



Rep. Emanuel Chris Welch

Filed: 5/3/2013

09800SB2362ham001

LRB098 10746 CEL 45090 a

1 AMENDMENT TO SENATE BILL 2362

2 AMENDMENT NO. _____. Amend Senate Bill 2362 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 1. GENERAL PROVISIONS

5 Section 1-1. Short title. This Act may be cited as the
6 Herptiles-Herps Act of 2013.

7 Section 1-5. Purpose. For purposes of this Act, reptiles
8 and amphibians shall be exempt from the definition of "aquatic
9 life" under Section 1-20 of the Fish and Aquatic Life Code. All
10 rules and enforcement actions under the Illinois Conservation
11 Law and the dangerous animals provisions in Section 48-10 of
12 the Criminal Code of 2012 related to reptiles and amphibians
13 shall be covered exclusively by this Act.

14 Section 1-10. Administrative agency. This Act shall be

1 administered and under the direction of the Department of
2 Natural Resources.

3 Section 1-15. Definitions. For the purposes of this Act,
4 unless the context clearly requires otherwise, the following
5 terms are defined as:

6 "Administrative rule" means a regulatory measure issued by
7 the Director under this Act.

8 "Authorized law enforcement officer" means all sworn
9 members of the Law Enforcement Division of the Department and
10 those persons specifically granted law enforcement
11 authorization by the Director.

12 "Bona fide scientific or educational institution" means
13 confirming educational or scientific tax-exemption, from the
14 federal Internal Revenue Service or the applicant's national,
15 state, or local tax authority, or a statement of accreditation
16 or recognition as an educational institution.

17 "Contraband" means all reptile or amphibian life or any
18 part of reptile or amphibian life taken, bought, sold or
19 bartered, shipped, or held in possession or any conveyance,
20 vehicle, watercraft, or other means of transportation
21 whatsoever, except sealed railroad cars or other sealed common
22 carriers, used to transport or ship any reptile or amphibian
23 life or any part of reptile or amphibian life taken, contrary
24 to this Act, including administrative rules, or used to
25 transport, contrary to this Act, including administrative

1 rules, any of the specified species when taken illegally.

2 "Culling" means rejecting or discarding.

3 "Department" means the Illinois Department of Natural
4 Resources.

5 "Director" means the Director of the Illinois Department of
6 Natural Resources.

7 "Educational program" means a program of organized
8 instruction or study for providing education intended to meet a
9 public need.

10 "Endangered or threatened species" means any species
11 listed as endangered or threatened to the species level on
12 either the Illinois List of Endangered and Threatened Fauna or
13 the federal U.S. Fish and Wildlife Service List of Threatened
14 and Endangered Species.

15 "Herptile" means collectively any amphibian or reptile
16 taxa, whether indigenous to this State or not.

17 "Indigenous or native taxa" means those amphibians and
18 reptiles to the subspecies level that can be found naturally in
19 this State.

20 "Individual" means a natural person.

21 "Medically significant" means a venomous or poisonous
22 species whose venom or toxin can cause death or serious illness
23 or injury in humans that may require emergency room care or the
24 immediate care of a physician. These species are categorized as
25 being "medically significant" or "medically important".

26 "Owner" means an individual who has a legal right to the

1 possession of a herptile.

2 "Person" means any individual, partnership, corporation,
3 organization, trade or professional association, firm, limited
4 liability company, joint venture, or group.

5 "Possession limit" means the maximum number or amount of
6 herptiles that can be lawfully held or possessed by one person
7 at any time.

8 "Possessor" means any person who possesses, keeps,
9 harbors, brings into the State, cares for, acts as a custodian
10 for, has in his or her custody or control, or holds a property
11 right to a herptile.

12 "Reptile show" means any event open to the public, for a
13 fee or without a fee, that is not a licensed pet store, where
14 herptiles or herptiles together with other animals are
15 exhibited, displayed, sold, bought, traded, or otherwise made
16 available for public display.

17 "Resident" means a person who in good faith makes
18 application for any license or permit and verifies by statement
19 that he or she has maintained his or her permanent abode in
20 this State for a period of at least 30 consecutive days
21 immediately preceding the person's application, and who does
22 not maintain permanent abode or claim residency in another
23 state for the purposes of obtaining any of the same or similar
24 licenses or permits under this Act. A person's permanent abode
25 is his or her fixed and permanent dwelling place, as
26 distinguished from a temporary or transient place of residence.

1 Domiciliary intent is required to establish that the person is
2 maintaining his or her permanent abode in this State. Evidence
3 of domiciliary intent includes, but is not limited to, the
4 location where the person votes, pays personal income tax, or
5 obtains a drivers license. Any person on active duty in the
6 Armed Forces shall be considered a resident of Illinois during
7 his or her period of military duty.

8 "Special use herptile" means any taxa of amphibian or
9 reptile for which a Herptile Special Use permit is required.

10 "Take" means possess, collect, catch, detain, hunt, shoot,
11 pursue, lure, kill, destroy, capture, gig or spear, trap or
12 ensnare, harass, or an attempt to do so.

13 "Transport" or "ship" means to convey by parcel post,
14 express, freight, baggage, or shipment by common carrier or any
15 description; by automobile, motorcycle, or other vehicle of any
16 kind; by water or aircraft of any kind; or by any other means
17 of transportation.

18 "Turtle farming" means the act of breeding, hatching,
19 raising, selling turtles, or any combination commercially for
20 the purpose of providing turtles, turtle eggs, or turtle parts
21 to pet suppliers, exporters, and food industries.

22 "Wildlife sanctuary" means any non-profit organization
23 that: (1) is exempt from taxation under the federal Internal
24 Revenue Code and is currently confirmed as tax exempt by the
25 federal Internal Revenue Service; (2) operates a place of
26 refuge where wild animals are provided care for their lifetime

1 or released back to their natural range; (3) does not conduct
2 activities on animals in its possession that are not inherent
3 to the animal's nature; (4) does not use animals in its
4 possession for entertainment; (5) does not sell, trade, or
5 barter animals in its possession or parts of those animals; and
6 (6) does not breed animals in its possession.

7 ARTICLE 5. INDIGENOUS OR
8 NATIVE HERPTILE TAXA

9 Section 5-5. Possession limits.

10 (a) The possession limit for indigenous amphibian and
11 reptile taxa (excluding common snapping turtles and bullfrogs)
12 is 8 total collectively with no more than 4 per taxa. Captive
13 born offspring of a legally held reptile or amphibian, not
14 intended for commercial purposes, is exempt from the possession
15 limits for a period of 30 days. Young of gravid wild-collected
16 amphibians and reptiles shall be released at site of adult
17 capture after birth.

18 (b) Only residents may possess herptiles collected from the
19 wild within this State under a valid sport fishing license;
20 non-residents may not possess herptiles collected from the wild
21 within this State except for scientific purposes, with a
22 Herptile Scientific Collection permit.

23 (c) All herptile species (other than bullfrogs and common
24 snapping turtles) may be captured by hand. This shall not

1 restrict the use of legally taken herptiles as bait by anglers.
2 Any captured herptiles that are not to be retained in the
3 possession of the captor shall be immediately released at the
4 site of capture, unless taken with a lethal method such as bow
5 and arrow, gig, spear, or pitchfork which does not permit
6 release without harm. All common snapping turtles and bullfrogs
7 taken for personal consumption must be kept and counted in the
8 daily catch creel or bag. No culling of these 2 species for
9 personal consumption is permitted.

10 (d) The trier of fact may infer that a person is collecting
11 from the wild within this State if he or she possesses
12 indigenous reptiles or amphibians, in whole or in part, if no
13 documentation exists stating that the animals were legally
14 collected from the wild outside of this State.

15 (e) Residents may possess a total of 8 native herp
16 specimens collectively, with no more than 4 per taxa, without
17 obtaining and possessing either a Herptile Scientific
18 Collection permit or Herpetoculture permit from the
19 Department, regardless of the origin of the species. A sport
20 fishing license is required for residents to legally collect
21 any native herp taxa on private land, with the landowner's
22 permission. Collecting herptiles on public lands shall require
23 additional permits.

24 (f) Any resident wishing to possess more than his or her
25 allowed possession limit shall first apply to the Department
26 for a Herptile Scientific Collection permit or Herpetoculture

1 permit to do so. Issuance, modification, or denial of any and
2 all of these permits shall be at the sole discretion of the
3 Department.

4 (g) Due to the similarity of appearance (S/A) of certain
5 intergrade or hybrid specimens, the Department retains the
6 authority to enforce any and all provisions under this Act.
7 Specimens determined by the Department, or its agents, to fit
8 into this S/A category shall receive all benefits of this Act,
9 as well as the Illinois Endangered Species Protection Act if
10 applicable, and shall be included in an individual's overall
11 possession limit.

12 Section 5-10. Commercialization; herpetoculture.

13 (a) It is unlawful to take, possess, buy, sell, offer to
14 buy or sell or barter any reptile, amphibian, or their eggs,
15 any resulting offspring, or parts taken from the wild in this
16 State for commercial purposes unless otherwise authorized by
17 law.

18 (b) The trier of fact may infer that a person is collecting
19 from the wild within this State for commercial purposes if he
20 or she possesses indigenous reptiles or amphibians, in whole or
21 in part, for which no documentation exists stating that the
22 animals were legally collected from the wild outside this
23 State.

