



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1342

Introduced 2/9/2017, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

520 ILCS 10/2	from Ch. 8, par. 332
520 ILCS 10/3.5 new	
520 ILCS 10/9	from Ch. 8, par. 339

Amends the Illinois Endangered Species Protection Act. Provides a person shall not allow for the participation of an African elephant or Asian elephant protected under the federal Endangered Species Act of 1973 in a traveling animal act. Provides that the provision does not apply to an exhibition of elephants at a non-mobile, permanent institution, or facility. Provides that a person who violates the Section is subject to a civil penalty of not less than \$500 or more than \$10,000 for each violation. Defines "mobile or traveling housing facility", "performance", and "traveling animal act". Effective January 1, 2018.

LRB100 08487 SLF 18606 b

1 AN ACT concerning wildlife.

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

4 Section 5. The Illinois Endangered Species Protection Act
5 is amended by changing Section 2 and 9 and by adding Section
6 3.5 as follows:

7 (520 ILCS 10/2) (from Ch. 8, par. 332)

8 Sec. 2. As used in this Act the following words have the
9 following meanings:

10 "Board" means the Endangered Species Protection Board
11 created by this Act.

12 "Conservation" means to use and the use of all methods and
13 procedures which are necessary to bring any endangered species
14 or threatened species to the point at which the measures
15 provided pursuant to this Act are no longer necessary. Such
16 methods and procedures include, but are not limited to, all
17 activities associated with scientific resources management
18 such as research, census, law enforcement, habitat acquisition
19 and maintenance, propagation and transplantation.

20 "Department" means the Department of Natural Resources and

21 "Director" means the Director of that Department.

22 "Endangered Species" means any species of plant or animal
23 classified as endangered under the Federal Endangered Species

1 Act of 1973, P.L. 93-205, and amendments thereto, plus such
2 other species which the Board may list as in danger of
3 extinction in the wild in Illinois due to one or more causes
4 including but not limited to, the destruction, diminution or
5 disturbance of habitat, overexploitation, predation,
6 pollution, disease, or other natural or manmade factors
7 affecting its prospects of survival.

8 "Threatened Species" means any species of plant or animal
9 classified as threatened under the Federal Endangered Species
10 Act of 1973, P.L. 93-205, and amendments thereto, plus such
11 other species which the Board may list as likely to become
12 endangered in the wild in Illinois within the foreseeable
13 future.

14 "Animal" means those organisms commonly included in the
15 science of zoology and generally distinguished from plants by
16 possession of a nervous system and the ability to move from
17 place to place, including all invertebrates such as sponges and
18 mollusks as well as vertebrates such as fishes, amphibians,
19 reptiles, birds, and mammals.

20 "Animal Product" means the fur, hide, skin, teeth,
21 feathers, tusks, claws, eggs, nests or the body or any portion
22 thereof whether in a green or raw state or as a product
23 manufactured or refined from an animal protected under this Act
24 or under rules issued pursuant to this Act.

25 "Plant" means any organism not considered to be an animal,
26 and shall include such organisms as algae, fungi, bryophytes,

1 and ferns, as well as flowering plants and conifers.

2 "Plant Product" means any plant body or part thereof
3 removed from natural habitat, including seeds, fruits, roots,
4 stems, flowers, leaves, or products made from any of these,
5 including extracts or powders.

6 "Essential Habitat" means the specific ecological
7 conditions required by an endangered or threatened species for
8 its survival and propagation, or physical examples of these
9 conditions.

10 "Take" means, in reference to animals and animal products,
11 to harm, hunt, shoot, pursue, lure, wound, kill, destroy,
12 harass, gig, spear, ensnare, trap, capture, collect, or to
13 attempt to engage in such conduct. "Take" means, in reference
14 to plants and plant products, to collect, pick, cut, dig up,
15 kill, destroy, bury, crush, or harm in any manner.

16 "Illinois List" means a list of species of animals and
17 plants listed by the Board as endangered or threatened.

18 "Mobile or traveling animal housing facility" means a
19 transporting vehicle such as a truck, trailer, or railway car
20 used to transport or house animals while traveling for
21 exhibition or other performance.

22 "Performance" means an exhibition, public showing,
23 presentation, display, exposition, fair, animal act, circus,
24 ride, trade show, petting zoo, carnival, parade, race, or other
25 similar undertaking in which animals are required to perform
26 tricks, give rides, or participate as accompaniments for

1 entertainment or amusement.

2 "Person" means any individual, firm, corporation,
3 partnership, trust, association, private entity, government
4 agency, or their agents, and representatives.

5 "Traveling animal act" means any performance of animals
6 where animals are transported to, from, or between locations
7 for the purpose of a performance in a mobile or traveling
8 housing facility.

9 (Source: P.A. 89-445, eff. 2-7-96.)

10 (520 ILCS 10/3.5 new)

11 Sec. 3.5. Prohibition of use of elephants in traveling
12 animal act.

13 (a) Notwithstanding Section 4 of this Act or any other
14 provision of law, a person shall not allow for the
15 participation of an African elephant (Loxodonta Africana) or
16 Asian elephant (Elephas maximus) protected under the federal
17 Endangered Species Act of 1973 in a traveling animal act.

18 (b) This Section does not apply to an exhibition of
19 elephants at a non-mobile, permanent institution, or facility.

20 (c) The Department may adopt rules to implement the
21 provisions of this Section.

22 (d) This Section is in addition to, and not in lieu of, any
23 other laws protecting animal welfare. This Section may not be
24 construed to limit any State law or rule protecting the welfare
25 of animals nor prevent a unit of local government from adopting

1 animal welfare ordinances, rules, or regulations.

2 (e) A person who violates this Section shall be subject to
3 a civil penalty of not less than \$500 or more than \$10,000 for
4 each violation. An officer or agent authorized by the
5 Department or a law enforcement officer may enforce this
6 Section.

7

8 (520 ILCS 10/9) (from Ch. 8, par. 339)

9 Sec. 9.

10 Except as otherwise provided in Section 3.5 of this Act,
11 any ~~Any~~ person who violates any provision of this Act shall be
12 guilty of a Class A misdemeanor.

13 (Source: P.A. 77-2830.)

14 Section 99. Effective date. This Act takes effect January
15 1, 2018.