

1 AN ACT concerning wildlife.

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

4 Section 5. The Wildlife Code is amended by changing
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.

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

23 (d) It is unlawful to use any trap with saw-toothed,

1 spiked, or toothed jaws.

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

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

17 (g) It is unlawful to set traps closer than 10 feet (3.05
18 M) from any hole or den which may be occupied by a game mammal
19 or fur-bearing mammal except that this restriction shall not
20 apply to water sets.

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

24 (i) It is unlawful for any person to set or place any trap
25 designed to take any fur-bearing mammal protected by this Act
26 during the closed trapping season. Proof that any trap was

1 placed during the closed trapping season shall be deemed prima
2 facie evidence of a violation of this provision.

3 (j) It is unlawful to place, set, or maintain any leghold
4 trap or one of similar construction within thirty (30) feet
5 (9.14 m) of bait placed in such a manner or position that it is
6 not completely covered and concealed from sight, except that
7 this shall not apply to underwater sets. Bait shall mean and
8 include any bait composed of mammal, bird, or fish flesh, fur,
9 hide, entrails or feathers.

10 (k) (Blank).

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

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

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

1 (520 ILCS 5/2.36) (from Ch. 61, par. 2.36)

2 Sec. 2.36. It shall be unlawful to buy, sell or barter, or
3 offer to buy, sell or barter, and for a commercial
4 institution, other than a regularly operated refrigerated
5 storage establishment, to have in its possession any of the
6 wild birds, or any part thereof (and their eggs), or wild
7 mammals or any parts thereof, protected by this Act unless
8 done as hereinafter provided:

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

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

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

22 If a properly tagged deer is processed at a licensed meat
23 processing facility, the meat processor at the facility is an
24 active member of the Illinois Sportsmen Against Hunger
25 program, and the owner of the deer (i) fails to claim the

1 processed deer within a reasonable time or (ii) notifies the
2 licensed meat processing facility that the owner no longer
3 wants the processed deer, then the deer meat may be given away
4 by the licensed meat processor to another person or donated to
5 any other charitable organization or community food bank that
6 receives wild game meat. The licensed meat processing facility
7 may charge the person receiving the deer meat a reasonable and
8 customary processing fee;

9 Meat processors who are active members of the Illinois
10 Sportsmen Against Hunger program shall keep written records of
11 all deer received. Records shall include the following
12 information:

13 (1) the date the deer was received;

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

16 (3) whether the deer was received as a whole carcass
17 or as deboned meat; if the deer was brought to the meat
18 processor as deboned meat, the processor shall include the
19 weight of the meat;

20 (4) the number and state of issuance of the permit of
21 the person from whom the deer was received; in the absence
22 of a permit number, the meat processor may rely on the
23 written certification of the person from whom the deer was
24 received that the deer was legally taken or obtained; and

25 (5) if the person who originally delivered the deer to
26 the meat processor fails to collect or make arrangements

1 for the packaged deer meat to be collected and the meat
2 processor gives all or part of the unclaimed deer meat to
3 another person, the meat processor shall maintain a record
4 of the exchange; the meat processor's records shall
5 include the customer's name, physical address, telephone
6 number, as well as the quantity and type of deer meat given
7 to the customer. The meat processor shall also include the
8 amount of compensation received for the deer meat in his
9 or her records.

10 Meat processor records for unclaimed deer meat shall be
11 open for inspection by any peace officer at any reasonable
12 hour. Meat processors shall maintain records for a period of 2
13 years after the date of receipt of the wild game or for as long
14 as the specimen or meat remains in the meat processors
15 possession, whichever is longer;

16 No meat processor shall have in his or her possession any
17 deer that is not listed in his or her written records and
18 properly tagged or labeled;

19 All licensed meat processors who ship any deer or parts of
20 deer that have been held, possessed, or otherwise dealt with
21 shall tag or label the shipment, and the tag or label shall
22 state the name of the meat processor;

23 Nothing in this Section removes meat processors from
24 responsibility for the observance of any State or federal
25 laws, rules, or regulations that may apply to the meat
26 processing business;

1 Fur-bearing mammals, or any parts thereof, may be held,
2 possessed, sold or otherwise dealt with as provided in
3 Sections 3.16, 3.24, and 3.26 of this Act or when legally taken
4 and possessed in Illinois or legally taken and possessed in
5 and transported from other states or countries;

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

10 The inedible parts of game mammals may be held, possessed,
11 sold or otherwise dealt with when legally taken, in Illinois
12 or legally taken and possessed in and transported from other
13 states or countries.

14 Failure to establish proof of the legality of possession
15 in another state or country and importation into the State of
16 Illinois, shall be prima facie evidence that such game birds
17 or any parts thereof, and their eggs, game mammals and
18 fur-bearing mammals, or any parts thereof, were taken within
19 the State of Illinois.