24 (c) Due to the similarity of appearance (S/A) of certain
25 intergrade or hybrid specimens, the Department retains the

1 authority to enforce any and all provisions under this Act.
2 Specimens determined by the Department, or its agents, to fit
3 into this S/A category shall receive all benefits of this Act,
4 as well as the Illinois Endangered Species Protection Act if
5 applicable, and shall be included in an individual's overall
6 possession limit.

7 (d) A valid, Department-issued Herpetoculture permit shall
8 apply only to indigenous herp taxa. A Herpetoculture permit
9 shall not be required in order to commercialize non-indigenous
10 herp taxa except as required under Section 5-20 of this Act.

11 Section 5-15. Protection of habitat. Habitat features that
12 are disturbed in the course of searching for reptiles and
13 amphibians shall be returned to as near its original position
14 and condition as possible, for example overturned stones and
15 logs shall be restored to their original locations.

16 Section 5-20. Taking of endangered or threatened species.

17 (a) No person shall take or possess any of the herptiles
18 listed in the Illinois Endangered Species Protection Act or
19 subsequent administrative rules, except as provided by that
20 Act.

21 (b) Any Department-permitted threatened or endangered
22 (T/E) herptile species shall be exempt from an individual's
23 overall possession under the permitting system set forth in
24 this Act. However, any and all T/E specimens shall be

1 officially recorded with the Department's Endangered Species
2 Conservation Program. Any species occurring on the federal T/E
3 list also requires a Department permit for possession,
4 propagation, sale, or offer for sale unless otherwise permitted
5 through the Department.

6 (c) Due to the similarity of appearance (S/A) of certain
7 intergrade or hybrid specimens, the Department retains the
8 authority to enforce any and all provisions under this Act.
9 Specimens determined by the Department, or agents, to fit into
10 this S/A category shall receive all benefits of this Act, as
11 well as the Illinois Endangered Species Protection Act if
12 applicable, and shall be included in an individual's overall
13 possession limit.

14 (d) Federally licensed exhibits shall not be exempt from
15 the Illinois Endangered Species Protection Act.

16 (e) Any changes in T/E permit numbers for herptiles by
17 current, existing permit holders shall be reported to the
18 Department in writing no later than the first business day
19 after that change occurred. Requests for permits by any
20 resident acquiring a T/E species who is not permitted shall not
21 be issued after-the-fact.

22 (f) Annual reports are due by January 31 of each year for
23 the preceding year's activities. Failure to submit the annual
24 report by the due date shall result in a permit violation.

25 (g) An annual fee for herptile T/E species permits, per
26 permittee, shall be set by administrative rule.

1 (h) Procedures for sales and acquisition of T/E herptile
2 species shall be set forth in administrative rule.

3 (i) Record keeping requirements for T/E herptile species
4 shall be set forth in administrative rule.

5 Section 5-25. Taking of snakes. Unless otherwise provided
6 in this Act, any non-threatened or non-endangered snake may be
7 taken by the owners or bona fide tenants of lands actually
8 residing on the lands and their children, parents, brothers,
9 and sisters permanently residing with them.

10 Section 5-30. Taking of turtles or bullfrogs; illegal
11 devices.

12 (a) No person shall take turtles or bullfrogs by commercial
13 fishing devices, including dip nets, hoop nets, traps, or
14 seines, or by the use of firearms, airguns, or gas guns.
15 Turtles may be taken only by hand or means of hook and line.

16 (b) Bullfrog; common snapping turtle; open season.

17 (1) All individuals taking bullfrogs shall possess a
18 valid sport fishing license and may take bullfrogs only
19 during the open season to be specified by administrative
20 rule. Bullfrogs may only be taken by hook and line, gig,
21 pitchfork, spear, bow and arrow, hand, or landing net.

22 (2) The daily catch limit and total possession limit
23 for all properly licensed persons shall be specified by
24 administrative rule.

1 (3) All persons taking common snapping turtles shall
2 possess a valid sport fishing license and may take common
3 snapping turtles only during the open season to be
4 specified by administrative rule. Common snapping turtles
5 (*Chelydra serpentina*) may be taken only by hand, hook and
6 line, or bow and arrow, except in the counties listed in
7 Section 5-35 where bowfishing for common snapping turtles
8 is not allowed.

9 (4) The daily catch limit and total possession limit
10 for all properly licensed persons shall be specified by
11 administrative rule.

12 (c) The alligator snapping turtle (*Macrochelys temminckii*)
13 is protected and may not be taken by any method including, but
14 not limited to, any sport fishing method.

15 Section 5-35. Areas closed to the taking of reptiles and
16 amphibians. Unless otherwise allowed by law or administrative
17 rule, the taking of reptiles and amphibians at any time and by
18 any method is prohibited in the following areas:

19 The LaRue-Pine Hills or Otter Pond Research Natural Area in
20 Union County. The closed area shall include the Research
21 Natural Area as designated by the U.S. Forest Service and
22 the right-of-way of Forest Road 345 with Forest Road 236 to
23 the intersection of Forest Road 345 with the Missouri
24 Pacific railroad tracks.

25 In the following counties bowfishing for common snapping

1 turtles is not permitted: Randolph, Perry, Franklin, Hamilton,
2 White, Gallatin, Saline, Williamson, Jackson, Union, Johnson,
3 Pope, Hardin, Massac, Pulaski, and Alexander, or in any
4 additional counties added through administrative rule.

5 Section 5-40. Additional protective regulations.

6 (a) Except as otherwise allowed by law or administrative
7 rule, taking of the following species of reptiles and
8 amphibians is prohibited:

9 Copperbelly water snake (*Nerodia erythrogaster neglecta*)
10 in Clay, Edwards, Gallatin, Hamilton, Hardin, Johnson,
11 Lawrence, Massac, Pope, Pulaski, Richland, Rock Island,
12 Saline, Wabash, Wayne, and White counties.

13 (b) Under this Act, the copperbelly water snake shall be
14 treated as a listed threatened or endangered species within
15 this State. The copperbelly water snake shall receive all
16 protection benefits and incidental take regulations as
17 described under the Illinois Endangered Species Protection
18 Act.

19 (c) Because the range of the 2 subspecies of *Nerodia*
20 *erythrogaster* overlap in southern Illinois, and the meristic
21 characters that separate these 2 subspecies is often
22 problematic, the Department retains the authority to classify
23 water snake specimens as similar in appearance (S/A) to the
24 subspecies: *neglecta*. Specimens determined by the Department,
25 or its agents, to fit into this *neglecta* S/A category shall

1 receive all benefits of this Act, as well as the Illinois
2 Endangered Species Protection Act.

3 Section 5-45. Translocation and release of herptiles.

4 (a) No herptile indigenous species may be moved,
5 translocated, or populations repatriated within this State
6 without approval of the Department, after review of a proposal
7 complete with long-term monitoring plan at least 5 years
8 post-release.

9 (b) It shall be unlawful to intentionally or negligently
10 release any non-indigenous herptile species into this State.

11 ARTICLE 10. VENOMOUS REPTILES

12 Section 10-5. Venomous reptile defined. Venomous reptiles
13 include, but are not limited to, any medically significant
14 venomous species of the families or genera of the Order
15 Squamata: Helodermatidae, such as gila monsters and beaded
16 lizards; Elapidae, such as cobras and coral snakes;
17 Hydrophiidae, such as sea snakes; Viperidae and Crotalinae,
18 such as vipers and pit vipers; Atractaspididae, such as
19 burrowing asps; Colubridae in the following genera that shall
20 be determined by administrative rule: West Indian racers
21 (Alsophis); boigas and mangrove snakes (Boiga); road guarders
22 (Conophis); Boomslangs (Dispholidus); false water cobras
23 (Hydrodynastes); varied or hooded keelbacks (Macropisthodon);

1 Malagasy cat-eyed snakes (Madagascarophis); Montpellier snakes
2 (Malpolon); kukri snakes (Oligodon); collared snakes
3 (Phalotris); palm snakes or green racers (Philodryas); sand
4 snakes or racers (Psammophis); keelbacks (Rhabdophis); beaked
5 snakes (Rhamphiophis); twig snakes (Thelotornis); black tree
6 snakes (Thrasops); Pampas snakes (Tomodon); Wagler's snakes
7 (Waglerophis); false fer-de-lances (Xenodon); specimens or
8 eggs of the brown tree snake (Boiga irregularis); and any other
9 species added through legislative process designated.

10 Section 10-10. Surgically altered venomous reptiles. It is
11 not a defense to a violation of Article 65 that the person
12 violating that Article has had the venomous reptile surgically
13 altered to render it harmless.

14 Section 10-15. Venomous reptile permit requirements. In
15 addition to those requirements listed in Articles 60 and 65 of
16 this Act, Herptile Special Use permits may be issued to
17 residents using approved venomous reptile species only for bona
18 fide educational programs, following an inspection and
19 approval of the proposed facilities. A minimum of 6 documented
20 programs shall be required of each permittee per calendar year.
21 Unless addressed or exempted by administrative rule, annual
22 permit renewal must be accompanied by a non-refundable fee as
23 set by the Department by administrative rule and documented
24 proof of educational programs completed on the recipient's

1 letterhead. Prospective permittees must have 250 documented
2 hours of experience with venomous reptiles. The Department or
3 the Department of Agriculture reserves the right to inspect
4 permittees and facilities during reasonable hours. Additions
5 to permits must be approved prior to acquisition of additional
6 venomous reptiles, and any changes shall be reported to the
7 Department in writing no later than the first business day
8 after that change occurred.

