

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.)