ must identify traps
6 used in beaver control outside the dates of the furbearer
7 trapping season with metal tags with the district's name
8 legibly inscribed upon them. During the fur trapping
9 ~~furtrapping~~ season, traps must be identified as prescribed by
10 law. Conibear traps at least size 330 shall be used except
11 during the statewide furbearer trapping season. During that
12 time trappers may use any device that is legal according to the
13 Wildlife Code. Except during the statewide furbearer trapping
14 season, beaver traps must be set in water at least 10 inches
15 deep. Except during the statewide furbearer trapping season,
16 traps must be set within 10 feet of an inhabited bank burrow or
17 house and within 10 feet of a dam maintained by a beaver. No
18 beaver or other furbearer taken outside of the dates for the
19 furbearer trapping season may be sold. All animals must be
20 given to the nearest conservation officer or other Department
21 of Natural Resources representative within 48 hours after they
22 are caught unless otherwise instructed by the Department.
23 Furbearers taken during the fur trapping season may be sold
24 provided that they are taken by persons who have valid
25 trapping licenses in their possession and are lawfully taken.
26 The district ~~District~~ must submit an annual report showing the

1 species and numbers of animals caught. The report must
2 indicate all species which were taken. This authority only
3 extends to control of beavers. Any other protected species
4 must be controlled pursuant to subsection (b) or (c).

5 The location of traps or snares authorized under this
6 Section, either by the Department or any other governmental
7 body with the authority to control species protected by this
8 Code, shall be exempt from the provisions of the Freedom of
9 Information Act.

10 (Source: P.A. 102-524, eff. 8-20-21.)

11 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

12 Sec. 3.5. Penalties; probation.

13 (a) Any person who violates any of the provisions of
14 Section 2.36a, including administrative rules, shall be guilty
15 of a Class 3 felony, except as otherwise provided in
16 subsection (b) of this Section and subsection (a) of Section
17 2.36a.

18 (b) Whenever any person who has not previously been
19 convicted of, or placed on probation or court supervision for,
20 any offense under Section 1.22, 2.36, or 2.36a operating
21 without a permit as prescribed in subsection (b) of Section
22 2.37 or subsection (i) or (cc) of Section 2.33, the court may,
23 without entering a judgment and with the person's consent,
24 sentence the person to probation for a violation of Section
25 2.36a.

1 (1) When a person is placed on probation, the court
2 shall enter an order specifying a period of probation of
3 24 months and shall defer further proceedings in the case
4 until the conclusion of the period or until the filing of a
5 petition alleging violation of a term or condition of
6 probation.

7 (2) The conditions of probation shall be that the
8 person:

9 (A) Not violate any criminal statute of any
10 jurisdiction.

11 (B) Perform no less than 30 hours of community
12 service, provided community service is available in
13 the jurisdiction and is funded and approved by the
14 county board.

15 (3) The court may, in addition to other conditions:

16 (A) Require that the person make a report to and
17 appear in person before or participate with the court
18 or courts, person, or social service agency as
19 directed by the court in the order of probation.

20 (B) Require that the person pay a fine and costs.

21 (C) Require that the person refrain from
22 possessing a firearm or other dangerous weapon.

23 (D) Prohibit the person from associating with any
24 person who is actively engaged in any of the
25 activities regulated by the permits issued or
26 privileges granted by the Department of Natural

1 Resources.

2 (4) Upon violation of a term or condition of
3 probation, the court may enter a judgment on its original
4 finding of guilt and proceed as otherwise provided.

5 (5) Upon fulfillment of the terms and conditions of
6 probation, the court shall discharge the person and
7 dismiss the proceedings against the person.

8 (6) A disposition of probation is considered to be a
9 conviction for the purposes of imposing the conditions of
10 probation, for appeal, and for administrative revocation
11 and suspension of licenses and privileges; however,
12 discharge and dismissal under this Section is not a
13 conviction for purposes of disqualification or
14 disabilities imposed by law upon conviction of a crime.