9 Section 10-20. Approved venomous reptiles. Permittees may
10 keep legally obtained venomous reptile specimens native to the
11 United States, except the following species: Eastern
12 diamondback rattlesnakes (*Crotalus adamanteus*); Western
13 diamondback rattlesnakes (*Crotalus atrox*); Mojave rattlesnakes
14 (*Crotalus scutulatus*); Southern Pacific rattlesnakes (*Crotalus*
15 *oreganus helleri*); Eastern and Texas coral snakes (*Micrurus*
16 *fulvius*); Sonoran coral snakes (*Micruroides euryxanthus*); and
17 timber/canebrake rattlesnakes (*Crotalus horridus*) from the
18 southern portions of their range (Oklahoma, southern Arkansas,
19 Louisiana, and also southeastern South Carolina south through
20 eastern Georgia to northern Florida), known as "Type A" and
21 containing canebrake toxin.

22 Except for Boomslangs (*Dispholidus*), twig snakes
23 (*Thelotornis*), keelbacks (*Rhabdophis*), Lichtenstein's green
24 racer (*Philodryas olfersii*), and brown tree snake (*Boiga*
25 *irregularis*) and medically significant snakes in the family

1 Colubridae defined in Section 10-5 of this Article may be
2 possessed by permit.

3 Section 10-25. Maintenance of venomous reptiles.
4 Permittees shall keep approved venomous reptiles in strong
5 escape-proof enclosures that at a minimum are: impact
6 resistant, locked at all times, prominently labeled with the
7 permittee's full name, address, telephone number, list of cage
8 contents by scientific and common names, and a sign labeled
9 "venomous". The signage shall also include the type and
10 location of antivenom and contact information of the person or
11 organization possessing the antivenom.

12 Section 10-30. Educational programs with approved venomous
13 reptiles. Permittees shall keep approved venomous reptiles in
14 strong escape-proof enclosures that at a minimum are: impact
15 resistant, locked at all times, prominently labeled with the
16 permittee's full name, address, telephone number, list of cage
17 contents by scientific and common names, and a sign labeled
18 "venomous". Labeling shall also include the type and location
19 of antivenom and contact information of the person or
20 organization possessing the antivenom. Interiors of enclosures
21 may not be accessible to the public.

22 Section 10-35. Transport of approved venomous reptiles.
23 During transport of any approved venomous reptile, it must be

1 kept out of sight of the public in an escape-proof enclosure at
2 all times that is labeled "venomous". Transport of any venomous
3 reptile to any public venue, commercial establishment, retail
4 establishment, or educational institution shall only be for
5 bona fide educational programs or veterinary care.

6 Section 10-40. Additional regulations. Venomous reptiles
7 shall not be bred, sold, or offered for sale within this State.
8 The Department may approve limited transfers among existing
9 permittees at the sole discretion of the Department.

10 As determined by the Department, non-residents may apply
11 for a permit not to exceed 15 consecutive days to use venomous
12 reptiles in bona fide educational programs. The fee for the
13 permit shall be set by administrative rule, and all fees shall
14 be deposited into the Wildlife and Fish Fund.

15 ARTICLE 15. BOAS,
16 PYTHONS, AND ANACONDAS

17 Section 15-5. Boas, pythons, and anacondas. Nothing shall
18 prohibit lawfully acquired possession of any of the Boidae
19 family, such as boas, pythons, and anacondas, provided captive
20 maintenance requirements from the Department as set forth in
21 this Act are met. All boas, pythons, and anacondas referenced
22 in this Act are exempt from the permit process, associated
23 annual fee, and liability insurance coverage.

1 Section 15-10. Maintenance of boas, pythons, and
2 anacondas. Any species of boa, python, or anaconda, regardless
3 of length, must be properly maintained in suitable, strong,
4 impact resistant, escape-proof enclosures at all times unless
5 being used for bona fide educational programs or trips for
6 veterinary care.

7 Section 15-15. Educational programs with boas, pythons,
8 and anacondas. During any bona fide educational program
9 involving boas, pythons, or anacondas, the owner or affiliated
10 agent must maintain physical possession of the snake at all
11 times if removed from a container or cage. Interiors of cages
12 or containers used during educational programs may not be
13 accessible to the public.

14 Section 15-20. Transport of boas, pythons, and anacondas.
15 During transport of any boa, python, or anaconda, the snake
16 must be kept out of sight of the public in an escape-proof
17 enclosure at all times.

18 Section 15-25. Use of boas, pythons, and anacondas at
19 reptile shows. An owner or affiliated agent must have physical
20 possession and control of any boa, python, or anaconda at all
21 times if removed from a container or cage. Uncontained boas,
22 pythons, or anacondas removed from cages for examination or

1 onlooker interaction must be kept confined either behind or at
2 a display table. Interiors of cages or containers may not be
3 accessible to the public.

4 ARTICLE 20. CROCODILIANS

5 Section 20-5. "Crocodilians" means any species of the Order
6 Crocodilia, such as crocodiles, alligators, caimans, and
7 gavials.

8 Section 20-10. Crocodilian permit requirements. In
9 addition to the requirements listed in Articles 60 and 65 of
10 this Act, Herptile Special Use permits may be issued to
11 residents using crocodilian species only for bona fide
12 educational programs, following an inspection and approval of
13 the proposed facilities. A minimum of 6 documented programs
14 shall be required of each permittee per calendar year. Unless
15 addressed or exempted by administrative rule, annual permit
16 renewal must be accompanied by a non-refundable fee as set by
17 the Department and documented proof of educational programs
18 completed on the recipient's letterhead. The Department or the
19 Department of Agriculture reserves the right to inspect
20 permittees and facilities during reasonable hours. Additions
21 to permits must be approved prior to acquisition of additional
22 crocodilians, and any changes shall be reported to the
23 Department in writing no later than the first business day

1 after that change occurred.

2 Section 20-15. Maintenance of crocodilians. Permittees
3 shall keep crocodilians maintained in suitable, strong, impact
4 resistant, escape-proof enclosures at all times unless being
5 used for bona fide educational programs or trips for veterinary
6 care.

7 Section 20-20. Educational programs with crocodilians.
8 During any bona fide educational program involving
9 crocodilians, the owner or affiliated agent must maintain
10 physical possession and control of the crocodilian at all times
11 if removed from a container or cage. Interiors of cages or
12 containers used during educational programs may not be
13 accessible to the public. Crocodilians removed from their cage
14 or enclosure for educational programs must have either the
15 mouth banded or taped shut or kept at a minimum of 10 feet from
16 the public and also kept out of direct contact with the public.

17 Section 20-25. Transport of crocodilians. During transport
18 of any crocodilian, it must be kept out of sight of the public
19 in an escape-proof enclosure at all times. Transport of any
20 crocodilian to any public venue, commercial establishment,
21 retail establishment, or educational institution shall only be
22 for bona fide educational programs or veterinary care.

1 Section 20-30. Additional regulations. Crocodilians shall
2 not be bred, sold, or offered for sale within this State.

3 As determined by the Department, non-residents may apply
4 for a permit not to exceed 15 consecutive days to use
5 crocodilians in bona fide educational programs. The fee for
6 this permit shall be set by administrative rule, and all fees
7 shall be deposited into the Wildlife and Fish Fund.

8 ARTICLE 25. MONITOR LIZARDS

9 Section 25-5. "Monitor lizards" means the following
10 members of the Varanidae family, specifically crocodile
11 monitors as well as Komodo dragons.

12 Section 25-10. Monitor lizard permit requirements. In
13 addition to those requirements listed in Articles 60 and 65 of
14 this Act, Herptile Special Use permits may be issued to
15 residents using monitor lizard species only for bona fide
16 educational programs, following an inspection and approval of
17 the proposed facilities. A minimum of 6 documented programs on
18 the family Varanidae shall be required of each permittee per
19 calendar year. Unless addressed or exempted by administrative
20 rule, annual permit renewal must be accompanied by a
21 non-refundable fee as set by the Department and documented
22 proof of educational programs completed on the recipient's
23 letterhead. The Department or the Department of Agriculture

1 reserves the right to inspect permittees and facilities during
2 reasonable hours. Additions to permits must be approved prior
3 to acquisition of additional monitor lizards, and any changes
4 shall be reported to the Department in writing no later than
5 the first business day after that change occurred.

6 Section 25-15. Maintenance of monitor lizards. Permittees
7 shall keep monitor lizards maintained in suitable, strong,
8 impact resistant, escape-proof enclosures at all times unless
9 being used for bona fide educational programs or trips for
10 veterinary care.

11 Section 25-20. Educational programs with monitor lizards.
12 During any bona fide educational program involving monitor
13 lizards, the owner or affiliated agent must maintain physical
14 possession and control of the monitor lizard at all times if
15 removed from a container or cage. Interiors of cages or
16 containers used during educational programs may not be
17 accessible to the public. Monitor lizards removed from their
18 cage or enclosure for educational programs must have either the
19 mouth banded or taped shut, or kept at a minimum of 10 feet
20 from the public and also kept out of direct contact with the
21 public.

22 Section 25-25. Transport of monitor lizards. During
23 transport of any monitor lizard, it must be kept out of sight

1 of the public in an escape-proof enclosure at all times.
2 Transport of a monitor lizard to any public venue, commercial
3 establishment, retail establishment, or educational
4 institution shall only be for bona fide educational programs or
5 veterinary care.

6 Section 25-30. Additional regulations. Monitor lizards
7 shall not be bred, sold, or offered for sale within this State.