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

21 (520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

22 Sec. 2.37. Authority to kill wildlife responsible for
23 damage.

24 (a) Subject to federal regulations and Section 3 of the
25 Illinois Endangered Species Act, the Department may authorize

1 owners and tenants of lands or their agents, who are
2 performing the service without fee or compensation, to remove
3 or destroy any wild bird or wild mammal when the wild bird or
4 wild mammal is known to be destroying property or causing a
5 risk to human health or safety upon his or her land.

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

14 If, after investigation, the Department finds that damage
15 does exist and can be abated only by removing or destroying
16 that wildlife, a permit shall be issued by the Department to
17 remove or destroy the species responsible for causing the
18 damage.

19 A permit to control the damage shall be for a period of up
20 to 90 days, shall specify the means and methods by which and
21 the person or persons by whom the wildlife may be removed or
22 destroyed, without fee or compensation, and shall set forth
23 the disposition procedure to be made of all wildlife taken and
24 other restrictions the Director considers necessary and
25 appropriate in the circumstances of the particular case.
26 Whenever possible, the specimens destroyed shall be given to a

1 bona-fide public or State scientific, educational, or
2 zoological institution.

3 The permittee shall advise the Department in writing,
4 within 10 days after the expiration date of the permit, of the
5 number of individual species of wildlife taken, disposition
6 made of them, and any other information which the Department
7 may consider necessary.

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

12 (1) any person who is providing such service for a fee
13 or compensation; ~~an individual, corporation, association~~
14 ~~or~~

15 (2) a governmental body; or

16 (3) a nonprofit or other charitable organization ~~the~~
17 ~~authority to control species protected by this Code~~
18 ~~pursuant to the issuance of a Nuisance Wildlife Control~~
19 ~~Permit.~~

20 The Department shall set forth applicable regulations in
21 an Administrative Order and may require periodic reports
22 listing species taken, numbers of each species taken, dates
23 when taken, and other pertinent information.

24 Any person operating under a Nuisance Wildlife Control
25 Permit who subcontracts the operation of nuisance wildlife
26 control to another shall ensure that such subcontractor

1 possesses a valid Nuisance Wildlife Control Permit issued by
2 the Department. The person must maintain a record of the
3 subcontractor including the subcontractor's name, address, and
4 phone number, and type of work to be performed, for a period of
5 not less than 2 years from the date the subcontractor is no
6 longer performing services on behalf of the person. The
7 records shall be presented to an authorized employee of the
8 Department or law enforcement officer upon request for
9 inspection.

10 Any person operating without the required permit as
11 outlined under this subsection (b) or in violation of this
12 subsection (b) is deemed to be taking, attempting to take,
13 disturbing, or harassing wildlife contrary to the provisions
14 of this Code, including the taking or attempting to take such
15 species for commercial purposes as outlined in Sections 2.36
16 and 2.36a of this Code. Any devices and equipment, including
17 vehicles, used in violation of this subsection (b) may be
18 subject to the provisions of Section 1.25 of this Code.

19 (c) Except when operating under subsection (b) of this
20 Section, drainage districts ~~Drainage Districts~~ shall have the
21 authority to control beaver provided that they must notify the
22 Department in writing that a problem exists and of their
23 intention to trap the animals at least 7 days before the
24 trapping begins. The district ~~District~~ must identify traps
25 used in beaver control outside the dates of the furbearer
26 trapping season with metal tags with the district's name

1 legibly inscribed upon them. During the fur trapping
2 ~~furtrapping~~ season, traps must be identified as prescribed by
3 law. Conibear traps at least size 330 shall be used except
4 during the statewide furbearer trapping season. During that
5 time trappers may use any device that is legal according to the
6 Wildlife Code. Except during the statewide furbearer trapping
7 season, beaver traps must be set in water at least 10 inches
8 deep. Except during the statewide furbearer trapping season,
9 traps must be set within 10 feet of an inhabited bank burrow or
10 house and within 10 feet of a dam maintained by a beaver. No
11 beaver or other furbearer taken outside of the dates for the
12 furbearer trapping season may be sold. All animals must be
13 given to the nearest conservation officer or other Department
14 of Natural Resources representative within 48 hours after they
15 are caught unless otherwise instructed by the Department.
16 Furbearers taken during the fur trapping season may be sold
17 provided that they are taken by persons who have valid
18 trapping licenses in their possession and are lawfully taken.
19 The district ~~District~~ must submit an annual report showing the
20 species and numbers of animals caught. The report must
21 indicate all species which were taken. This authority only
22 extends to control of beavers. Any other protected species
23 must be controlled pursuant to subsection (b) or (c).

24 The location of traps or snares authorized under this
25 Section, either by the Department or any other governmental
26 body with the authority to control species protected by this

1 Code, shall be exempt from the provisions of the Freedom of
2 Information Act.

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

4 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

5 Sec. 3.5. Penalties; probation.

6 (a) Any person who violates any of the provisions of
7 Section 2.36a, including administrative rules, shall be guilty
8 of a Class 3 felony, except as otherwise provided in
9 subsection (b) of this Section and subsection (a) of Section
10 2.36a.

