

# HB5799



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5799

Introduced 2/10/2010, by Rep. Ed Sullivan, Jr.

#### SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.33a	from Ch. 61, par. 2.33a
520 ILCS 5/2.37	from Ch. 61, par. 2.37

Amends the Wildlife Code. Removes provisions prohibiting the placement, setting, use, and maintenance of certain traps. Removes a provision authorizing drainage districts to use certain types of traps. Also makes technical changes. Effective immediately.

LRB096 19043 JDS 34434 b

A BILL FOR

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 Section  
5 2.33a and 2.37 as follows:

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

7 Sec. 2.33a. (a) It is unlawful to fail to visit and remove,  
8 at least once each calendar day, all animals from traps staked  
9 out, set, used, tended, placed, or maintained ~~at least once~~  
10 ~~each calendar day.~~

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

17 (c) It is unlawful for any person to place, set, use, or  
18 maintain, in water, a leghold trap or one of similar  
19 construction ~~in water,~~ that has a jaw spread of larger than 7  
20 1/2 inches (19.1 CM), ~~or a body gripping trap or one of similar~~  
21 ~~construction having a jaw spread larger than 10 inches (25.4~~  
22 ~~CM) on a side 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 Drainage Districts who are acting pursuant to the provisions of  
7 Section 2.37;

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

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

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

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

1       facie evidence of a violation of this provision.

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

9           (k) It shall be unlawful for hunters or trappers to have  
10 the green hides of fur-bearing mammals, protected by this Act,  
11 in their possession except during the open season and for an  
12 additional period of 10 days succeeding such open season.

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

22       (Source: P.A. 85-152; 86-1354.)

23           (520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

24           Sec. 2.37. Authority to kill wildlife responsible for  
25 damage. Subject to federal regulations and Section 3 of the

1 Illinois Endangered Species Act, the Department may authorize  
2 owners and tenants of lands or their agents to remove or  
3 destroy any wild bird or wild mammal when the wild bird or wild  
4 mammal is known to be destroying property or causing a risk to  
5 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, or other property  
9 on the land on which he resides or controls, together with a  
10 statement regarding location of the property damages, the  
11 nature and extent of the damage, and the particular species of  
12 wildlife committing the damage, the Department shall make an  
13 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 causing the damage.

18 A permit to control the damage shall be for a period of up  
19 to 90 days, shall specify the means and methods by which and  
20 the person or persons by whom the wildlife may be removed or  
21 destroyed, and shall set forth the disposition procedure to be  
22 made of all wildlife taken and other restrictions the Director  
23 considers necessary and appropriate in the circumstances of the  
24 particular case. Whenever possible, the specimens destroyed  
25 shall be given to a bona-fide public or State scientific,  
26 educational, or zoological institution.

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

6           Subject to federal regulations and Section 3 of the  
7 Illinois Endangered Species Act, the Department may grant to an  
8 individual, corporation, association or a governmental body  
9 the authority to control species protected by this Code. The  
10 Department shall set forth applicable regulations in an  
11 Administrative Order and may require periodic reports listing  
12 species taken, numbers of each species taken, dates when taken,  
13 and other pertinent information.

14           Drainage Districts shall have the authority to control  
15 beaver provided that they must notify the Department in writing  
16 that a problem exists and of their intention to trap the  
17 animals at least 7 days before the trapping begins. The  
18 District must identify traps used in beaver control outside the  
19 dates of the furbearer trapping season with metal tags with the  
20 district's name legibly inscribed upon them. During the  
21 furtrapping season, traps must be identified as prescribed by  
22 law. ~~Conibear traps at least size 330 shall be used except~~  
23 ~~during the statewide furbearer trapping season. During that~~  
24 ~~time trappers may use any device that is legal according to the~~  
25 ~~Wildlife Code.~~ Except during the statewide furbearer trapping  
26 season, beaver traps must be set in water at least 10 inches

1 deep. Except during the statewide furbearer trapping season,  
2 traps must be set within 10 feet of an inhabited bank burrow or  
3 house and within 10 feet of a dam maintained by a beaver. No  
4 beaver or other furbearer taken outside of the dates for the  
5 furbearer trapping season may be sold. All animals must be  
6 given to the nearest conservation officer or other Department  
7 of Natural Resources representative within 48 hours after they  
8 are caught. Furbearers taken during the fur trapping season may  
9 be sold provided that they are taken by persons who have valid  
10 trapping licenses in their possession and are lawfully taken.  
11 The District must submit an annual report showing the species  
12 and numbers of animals caught. The report must indicate all  
13 species which were taken.

14 (Source: P.A. 91-654, eff. 12-15-99.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.