8 As determined by the Department, non-residents may apply
9 for a permit not to exceed 15 consecutive days to use monitor
10 lizards in bona fide educational programs. The fee for the
11 permit shall be set by administrative rule, and all fees shall
12 be deposited into the Wildlife and Fish Fund.

13

ARTICLE 30. TURTLES

14 Section 30-5. Turtles. It is unlawful to buy, sell, or
15 offer to sell, or otherwise commercialize (including, but not
16 limited to, offering as a commercial incentive, trading, or
17 otherwise use for the purpose of profit or pecuniary gain) any
18 species of aquatic or semi-aquatic turtles in the Order
19 Testudines (except for the terrestrial tortoises in the family
20 Testudinidae) with a carapace length of 4 inches or less or
21 their eggs within this State. With prior approval from the
22 Department, in its sole discretion, sales or offers for sale of
23 aquatic or semi-aquatic turtles with a carapace length of 4

1 inches or less or their eggs may be allowed to bona fide
2 scientific or educational institutions.

3 Section 30-10. Turtle farming. Turtles shall not be
4 commercially farmed in this State.

5 ARTICLE 35. AMPHIBIANS

6 Section 35-5. "Amphibians" means those medically
7 significant poisonous amphibians capable of causing bodily
8 harm to humans or animals, including, but not limited to, cane
9 or marine toads (*Bufo marinus*) and Colorado river toads (*Bufo*
10 *alvarius*), or any other amphibian found to be medically
11 significant and shall only be allowed for bona fide educational
12 purposes or research purposes by exempted institutions.

13 Poison dart frogs bred and raised in captivity shall be
14 exempt from the permit process.

15 ARTICLE 40. HERPTILE SCIENTIFIC

16 COLLECTION PERMITS

17 Section 40-5. Permit issuance. Herptile Scientific
18 Collection permits may be granted by the Department, in its
19 sole discretion, to any properly accredited person at least 18
20 years of age, permitting the capture, marking, handling,
21 banding, or collecting (including hide, skin, bones, teeth,

1 claws, nests, eggs, or young), for strictly scientific
2 purposes, of any of the herptiles not listed as endangered or
3 threatened but now protected under this Act. A Herptile
4 Scientific Collection permit may be granted to qualified
5 individuals for purpose of salvaging dead, sick, or injured
6 herptiles not listed as endangered or threatened but protected
7 by this Act for permanent donation to bona fide public or state
8 scientific, educational, or zoological institutions.
9 Collecting herptiles on public lands shall require additional
10 permits.

11 Section 40-10. Permit requirements. The criteria and
12 standards for a Herptile Scientific Collection permit shall be
13 provided by administrative rule. The Department shall set forth
14 applicable rules covering qualifications and facilities needed
15 to obtain a permit. Disposition of herptiles taken under the
16 authority of this Article shall be specified by the Department.
17 The holder of each permit shall make to the Department a report
18 in writing upon forms furnished by the Department. These
19 reports shall be made (i) annually if the permit is granted for
20 a period of one year or (ii) within 30 days after the
21 expiration of the permit if the permit is granted for a period
22 of less than one year. These reports shall include information
23 that the Department considers necessary.

1 COLLECTION PERMIT APPLICATION AND FEES

2 Section 40-5. Permit application and fees. An applicant for
3 a Herptile Scientific Collection permit must file an
4 application with the Department on a form provided by the
5 Department. The application must include all information and
6 requirements as set by administrative rule. The application for
7 these permits shall be reviewed by the Department to determine
8 if a permit should be issued.

9 Unless addressed or exempted by administrative rule,
10 annual permit renewal must be accompanied by non-refundable fee
11 as set by the Department. The annual fee for a Herptile
12 Scientific Collection permit shall be set by administrative
13 rule. The Department shall adopt, by administrative rule, any
14 additional procedures for the renewal of a Herptile Scientific
15 Collection permit. All fees shall be deposited into the Fish
16 and Wildlife Fund.

17 ARTICLE 50. HERPETOCULTURE PERMITS

18 Section 50-5. Permit issuance. Any person or business who
19 engages in the breeding, hatching, propagation, sale, or offer
20 for sale of any indigenous herptile, regardless of origin,
21 shall procure a permit from the Department. Herptiles
22 specified, which are bred, hatched, propagated, or legally
23 obtained by a person or business holding a permit as provided

1 for in this Article, may be transported and sold or offered for
2 sale within this State.

3 Section 50-10. Permit requirements. Herpetoculture permit
4 holders shall maintain written records of all herptiles
5 indigenous to this State bought, sold, hatched, propagated,
6 sold, or shipped for a minimum of 2 years after the date of the
7 transaction and shall be made immediately available to
8 authorized employees of the Department upon request. These
9 records shall include the name and address of the buyer and
10 seller, the appropriate permit number of the buyer and seller,
11 the date of the transaction, the species name (both common and
12 scientific), and the origin of herptile involved. Records of
13 the annual operations, as may be required by the Department,
14 shall be forwarded to the Department upon request.

15 The criteria and standards for a Herpetoculture permit
16 shall be provided by administrative rule. The Department shall
17 set forth applicable rules, including a list of herptiles
18 indigenous to this State.

19 ARTICLE 55. HERPETOCULTURE

20 PERMIT APPLICATION AND FEES

21 Section 55-5. Permit application and fees. An applicant
22 for a Herpetoculture permit must file an application with the
23 Department on a form provided by the Department. The

1 application must include all information and requirements as
2 set forth by administrative rule. The application for these
3 permits shall be reviewed by the Department to determine if a
4 permit should be issued.

5 Unless addressed or exempted by administrative rule,
6 annual permit renewal must be accompanied by a non-refundable
7 fee as set by the Department. The annual fee for a residential
8 Herpetoculture permit shall be set by administrative rule. The
9 Department shall adopt, by administrative rule, any additional
10 procedures for the renewal of a Herpetoculture permit. All fees
11 shall be deposited into the Wildlife and Fish Fund.

12 As determined by the Department, non-residents may apply
13 for a permit not to exceed 15 consecutive days to commercialize
14 herptiles indigenous to this State as outlined in this Article.
15 The fee for the permit shall be set by administrative rule, and
16 all fees shall be deposited into the Wildlife and Fish Fund.

17 The Department shall adopt, by administrative rule,
18 additional procedures for the renewal of annual Herpetoculture
19 permits.

20 Section 55-10. Additional regulations. Nothing in
21 Articles 50 and 55 shall be construed to give permittees
22 authority to breed, hatch, propagate, sell, offer for sale, or
23 otherwise commercialize any herptile or parts thereof from
24 herptiles indigenous to this State, either partially or in
25 whole, that originate from the wild in this State.

1 Any offspring resulting from the breeding of herptiles
2 where one parent has been taken from the wild in this State and
3 the other parent from non-Illinois stock or captive bred stock
4 may not be legally sold or otherwise commercialized and shall
5 be treated as indigenous or native Illinois herp taxa subject
6 to Article 5 of this Act.

7 Color or pattern variations (morphs) of any herptile
8 indigenous to this State are not exempt from this Article.

9 Due to the similarity of appearance (S/A) of certain
10 intergrade or hybrid specimens, the Department retains the
11 authority to enforce any and all provisions under this Act.
12 Specimens determined by the Department, or its agents, to fit
13 into this S/A category shall receive all benefits of this Act,
14 as well as the Illinois Endangered Species Protection Act if
15 applicable.

16 ARTICLE 60. HERPTILE SPECIAL

17 USE PERMIT REQUIREMENTS

18 Section 60-5. Permit requirements. Prior to any person
19 obtaining a Herptile Special Use permit, the following criteria
20 must be met:

21 (1) the person was in legal possession and is the legal
22 possessor of the herptile prior to the effective date of
23 this Act and the person applies for and is granted a
24 Personal Possession permit for each special use herptile in

1 the person's possession within 30 days after the enactment
2 of this Act; or

3 (2) prior to acquiring a Herptile Special Use permit,
4 the person must provide the name, address, date of birth,
5 permit number, telephone number of the possessor, type or
6 species, and the date the herptile is to be acquired.

7 The applicant must comply with all requirements of this Act
8 and the rules adopted by the Department to obtain a Herptile
9 Special Use permit. Prior to the issuance of the Herptile
10 Special Use permit, the applicant must provide proof of
11 liability insurance or surety bond, either individually, or in
12 the name of the entity giving the bona fide educational
13 programs, in the amount of \$100,000 for each special use
14 herptile up to a maximum of \$1,000,000 and the insurance or
15 surety bond is to be maintained during the term of the permit
16 for liability for any incident arising out of or relating to
17 the special use herptile.

18 ARTICLE 65. HERPTILE SPECIAL USE

19 PERMIT APPLICATION AND FEES

20 Section 65-5. Permit application and fees. An applicant for
21 a Herptile Special Use permit must file an application with the
22 Department on a form provided by the Department. The
23 application must include all information and requirements as
24 set forth by administrative rule.

1 The annual fee for a residential Herptile Special Use
2 permit shall be set by administrative rule on a per person
3 basis. The Herptile Special Use permit shall not be based on
4 the number of special use herptile kept by an owner or
5 possessor. All fees shall be deposited into the Wildlife and
6 Fish Fund.

7 The Department shall adopt, by administrative rule,
8 procedures for the renewal of annual Herptile Special Use
9 permits.

10 Any person possessing and in legal possession of a special
11 use herptile as stipulated in this Article that no longer
12 wishes to keep the herptile may be assisted by the Department,
13 at no charge to them and without prosecution, to place the
14 special use herptile in a new home, within 30 days after the
15 effective date of this Act.