11 (b) Whenever any person who has not previously been
12 convicted of, or placed on probation or court supervision for,
13 any offense under Section 1.22, 2.36, or 2.36a operating
14 without a permit as prescribed in subsection (b) of Section
15 2.37 or subsection (i) or (cc) of Section 2.33, the court may,
16 without entering a judgment and with the person's consent,
17 sentence the person to probation for a violation of Section
18 2.36a.

19 (1) When a person is placed on probation, the court
20 shall enter an order specifying a period of probation of
21 24 months and shall defer further proceedings in the case
22 until the conclusion of the period or until the filing of a
23 petition alleging violation of a term or condition of
24 probation.

25 (2) The conditions of probation shall be that the

1 person:

2 (A) Not violate any criminal statute of any
3 jurisdiction.

4 (B) Perform no less than 30 hours of community
5 service, provided community service is available in
6 the jurisdiction and is funded and approved by the
7 county board.

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

9 (A) Require that the person make a report to and
10 appear in person before or participate with the court
11 or courts, person, or social service agency as
12 directed by the court in the order of probation.

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

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

16 (D) Prohibit the person from associating with any
17 person who is actively engaged in any of the
18 activities regulated by the permits issued or
19 privileges granted by the Department of Natural
20 Resources.

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

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

1 (6) A disposition of probation is considered to be a
2 conviction for the purposes of imposing the conditions of
3 probation, for appeal, and for administrative revocation
4 and suspension of licenses and privileges; however,
5 discharge and dismissal under this Section is not a
6 conviction for purposes of disqualification or
7 disabilities imposed by law upon conviction of a crime.

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

10 (8) If a person is convicted of an offense under this
11 Act within 5 years subsequent to a discharge and dismissal
12 under this Section, the discharge and dismissal under this
13 Section shall be admissible in the sentencing proceeding
14 for that conviction as a factor in aggravation.

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

18 (c) Any person who violates any of the provisions of
19 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,
20 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),
21 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 through 3.16, 3.19,
22 3.20, 3.21 (except subsections (b), (c), (d), (e), (f), (f.5),
23 (g), (h), and (i)), 3.24, 3.25, and 3.26 (except subsection
24 (f)), including administrative rules, shall be guilty of a
25 Class B misdemeanor.

26 A person who violates Section 2.33b by using any computer

1 software or service to remotely control a weapon that takes
2 wildlife by remote operation is guilty of a Class B
3 misdemeanor. A person who violates Section 2.33b by
4 facilitating a violation of Section 2.33b, including an owner
5 of land in which remote control hunting occurs, a computer
6 programmer who designs a program or software to facilitate
7 remote control hunting, or a person who provides weapons or
8 equipment to facilitate remote control hunting, is guilty of a
9 Class A misdemeanor.

10 Any person who violates any of the provisions of Sections
11 1.22, 2.2a, 2.3, 2.4, 2.36 and 2.38, including administrative
12 rules, shall be guilty of a Class A misdemeanor. Any second or
13 subsequent violations of Sections 2.4 and 2.36 shall be a
14 Class 4 felony.

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

19 Any person who violates subsection (g), (i), (o), (p),
20 (y), or (cc) of Section 2.33 shall be guilty of a Class A
21 misdemeanor and subject to a fine of no less than \$500 and no
22 more than \$5,000 in addition to other statutory penalties. In
23 addition, the Department shall suspend the privileges, under
24 this Act, of any person found guilty of violating Section
25 2.33(cc) for a period of not less than one year.

26 Any person who operates without a permit in violation

1 subsection (b) of Section 2.37 is guilty of a Class A
2 misdemeanor and subject to a fine of not less than \$500. Any
3 other violation of subsection (b) of Section 2.37 including
4 administrative rules is a Class B misdemeanor.

5 Any person who violates any other of the provisions of
6 this Act including administrative rules, unless otherwise
7 stated, shall be guilty of a petty offense. Offenses committed
8 by minors under the direct control or with the consent of a
9 parent or guardian may subject the parent or guardian to the
10 penalties prescribed in this Section.

11 In addition to any fines imposed pursuant to the
12 provisions of this Section or as otherwise provided in this
13 Act, any person found guilty of unlawfully taking or
14 possessing any species protected by this Act, shall be
15 assessed a civil penalty for such species in accordance with
16 the values prescribed in Section 2.36a of this Act. This civil
17 penalty shall be imposed by the Circuit Court for the county
18 within which the offense was committed at the time of the
19 conviction. Any person found guilty of violating subsection
20 (b) of Section 2.37 is subject to an additional civil penalty
21 of up to \$1,500. All penalties provided for in this Section
22 shall be remitted to the Department in accordance with the
23 same provisions provided for in Section 1.18 of this Act,
24 except that civil penalties collected for violation of
25 Subsection (b) of Section 2.37 shall be remitted to the
26 Department and allocated as follows:-

1 (1) 60% to the Conservation Police Operations

2 Assistance Fund; and

3 (2) 40% to the Illinois Habitat Fund.

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

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