15 (7) Discharge and dismissal under this Section may
16 occur only once with respect to any person.

17 (8) If a person is convicted of an offense under this
18 Act within 5 years subsequent to a discharge and dismissal
19 under this Section, the discharge and dismissal under this
20 Section shall be admissible in the sentencing proceeding
21 for that conviction as a factor in aggravation.

22 (9) The Circuit Clerk shall notify the Illinois State
23 Police of all persons convicted of or placed under
24 probation for violations of Section 2.36a.

25 (c) Any person who violates any of the provisions of
26 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,

1 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),
2 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 through 3.16, 3.19,
3 3.20, 3.21 (except subsections (b), (c), (d), (e), (f), (f.5),
4 (g), (h), and (i)), 3.24, 3.25, and 3.26 (except subsection
5 (f)), including administrative rules, shall be guilty of a
6 Class B misdemeanor.

7 A person who violates Section 2.33b by using any computer
8 software or service to remotely control a weapon that takes
9 wildlife by remote operation is guilty of a Class B
10 misdemeanor. A person who violates Section 2.33b by
11 facilitating a violation of Section 2.33b, including an owner
12 of land in which remote control hunting occurs, a computer
13 programmer who designs a program or software to facilitate
14 remote control hunting, or a person who provides weapons or
15 equipment to facilitate remote control hunting, is guilty of a
16 Class A misdemeanor.

17 Any person who violates any of the provisions of Sections
18 1.22, 2.2a, 2.3, 2.4, 2.36 and 2.38, including administrative
19 rules, shall be guilty of a Class A misdemeanor. Any second or
20 subsequent violations of Sections 2.4 and 2.36 shall be a
21 Class 4 felony.

22 Any person who violates any of the provisions of this Act,
23 including administrative rules, during such period when his
24 license, privileges, or permit is revoked or denied by virtue
25 of Section 3.36, shall be guilty of a Class A misdemeanor.

26 Any person who violates subsection (g), (i), (o), (p),

1 (y), or (cc) of Section 2.33 shall be guilty of a Class A
2 misdemeanor and subject to a fine of no less than \$500 and no
3 more than \$5,000 in addition to other statutory penalties. In
4 addition, the Department shall suspend the privileges, under
5 this Act, of any person found guilty of violating Section
6 2.33(cc) for a period of not less than one year.

7 Any person who operates without a permit in violation
8 subsection (b) of Section 2.37 is guilty of a Class A
9 misdemeanor and subject to a fine of not less than \$500. Any
10 other violation of subsection (b) of Section 2.37 including
11 administrative rules is a Class B misdemeanor.

12 Any person who violates any other of the provisions of
13 this Act including administrative rules, unless otherwise
14 stated, shall be guilty of a petty offense. Offenses committed
15 by minors under the direct control or with the consent of a
16 parent or guardian may subject the parent or guardian to the
17 penalties prescribed in this Section.

18 In addition to any fines imposed pursuant to the
19 provisions of this Section or as otherwise provided in this
20 Act, any person found guilty of unlawfully taking or
21 possessing any species protected by this Act, shall be
22 assessed a civil penalty for such species in accordance with
23 the values prescribed in Section 2.36a of this Act. This civil
24 penalty shall be imposed by the Circuit Court for the county
25 within which the offense was committed at the time of the
26 conviction. Any person found guilty of violating subsection

1 (b) of Section 2.37 is subject to an additional civil penalty
2 of up to \$1,500. All penalties provided for in this Section
3 shall be remitted to the Department in accordance with the
4 same provisions provided for in Section 1.18 of this Act,
5 except that civil penalties collected for violation of
6 Subsection (b) of Section 2.37 shall be remitted to the
7 Department and allocated as follows:-

8 (1) 60% to the Conservation Police Operations
9 Assistance Fund; and

10 (2) 40% to the Illinois Habitat Fund.

11 (Source: P.A. 102-538, eff. 8-20-21.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."