16 The Department may issue a Limited Entry permit to an
17 applicant who: (i) is not a resident of this State; (ii)
18 complies with the requirements of this Act and all rules
19 adopted by the Department under the authority of this Act;
20 (iii) provides proof to the Department that he or she shall,
21 during the permit term, maintain sufficient liability
22 insurance coverage; (iv) pays to the Department, along with
23 each application for a Limited Entry permit, a non-refundable
24 fee as set by administrative rule, which the Department shall
25 deposit into the Wildlife and Fish Fund; and (v) uses the
26 herptile for an activity authorized in the Limited Entry

1 permit. A Limited Entry permit shall be valid for not more than
2 30 consecutive days unless extended by the Department, however,
3 no extension shall be longer than 15 days.

4 ARTICLE 70. SUSPENSION OF
5 PRIVILEGES AND REVOCATION OF
6 HERPTILE SPECIAL USE PERMITS

7 Section 70-5. Suspension of privileges and revocation of
8 permits. A person who does not hold a Herptile Special Use
9 permit or Limited Entry permit and who violates a provision of
10 this Act or an administrative rule authorized under this Act
11 shall have his or her privileges under this Act suspended for
12 up to 5 years after the date that he or she is in violation of
13 an initial offense, for up to 10 years after the date that he
14 or she is in violation of a second offense, and for life for a
15 third or subsequent offense. Department suspensions and
16 revocations shall be addressed by administrative rule.

17 A person who holds a Herptile Special Use permit or Limited
18 Entry permit and who violates the provisions of this Act shall
19 have his or her permit revoked and permit privileges under this
20 Act suspended for a period of up to 2 years after the date that
21 he or she is found guilty of an initial offense, for up to 10
22 years after the date that he or she is found guilty of a second
23 offense, and for life for a third offense. Department
24 suspensions and revocations shall be addressed by

1 administrative rule.

2 A person whose privileges to possess a special use herptile
3 have been suspended or permit revoked may appeal that decision
4 in accordance with the provisions set forth in administrative
5 rule.

6 ARTICLE 75. RECORD KEEPING REQUIREMENTS
7 OF SPECIAL USE HERPTILES

8 Section 75-5. Record keeping requirements. A person who
9 possesses a special use herptile must maintain records
10 pertaining to the acquisition, possession, and disposition of
11 the special use herptile as provided by administrative rule.
12 These records shall be maintained for a minimum of 2 years
13 after the date the special use herptile is no longer in
14 possession of the permit holder. All records are subject to
15 inspection by authorized law enforcement officers. In addition
16 to maintaining records, all special use herptiles must be
17 either pit-tagged or microchipped to individually identify
18 them and the pit-tag or microchip numbers are also to be
19 maintained as other pertinent records, unless otherwise
20 provided by administrative rule.

21 ARTICLE 80. INJURY TO A
22 MEMBER OF PUBLIC BY
23 SPECIAL USE HERPTILES

1 Section 80-5. Injury to a member of public by special use
2 herptiles. A person who possesses a special use herptile
3 without complying with the requirements of this Act and the
4 rules adopted under the authority of this Act and whose special
5 use herptile harms a person when the possessor knew or should
6 have known that the herptile had a propensity, when provoked or
7 unprovoked, to harm, cause injury to, or otherwise
8 substantially endanger a member of the public is guilty of a
9 Class A misdemeanor. A person who fails to comply with the
10 provisions of this Act and the rules adopted under the
11 authority of this Act and who intentionally or knowingly allow
12 a special use herptile to cause great bodily harm to, or the
13 death of, a human is guilty of a Class 4 felony.

14 ARTICLE 85. PROHIBITED ACTS WITH
15 SPECIAL USE HERPTILES

16 Section 85-5. Prohibited acts. Except as otherwise
17 provided in this Act or by administrative rule, a person shall
18 not own, possess, keep, import, transfer, harbor, bring into
19 this State, breed, propagate, buy, sell, or offer to sell, or
20 have in his or her custody or control a special use herptile.

21 A person shall not release any special use herptile into
22 the wild at any time unless authorized by the Director in
23 writing. The possessor of a special use herptile must

1 immediately contact the animal control authority or law
2 enforcement agency of the municipality or county where the
3 possessor resides if a special use herptile escapes or is
4 released.

5 The possessor of a special use herptile shall not keep,
6 harbor, care for, transport, act as the custodian of, or
7 maintain in his or her possession the special use herptile in
8 anything other than an escape-proof enclosure.

9 The possessor of a special use herptile shall not transport
10 the special use herptile to or possess the special use herptile
11 at a public venue, commercial establishment, retail
12 establishment, or educational institution unless specifically
13 authorized by permit or required to render veterinary care to
14 the special use herptile.

15 The possessor of a special use herptile, at all reasonable
16 times, shall not deny the Department or its designated agents
17 and officers access to premises where the possessor keeps a
18 special use herptile to ensure compliance with this Act.

19 Except as otherwise provided in this Act or by
20 administrative rule, a person shall not buy, sell, or barter,
21 or offer to buy, sell, or barter a special use herptile.

22 ARTICLE 90. PENALTIES

23 Section 90-5. Penalties. A person who violates Article 85
24 of this Act is guilty of a Class A misdemeanor for a first

1 offense and a Class 4 felony for a second or subsequent offense
2 occurring within one year after a finding of guilt on a first
3 offense. A person who violates Article 75 of this Act is guilty
4 of a Class B misdemeanor. Each day of a violation constitutes a
5 separate offense. Any other violation of this Act is a Class A
6 misdemeanor unless otherwise stated.

7 All fines and penalties collected under the authority of
8 this Act or its administrative rules shall be deposited into
9 the Wildlife and Fish Fund.

10 ARTICLE 95. CIVIL

11 LIABILITY AND IMMUNITY

12 Section 95-5. Assumption of risk. Each person who owns,
13 possesses, or keeps a herptile expressly assumes the risk of
14 and legal responsibility for injury, loss, or damage to the
15 person or the person's property that results from the
16 ownership, possession, or keeping, of the herptile. Each owner,
17 keeper, or possessor of a herptile shall be solely liable to
18 manage, care for, and control a particular species, and it
19 shall be the duty of each owner, keeper, or possessor, to
20 maintain reasonable control of the particular herptile at all
21 times, and to refrain from acting in a manner that may cause or
22 contribute to the injury of person, whether in public or on
23 private property.

1 Section 95-10. Civil liability and immunity. If any
2 herptile escapes or is released, the owner and possessor of the
3 herptile shall be strictly liable for all costs incurred in
4 apprehending and confining the herptile, including any
5 injuries incurred to humans or damage to property, both real
6 and personal, including pets and livestock, and the owner shall
7 indemnify any animal control officer, police officer, or
8 Department employee acting in his or her official capacity to
9 capture or control an escaped herptile.

10 The owner, keeper, or possessor of an escaped herptile
11 shall be solely responsible for any and all liabilities arising
12 out of or in connection with the escape or release of any
13 herptile including liability for any damage, injury, or death
14 caused by or to the herptile during or after the herptile's
15 escape or release or as a result of the apprehension or
16 confinement of the herptile after its escape or release. In
17 addition, the owner, keeper, or possessor of an escaped
18 herptile shall be solely responsible for any and all costs
19 incurred by an animal control officer, police officer, or
20 Department employee acting in his or her official capacity to
21 capture or control an escaped herptile.

22 A licensed veterinarian who may have cause to treat a
23 special use herptile that is in violation of this Act shall not
24 be held liable, except for willful and wanton misconduct, under
25 this Act provided that the veterinarian (i) promptly reports
26 violations of this Act of which he or she has knowledge to a

1 law enforcement agency within 24 hours after becoming aware of
2 the incident; (ii) provides the name, address, and phone number
3 of the person possessing the special use herptile at time of
4 incident or treatment; (iii) provides the name and address of
5 the owner of the special use herptile if known; (iv) identifies
6 the kind and number of special use herptiles being treated; and
7 (v) describes the reason for the treatment of the special use
8 herptile.

9 ARTICLE 100. SEIZURE AND FORFEITURE

10 Section 100-5. Prima facie evidence; confiscation. The
11 possession of any reptile or amphibian life or any part of
12 reptile or amphibian life protected under this Act is prima
13 facie evidence that the reptile or amphibian life or any part
14 of reptile or amphibian life is subject to the provisions of
15 this Act, including administrative rules.

16 Whenever the contents of any box, barrel, package, or
17 receptacle consists partly of contraband and partly of legal
18 reptile or amphibian life or any part of reptile or amphibian
19 life, the entire contents of the box, barrel, or package, or
20 other receptacle are subject to confiscation.

21 Whenever a person has in his or her possession in excess of
22 the number of reptile or amphibian life or any parts of reptile
23 or amphibian life permitted under this Act, including
24 administrative rules, the entire number of reptile or amphibian

1 life or any parts of reptile or amphibian life in his or her
2 possession is subject to confiscation.

