



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5522

Introduced 2/9/2024, by Rep. Lawrence "Larry" Walsh, Jr.

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.37

from Ch. 61, par. 2.37

Amends the Wildlife Code. Authorizes the Department of Natural Resources to issue a Nuisance Wildlife Control Permit not only to any person who is providing nuisance wildlife control services for a fee or compensation, but also to any person who solicits customers for themselves or on behalf of a nuisance wildlife control permit holder for a fee or compensation. Provides that a drainage district or road district or the designee of a drainage district or road district is exempt from the requirement to obtain a permit to control nuisance muskrats or beavers if certain requirements are met.

LRB103 39362 JAG 69525 b

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 Section 2.37 as follows:

6 (520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

7 Sec. 2.37. Authority to kill wildlife responsible for
8 damage.

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

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

1 If, after investigation, the Department finds that damage
2 does exist and can be abated only by removing or destroying
3 that wildlife, a permit shall be issued by the Department to
4 remove or destroy the species responsible for causing the
5 damage.

6 A permit to control the damage shall be for a period of up
7 to 90 days, shall specify the means and methods by which and
8 the person or persons by whom the wildlife may be removed or
9 destroyed, without fee or compensation, and shall set forth
10 the disposition procedure to be made of all wildlife taken and
11 other restrictions the Director considers necessary and
12 appropriate in the circumstances of the particular case.
13 Whenever possible, the specimens destroyed shall be given to a
14 bona fide ~~bona fide~~ public or State scientific, educational,
15 or zoological institution.

16 The permittee shall advise the Department in writing,
17 within 10 days after the expiration date of the permit, of the
18 number of individual species of wildlife taken, disposition
19 made of them, and any other information which the Department
20 may consider necessary.

21 (b) Subject to federal regulations and Section 3 of the
22 Illinois Endangered Species Protection Act, the Department may
23 grant the authority to control species protected by this Code
24 pursuant to the issuance of a Nuisance Wildlife Control Permit
25 to:

26 (1) any person who is providing such service or

1 solicits customers for themselves or on behalf of a
2 nuisance wildlife control permit holder for a fee or
3 compensation;

4 (2) a governmental body; or

5 (3) a nonprofit or other charitable organization.

6 The Department shall set forth applicable regulations in
7 an Administrative Order and may require periodic reports
8 listing species taken, numbers of each species taken, dates
9 when taken, and other pertinent information.

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

22 Any person operating without the required permit as
23 outlined under this subsection (b) or in violation of this
24 subsection (b) is deemed to be taking, attempting to take,
25 disturbing, or harassing wildlife contrary to the provisions
26 of this Code, including the taking or attempting to take such

1 species for commercial purposes as outlined in Sections 2.36
2 and 2.36a of this Code. Any devices and equipment, including
3 vehicles, used in violation of this subsection (b) may be
4 subject to the provisions of Section 1.25 of this Code.

5 Any person properly permitted and operating under the
6 provisions of this subsection is exempt from the provisions of
7 this Act except as limited by administrative rule adopted by
8 the Department.

9 ~~(c) Except when operating under subsection (b) of this~~
10 ~~Section, drainage districts district fur trapping unless~~
11 ~~otherwise instructed by the Department district This authority~~
12 ~~only extends to control of beavers. Any other protected~~
13 ~~species must be controlled pursuant to subsection (b) or (c).~~

14 (c) The location of traps or snares authorized under this
15 Section, either by the Department or any other governmental
16 body with the authority to control species protected by this
17 Code, shall be exempt from the provisions of the Freedom of
18 Information Act.

19 (d) A drainage district or road district or the designee
20 of a drainage district or road district shall be exempt from
21 the requirement to obtain a permit to control nuisance
22 muskrats or beavers if all applicable provisions for licenses
23 are complied with and any trap types and sizes used are in
24 compliance with this Code Act, including marking or
25 identification. The designee of a drainage district or road
26 district must have a signed and dated written authorization

1 from the drainage district or road district in possession at
2 all times when conducting activities under this Section. This
3 exemption from obtaining a permit shall be valid only upon
4 property owned, leased, or controlled by the drainage district
5 or road district. For the purposes of this Section, "road
6 district" includes a township road district.

7 (Source: P.A. 102-524, eff. 8-20-21; 103-37, eff. 6-9-23;
8 103-225, eff. 6-30-23; revised 8-28-23.)