3 Section 100-10. Search and seizure. Whenever any
4 authorized employee of the Department, sheriff, deputy
5 sheriff, or other peace officer of the State has reason to
6 believe that any person, owner, possessor, commercial
7 institution, pet store, or reptile show vendor or attendee
8 possesses any reptile or amphibian life or any part of reptile
9 or amphibian life contrary to the provisions of this Act,
10 including administrative rules, he or she may file, or cause to
11 be filed, a sworn complaint to that effect before the circuit
12 court and procure and execute a search warrant. Upon execution
13 of the search warrant, the officer executing the search warrant
14 shall make due return of the search warrant to the court
15 issuing the search warrant, together with an inventory of all
16 the reptile or amphibian life or any part of reptile or
17 amphibian life taken under the search warrant. The court shall
18 then issue process against the party owning, controlling, or
19 transporting the reptile or amphibian life or any part of
20 reptile or amphibian life seized, and upon its return shall
21 proceed to determine whether or not the reptile or amphibian
22 life or any part of reptile or amphibian life was held,
23 possessed, or transported in violation of this Act, including
24 administrative rules. In case of a finding that the reptile or
25 amphibian life was illegally held, possessed, transported, or

1 sold, a judgment shall be entered against the owner or party
2 found in possession of the reptile or amphibian life or any
3 part of reptile or amphibian life for the costs of the
4 proceeding and providing for the disposition of the property
5 seized, as provided for by this Act.

6 ARTICLE 105. GENERAL PROVISIONS

7 Section 105-5. Administrative rules. The Department is
8 authorized to adopt administrative rules for carrying out,
9 administering, and enforcing the provisions of this Act. The
10 administrative rules shall be adopted in accordance with the
11 Illinois Administrative Procedure Act.

12 Rules, after becoming effective, shall be enforced in the
13 same manner as other provisions of this Act. It is unlawful for
14 any person to violate any provision of any administrative rule
15 adopted by the Department. Violators of administrative rules
16 are subject to the penalties in this Act.

17 Section 105-10. Conservation of reptiles and amphibians.
18 The Department shall take all measures necessary for the
19 conservation, distribution, introduction, and restoration of
20 reptiles and amphibians. The Department shall also bring or
21 cause to be brought actions and proceedings, in the name and by
22 the authority of the People of the State of Illinois, to
23 enforce this Act, including administrative rules, and to

1 recover any and all fines and penalties provided for in this
2 Act. Nothing in this Act shall be construed to authorize the
3 Department to change any penalty prescribed by law or to change
4 the amount of license fees or the authority conferred by
5 licenses prescribed by law. The Department is authorized to
6 cooperate with the appropriate Departments of the federal
7 government and other Departments or agencies of State
8 government and educational institutions in conducting surveys,
9 experiments, or work of joint interest or benefit.

10 Section 105-15. Peace officers. All employees of the
11 Department authorized by the Director shall have the power of,
12 and shall be, peace officers in the enforcement of this Act,
13 including administrative rules, and may carry weapons as may be
14 necessary in the performance of his or her duties.

15 Section 105-20. Arrests; warrants. All authorized
16 employees of the Department and all sheriffs, deputy sheriffs,
17 and other police officers shall arrest any person detected in
18 violation of any of the provisions of this Act, including
19 administrative rules. Any duly accredited officer of the
20 federal Fish and Wildlife Service and U.S. Forest Service may
21 arrest any person detected in violation of any of the
22 provisions of this Act, including administrative rules.

23 All officers shall make prompt investigation of any
24 violation of this Act, including administrative rules,

1 reported by any other persons and shall cause a complaint to be
2 filed when there seems just ground for a complaint and evidence
3 procurable to support the complaint.

4 Upon the filing of a complaint, the officers shall render
5 assistance in the prosecution of the party against whom the
6 complaint is made.

7 Peace officers, other than employees of the Department,
8 making arrests and serving warrants provided for by this Act
9 shall receive the fees and mileage as provided for by law for
10 sheriffs.

11 Each duly accredited officer and authorized employee of the
12 Department is empowered to execute and serve all warrants and
13 processes issued by the circuit court.

14 Section 105-25. Prosecutions; State's Attorneys. All
15 prosecutions shall be brought in the name and by the authority
16 of the People of the State of Illinois before the circuit court
17 for the county where the offense was committed.

18 All State's Attorneys shall enforce the provisions of this
19 Act, including administrative rules, in his or her respective
20 county and shall prosecute all persons charged with violating
21 its provisions when requested by the Department.

22 Section 105-30. Statute of limitations. All prosecutions
23 under this Act shall be commenced within 2 years after the time
24 the offense charged was committed.

1 Section 105-35. Collection of fines. All fines provided for
2 by this Act shall be collected and remitted to the Department's
3 Wildlife and Fish Fund, within 30 days after the collection of
4 the fine, by the clerk of the circuit court collecting the
5 fines who shall submit at the same time to the Department a
6 statement of the names of the persons so fined and the name of
7 the arresting officer, the offense committed, the amount of the
8 fine, and the date of the conviction.

9 Section 105-40. Power of entry and examination; access to
10 lands and waters. Authorized employees of the Department are
11 empowered, under law, to enter all lands and waters to enforce
12 this Act. Authorized employees are further empowered to examine
13 all buildings, private or public clubs (except dwellings), fish
14 markets, reptile shows, pet stores, camps, vessels, cars
15 (except sealed railroad cars or other sealed common carriers),
16 conveyances, vehicles, watercraft, or any other means of
17 transportation or shipping, tents, bags, pillow cases, coats,
18 jackets, or other receptacles and to open any box, barrel,
19 package, or other receptacle in the possession of a common
20 carrier, that they have reason to believe contains reptile or
21 amphibian life or any part of reptile or amphibian life taken,
22 bought, sold or bartered, shipped, or had in possession
23 contrary to this Act, including administrative rules, or that
24 the receptacle containing the reptile or amphibian is falsely

1 labeled.

2 Authorized employees of the Department shall be given free
3 access to and shall not be hindered or interfered with in
4 making an entry and examination. Any permit or license held by
5 a person preventing free access or interfering with or
6 hindering an employee shall not be issued to that person for
7 the period of one year after his or her action.

8 Employees of the Department, as specifically authorized by
9 the Director, are empowered to enter all lands and waters for
10 the purpose of reptile or amphibian investigations, State and
11 federal permit inspections, as well as reptile or amphibian
12 censuses or inventories, and are further empowered to conduct
13 examination of equipment and devices in the field, under law,
14 to ensure compliance with this Act.

15 Section 105-45. Obstructing an officer. It shall be
16 unlawful for any person to resist or obstruct any officer or
17 employee of the Department in the discharge of his or her
18 duties under this Act. Any person who violates this provision
19 is guilty of a Class A misdemeanor.

20 Section 105-50. Posing as an officer or employee. It shall
21 be unlawful for any person to represent himself or herself
22 falsely to be an officer or employee of the Department or to
23 assume to act as an officer or employee of the Department
24 without having been duly appointed and employed. Any person who

1 violates this provision is guilty of a Class A misdemeanor.

2 Section 105-55. Illegal collecting devices; public
3 nuisance. Every collecting device, including seines, nets,
4 traps, pillow cases, bags, snake hooks or tongs, or any
5 electrical device or any other devices including vehicles or
6 conveyance, watercraft, or aircraft used or operated illegally
7 or attempted to be used or operated illegally by any person in
8 taking, transporting, holding, or conveying any reptile or
9 amphibian life or any part of reptile or amphibian life,
10 contrary to this Act, including administrative rules, shall be
11 deemed a public nuisance and therefore illegal and subject to
12 seizure and confiscation by any authorized employee of the
13 Department. Upon the seizure of this item, the Department shall
14 take and hold the item until disposed of as provided in this
15 Act.

16 Upon the seizure of any device because of its illegal use,
17 the officer or authorized employee of the Department making the
18 seizure shall, as soon as reasonably possible, cause a
19 complaint to be filed before the circuit court and a summons to
20 be issued requiring the owner or person in possession of the
21 property to appear in court and show cause why the device
22 seized should not be forfeited to the State. Upon the return of
23 the summons duly served or upon posting or publication of
24 notice as provided in this Act, the court shall proceed to
25 determine the question of the illegality of the use of the

1 seized property. Upon judgment being entered that the property
2 was illegally used, an order shall be entered providing for the
3 forfeiture of the seized property to the State. The owner of
4 the property may have a jury determine the illegality of its
5 use and shall have the right of an appeal as in other civil
6 cases. Confiscation or forfeiture shall not preclude or
7 mitigate against prosecution and assessment of penalties
8 provided in Article 90 of this Act.

9 Upon seizure of any property under circumstances
10 supporting a reasonable belief that the property was abandoned,
11 lost, stolen, or otherwise illegally possessed or used contrary
12 to this Act, except property seized during a search or arrest,
13 and ultimately returned, destroyed, or otherwise disposed of
14 under order of a court in accordance with this Act, the
15 authorized employee of the Department shall make reasonable
16 inquiry and efforts to identify and notify the owner or other
17 person entitled to possession of the property and shall return
18 the property after the person provides reasonable and
19 satisfactory proof of his or her ownership or right to
20 possession and reimburses the Department for all reasonable
21 expenses of custody. If the identity or location of the owner
22 or other person entitled to possession of the property has not
23 been ascertained within 6 months after the Department obtains
24 possession, the Department shall effectuate the sale of the
25 property for cash to the highest bidder at a public auction.
26 The owner or other person entitled to possession of the

1 property may claim and recover possession of the property at
2 any time before its sale at public auction upon providing
3 reasonable and satisfactory proof of ownership or right of
4 possession and reimbursing the Department for all reasonable
5 expenses of custody.

6 Any property forfeited to the State by court order under
7 this Section may be disposed of by public auction, except that
8 any property that is the subject of a court order shall not be
9 disposed of pending appeal of the order. The proceeds of the
10 sales at auction shall be deposited in the Wildlife and Fish
11 Fund.

12 The Department shall pay all costs of posting or
13 publication of notices required by this Section.

14 Section 105-60. Violations; separate offenses. Each act of
15 pursuing, taking, shipping, offered or received for shipping,
16 offering or receiving for shipment, transporting, buying,
17 selling or bartering, or having in one's possession any
18 protected reptile or amphibian life or any part of reptile or
19 amphibian life, seines, nets, bags, snake hooks or tongs, or
20 other devices used or to be used in violation of this Act,
21 including administrative rules, constitutes a separate
22 offense.

23 Section 105-65. Accessory to violation. Any person who aids
24 in or contributes in any way to a violation of this Act,

1 including administrative rules, is individually liable, as a
2 separate offense under this Act, for the penalties imposed
3 against the person who committed the violation.

4 Section 105-70. Permit fraudulently obtained. No person
5 shall at any time:

6 (1) falsify, alter, or change in any manner, or provide
7 deceptive or false information required for any permit issued
8 under the provisions of this Act;

9 (2) falsify any record required by this Act;

10 (3) counterfeit any form of permit provided for by this
11 Act;

12 (4) loan or transfer to another person any permit issued
13 under this Act; or

14 (5) use any permit issued to another person under this Act.

15 It is unlawful to possess any permit issued under the
16 provisions of this Act that was fraudulently obtained or which
17 the person or permittee knew, or should have known, was
18 falsified, altered, changed in any manner, or fraudulently
19 obtained.

20 The Department shall revoke all permits and suspend all
21 privileges under this Act of any person violating this Section
22 for a period of not less than 3 years. The procedures for
23 suspension under this Section shall be as provided for in
24 administrative rule. Anyone who violates a provision of this
25 Section shall be guilty of a Class A misdemeanor.

1 Section 105-75. Wildlife and Fish Fund; disposition of
2 money received. All fees, fines, income of whatever kind or
3 nature derived from reptile and amphibian activities regulated
4 by this Act on lands, waters, or both under the jurisdiction or
5 control of the Department and all penalties collected under
6 this Act shall be deposited into the State Treasury and shall
7 be set apart in a special fund known as the Wildlife and Fish
8 Fund.

9 Section 105-80. Ownership and title of wild indigenous
10 reptiles and amphibians. The ownership of and title to all wild
11 indigenous reptile and amphibian life within the boundaries of
12 the State are hereby declared to be in the State and no wild
13 indigenous reptile and amphibian life shall be taken or killed,
14 in any manner or at any time, unless the person or persons
15 taking or killing the wild indigenous reptile and amphibian
16 life shall consent that the title to the wild indigenous
17 reptile and amphibian life shall be and remain in the State for
18 the purpose of regulating the taking, killing, possession, use,
19 sale, and transportation of wild indigenous reptile and
20 amphibian life after taking or killing, as set forth in this
21 Act.

22 Section 105-85. Application. This Act shall apply to
23 reptile and amphibian life or any part of reptile and amphibian

1 life (i) in or from any of the waters or lands wholly within
2 the boundaries of the State or over which the State has
3 concurrent jurisdiction with any other state or (ii) which may
4 be possessed in or brought into the State.

5 Section 105-90. Taking on private property. It is unlawful
6 for any person to take or attempt to take any species of
7 reptile or amphibian, or parts thereof, within or upon the land
8 of another, or upon waters flowing over or standing on the land
9 of another, without first obtaining permission from the owner
10 or the owner's designee. For the purposes of this Section, the
11 owner's designee means anyone who the owner designates in a
12 written authorization and the authorization must contain (i)
13 the legal or common description of property for which the
14 authority is given, (ii) the extent that the owner's designee
15 is authorized to make decisions regarding who is allowed to
16 take or attempt to take any species of reptiles or amphibians,
17 or parts thereof, and (iii) the owner's notarized signature.
18 Before enforcing this Section, the law enforcement officer must
19 have received notice from the owner or the owner's designee of
20 a violation of this Section. Statements made to a law
21 enforcement officer regarding this notice shall not be rendered
22 inadmissible by the hearsay rule when offered for the purpose
23 of showing the required notice. Any person who violates this
24 Section shall be guilty of a Class B misdemeanor.

1 Section 105-95. Financial value of herptiles.

2 (a) For purposes of this Section, the financial value of
3 all reptiles and amphibians described under this Act taken,
4 possessed, or used in violation of this Act, whether in whole
5 or in part, is as follows:

6 (1) for processed turtle parts, \$8 for each pound or
7 fraction of a pound; for each non-processed turtle, \$15 per
8 whole turtle or fair market value, whichever is greater;

9 (2) for frogs, toads, salamanders, lizards, and
10 snakes, \$5 per herptile or fair market value, whichever is
11 greater, in whole or in part, unless specified as a special
12 use herptile;

13 (3) for any special use herptile, the value shall be no
14 less than \$250 per special use herptile or fair market
15 value, whichever is greater; and

16 (4) any person who, for profit or commercial purposes,
17 knowingly captures or kills, possesses, offers for sale,
18 sells, offers to barter, barter, offers to purchase,
19 purchases, delivers for shipment, ships, exports, imports,
20 causes to be shipped, exported, or imported, delivers for
21 transportation, transports, or causes to be transported,
22 carriers or causes to be carried, or receives for shipment,
23 transportation, carriage, or export any reptile or
24 amphibian life, in part or in whole, of any of the reptiles
25 and amphibians protected by this Act, and that reptile or
26 amphibian life, in whole or in part, is valued at or in

1 excess of a total of \$300 or fair market value, whichever
2 is greater, as per value specified in paragraphs (1), (2),
3 and (3) of this subsection commits a Class 3 felony.

4 (b) The trier of fact may infer that a person "knowingly
5 possesses" a reptile or amphibian, in whole or in part,
6 captured or killed in violation of this Act, valued at or in
7 excess of \$600, as per value specified in paragraphs (1), (2),
8 and (3) of subsection (a) of this Section.

9 Section 105-100. Home rule. A municipality or county may
10 adopt an ordinance governing amphibian and reptile species that
11 is more restrictive than this Act.

12 ARTICLE 110. EXEMPTIONS

13 Section 110-5. Exemptions. When acting in their official
14 capacity, the following entities and their agents are exempt
15 from Articles 75 and 85 of this Act:

16 (1) public zoos or aquaria accredited by the
17 Association of Zoos and Aquariums;

18 (2) licensed veterinarians or anyone operating under
19 the authority of a licensed veterinarian;

20 (3) wildlife sanctuaries;

21 (4) accredited research or medical institutions;

22 (5) licensed or accredited educational institutions;

23 (6) circuses licensed and in compliance with the Animal

1 Welfare Act and all rules adopted by the Department of
2 Agriculture;

3 (7) federal, State, and local law enforcement
4 officers, including animal control officers acting under
5 the authority of this Act;

6 (8) members of federal, State, or local agencies
7 approved by the Department;

8 (9) any bona fide wildlife rehabilitation facility
9 licensed or otherwise authorized by the Department; and

10 (10) any motion picture or television production
11 company that uses licensed dealers, exhibitors, and
12 transporters under the federal Animal Welfare Act, 7 U.S.C.
13 2132.

14 Section 110-10. The Criminal Code of 2012 is amended by
15 changing Section 48-10 as follows:

16 (720 ILCS 5/48-10)

17 Sec. 48-10. Dangerous animals.

18 (a) Definitions. As used in this Section, unless the
19 context otherwise requires:

20 "Dangerous animal" means a lion, tiger, leopard,
21 ocelot, jaguar, cheetah, margay, mountain lion, lynx,
22 bobcat, jaguarundi, bear, hyena, wolf or coyote, ~~or any~~
23 ~~poisonous or life threatening reptile.~~ Dangerous animal
24 does not mean any herptiles that are found in the

1 Herptiles-Herps Act of 2013.

2 "Owner" means any person who (1) has a right of
3 property in a dangerous animal or primate, (2) keeps or
4 harbors a dangerous animal or primate, (3) has a dangerous
5 animal or primate in his or her care, or (4) acts as
6 custodian of a dangerous animal or primate.

7 "Person" means any individual, firm, association,
8 partnership, corporation, or other legal entity, any
9 public or private institution, the State, or any municipal
10 corporation or political subdivision of the State.

11 "Primate" means a nonhuman member of the order primate,
12 including but not limited to chimpanzee, gorilla,
13 orangutan, bonobo, gibbon, monkey, lemur, loris, aye-aye,
14 and tarsier.

15 (b) Dangerous animal or primate offense. No person shall
16 have a right of property in, keep, harbor, care for, act as
17 custodian of or maintain in his or her possession any dangerous
18 animal or primate except at a properly maintained zoological
19 park, federally licensed exhibit, circus, college or
20 university, scientific institution, research laboratory,
21 veterinary hospital, hound running area, or animal refuge in an
22 escape-proof enclosure.

23 (c) Exemptions.

24 (1) This Section does not prohibit a person who had
25 lawful possession of a primate before January 1, 2011, from
26 continuing to possess that primate if the person registers

1 the animal by providing written notification to the local
2 animal control administrator on or before April 1, 2011.
3 The notification shall include:

4 (A) the person's name, address, and telephone
5 number; and

6 (B) the type of primate, the age, a photograph, a
7 description of any tattoo, microchip, or other
8 identifying information, and a list of current
9 inoculations.

10 (2) This Section does not prohibit a person who is
11 permanently disabled with a severe mobility impairment
12 from possessing a single capuchin monkey to assist the
13 person in performing daily tasks if:

14 (A) the capuchin monkey was obtained from and
15 trained at a licensed nonprofit organization described
16 in Section 501(c)(3) of the Internal Revenue Code of
17 1986, the nonprofit tax status of which was obtained on
18 the basis of a mission to improve the quality of life
19 of severely mobility-impaired individuals; and

20 (B) the person complies with the notification
21 requirements as described in paragraph (1) of this
22 subsection (c).

23 (d) A person who registers a primate shall notify the local
24 animal control administrator within 30 days of a change of
25 address. If the person moves to another locality within the
26 State, the person shall register the primate with the new local

1 animal control administrator within 30 days of moving by
2 providing written notification as provided in paragraph (1) of
3 subsection (c) and shall include proof of the prior
4 registration.

5 (e) A person who registers a primate shall notify the local
6 animal control administrator immediately if the primate dies,
7 escapes, or bites, scratches, or injures a person.

8 (f) It is no defense to a violation of subsection (b) that
9 the person violating subsection (b) has attempted to
10 domesticate the dangerous animal. If there appears to be
11 imminent danger to the public, any dangerous animal found not
12 in compliance with the provisions of this Section shall be
13 subject to seizure and may immediately be placed in an approved
14 facility. Upon the conviction of a person for a violation of
15 subsection (b), the animal with regard to which the conviction
16 was obtained shall be confiscated and placed in an approved
17 facility, with the owner responsible for all costs connected
18 with the seizure and confiscation of the animal. Approved
19 facilities include, but are not limited to, a zoological park,
20 federally licensed exhibit, humane society, veterinary
21 hospital or animal refuge.

22 (g) Sentence. Any person violating this Section is guilty
23 of a Class C misdemeanor. Any corporation or partnership, any
24 officer, director, manager or managerial agent of the
25 partnership or corporation who violates this Section or causes
26 the partnership or corporation to violate this Section is

1 guilty of a Class C misdemeanor. Each day of violation
2 constitutes a separate offense.

3 (Source: P.A. 97-1108, eff. 1-1-13.)

4 Section 110-15. The Fish and Aquatic Life Code is amended
5 by changing Sections 1-20, 5-25, 10-30, 10-35, 10-60, 10-65,
6 and 10-115 as follows:

7 (515 ILCS 5/1-20) (from Ch. 56, par. 1-20)

8 Sec. 1-20. Aquatic life. "Aquatic life" means all fish,
9 ~~reptiles, amphibians,~~ crayfish, and mussels. For the purposes
10 of Section 20-90, the definition of "aquatic life" shall
11 include, but is not limited to, all fish, ~~reptiles, amphibians,~~
12 mollusks, crustaceans, algae or other aquatic plants, and
13 invertebrates. Aquatic life does not mean any herptiles that
14 are found in the Herptiles-Herps Act of 2013.

15 (Source: P.A. 89-66, eff. 1-1-96.)

16 (515 ILCS 5/5-25) (from Ch. 56, par. 5-25)

17 Sec. 5-25. Value of protected species; violations.

18 (a) Any person who, for profit or commercial purposes,
19 knowingly captures or kills, possesses, offers for sale, sells,
20 offers to barter, barter, offers to purchase, purchases,
21 delivers for shipment, ships, exports, imports, causes to be
22 shipped, exported, or imported, delivers for transportation,
23 transports or causes to be transported, carries or causes to be

1 carried, or receives for shipment, transportation, carriage,
2 or export any aquatic life, in part or in whole of any of the
3 species protected by this Code, contrary to the provisions of
4 the Code, and that aquatic life, in whole or in part, is valued
5 at or in excess of a total of \$300, as per species value
6 specified in subsection (c) of this Section, commits a Class 3
7 felony.

8 A person is guilty of a Class 4 felony if convicted under
9 this Section for more than one violation within a 90-day period
10 if the aquatic life involved in each violation are not valued
11 at or in excess of \$300 but the total value of the aquatic life
12 involved with the multiple violations is at or in excess of
13 \$300. The prosecution for a Class 4 felony for these multiple
14 violations must be alleged in a single charge or indictment and
15 brought in a single prosecution.

16 Any person who violates this subsection (a) when the total
17 value of species is less than \$300 commits a Class A
18 misdemeanor except as otherwise provided.

19 (b) Possession of aquatic life, in whole or in part,
20 captured or killed in violation of this Code, valued at or in
21 excess of \$600, as per species value specified in subsection
22 (c) of this Section, shall be considered prima facie evidence
23 of possession for profit or commercial purposes.

24 (c) For purposes of this Section, the fair market value or
25 replacement cost, whichever is greater, must be used to
26 determine the value of the species protected by this Code, but

1 in no case shall the minimum value of all aquatic life and
2 their hybrids protected by this Code, whether dressed or not
3 dressed, be less than the following:

4 (1) For each muskellunge, northern pike, walleye,
5 striped bass, sauger, largemouth bass, smallmouth bass,
6 spotted bass, trout (all species), salmon (all species
7 other than chinook caught from August 1 through December
8 31), and sturgeon (other than pallid or lake sturgeon) of a
9 weight, dressed or not dressed, of one pound or more, \$4
10 for each pound or fraction of a pound. For each individual
11 fish with a dressed or not dressed weight of less than one
12 pound, \$4. For parts of fish processed past the dressed
13 state, \$8 per pound.

14 (2) For each warmouth, rock bass, white bass, yellow
15 bass, sunfish (all species except largemouth, smallmouth,
16 and spotted bass), bluegill, crappie, bullheads,
17 pickerels, yellow perch, catfish (all species), and
18 mussels of a weight, dressed or not dressed, of one pound
19 or more, \$4 for each pound or fraction of a pound of
20 aquatic life. For each individual aquatic life with a
21 dressed or not dressed weight of less than one pound, \$4.
22 For aquatic life parts processed past the dressed state, \$8
23 per pound.

24 (3) (Blank). ~~For processed turtle parts, \$6 for each~~
25 ~~pound or fraction of a pound. For each non processed~~
26 ~~turtle, \$8 per turtle.~~

1 (4) (Blank). ~~For frogs, toads, salamanders, lizards,~~
2 ~~and snakes, \$8 per animal in whole or in part.~~

3 (5) For goldeye, mooneye, carp, carpsuckers (all
4 species), suckers (all species), redhorse (all species),
5 buffalo (all species), freshwater drum, skipjack, shad
6 (all species), alewife, smelt, gar, bowfin, chinook salmon
7 caught from August 1 through December 31, and all other
8 aquatic life protected by this Code, not listed in
9 paragraphs (1), (2), or (5) ~~(3), or (4)~~ of subsection (c)
10 of this Section, \$1 per pound, in part or in whole.

11 (6) For each species listed on the federal or State
12 endangered and threatened species list, and for lake and
13 pallid sturgeon, \$150 per animal in whole or in part.

14 (Source: P.A. 95-147, eff. 8-14-07.)

15 (515 ILCS 5/10-30) (from Ch. 56, par. 10-30)

16 Sec. 10-30. Bullfrog; open season. Bullfrog open season is
17 found in Section 5-30 of the Herptiles-Herps Act of 2013. ~~All~~
18 ~~individuals taking bullfrogs shall possess a valid sport~~
19 ~~fishing license and may take bullfrogs only during the~~
20 ~~following open season of June 15 through August 31, both~~
21 ~~inclusive.~~

22 (Source: P.A. 87-833.)

23 (515 ILCS 5/10-35) (from Ch. 56, par. 10-35)

24 Sec. 10-35. Daily limit; bullfrogs. Bullfrog daily limit is

1 found in Section 5-30 of the Herptiles-Herps Act of 2013. ~~The~~
2 ~~daily limit for all properly licensed individuals is 8~~
3 ~~bullfrogs. The possession limit total is 16 bullfrogs.~~

4 (Source: P.A. 87-833.)

5 (515 ILCS 5/10-60) (from Ch. 56, par. 10-60)

6 Sec. 10-60. Taking of turtles or bullfrogs; illegal
7 devices. Taking of turtles or bullfrogs is found in Section
8 5-30 of the Herptiles-Herps Act of 2013. ~~No person shall take~~
9 ~~turtles or bullfrogs by commercial fishing devices, including~~
10 ~~hoop nets, traps, or seines, or by the use of firearms,~~
11 ~~airguns, or gas guns.~~

12 (Source: P.A. 87-833.)

13 (515 ILCS 5/10-65) (from Ch. 56, par. 10-65)

14 Sec. 10-65. Taking of snakes. Taking of snakes is found in
15 Section 5-25 of the Herptiles-Herps Act of 2013. ~~Unless~~
16 ~~otherwise provided in this Code, snakes may be taken by the~~
17 ~~owners or bonafide tenants of lands actually residing on the~~
18 ~~lands and their children, parents, brothers, and sisters~~
19 ~~actually permanently residing with them.~~

20 (Source: P.A. 87-833.)

21 (515 ILCS 5/10-115) (from Ch. 56, par. 10-115)

22 Sec. 10-115. Taking of turtles. Taking of turtles is found
23 in Section 5-30 of the Herptiles-Herps Act of 2013. ~~Turtles may~~

1 ~~be taken only by hand or means of hook and line. The provisions~~
2 ~~of this Section are subject to modification by administrative~~
3 ~~rule.~~

4 (Source: P.A. 87-833.)".