

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 Freedom of Information Act is amended by  
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory Exemptions. To the extent provided for  
8 by the statutes referenced below, the following shall be exempt  
9 from inspection and copying:

10 (a) All information determined to be confidential under  
11 Section 4002 of the Technology Advancement and Development Act.

12 (b) Library circulation and order records identifying  
13 library users with specific materials under the Library Records  
14 Confidentiality Act.

15 (c) Applications, related documents, and medical records  
16 received by the Experimental Organ Transplantation Procedures  
17 Board and any and all documents or other records prepared by  
18 the Experimental Organ Transplantation Procedures Board or its  
19 staff relating to applications it has received.

20 (d) Information and records held by the Department of  
21 Public Health and its authorized representatives relating to  
22 known or suspected cases of sexually transmissible disease or  
23 any information the disclosure of which is restricted under the

1 Illinois Sexually Transmissible Disease Control Act.

2 (e) Information the disclosure of which is exempted under  
3 Section 30 of the Radon Industry Licensing Act.

4 (f) Firm performance evaluations under Section 55 of the  
5 Architectural, Engineering, and Land Surveying Qualifications  
6 Based Selection Act.

7 (g) Information the disclosure of which is restricted and  
8 exempted under Section 50 of the Illinois Prepaid Tuition Act.

9 (h) Information the disclosure of which is exempted under  
10 the State Officials and Employees Ethics Act, and records of  
11 any lawfully created State or local inspector general's office  
12 that would be exempt if created or obtained by an Executive  
13 Inspector General's office under that Act.

14 (i) Information contained in a local emergency energy plan  
15 submitted to a municipality in accordance with a local  
16 emergency energy plan ordinance that is adopted under Section  
17 11-21.5-5 of the Illinois Municipal Code.

18 (j) Information and data concerning the distribution of  
19 surcharge moneys collected and remitted by wireless carriers  
20 under the Wireless Emergency Telephone Safety Act.

21 (k) Law enforcement officer identification information or  
22 driver identification information compiled by a law  
23 enforcement agency or the Department of Transportation under  
24 Section 11-212 of the Illinois Vehicle Code.

25 (l) Records and information provided to a residential  
26 health care facility resident sexual assault and death review

1 team or the Executive Council under the Abuse Prevention Review  
2 Team Act.

3 (m) Information provided to the predatory lending database  
4 created pursuant to Article 3 of the Residential Real Property  
5 Disclosure Act, except to the extent authorized under that  
6 Article.

7 (n) Defense budgets and petitions for certification of  
8 compensation and expenses for court appointed trial counsel as  
9 provided under Sections 10 and 15 of the Capital Crimes  
10 Litigation Act. This subsection (n) shall apply until the  
11 conclusion of the trial of the case, even if the prosecution  
12 chooses not to pursue the death penalty prior to trial or  
13 sentencing.

14 (o) Information that is prohibited from being disclosed  
15 under Section 4 of the Illinois Health and Hazardous Substances  
16 Registry Act.

17 (p) Security portions of system safety program plans,  
18 investigation reports, surveys, schedules, lists, data, or  
19 information compiled, collected, or prepared by or for the  
20 Regional Transportation Authority under Section 2.11 of the  
21 Regional Transportation Authority Act or the St. Clair County  
22 Transit District under the Bi-State Transit Safety Act.

23 (q) Information prohibited from being disclosed by the  
24 Personnel Records Review Act.

25 (r) Information prohibited from being disclosed by the  
26 Illinois School Student Records Act.

1           (s) Information the disclosure of which is restricted under  
2 Section 5-108 of the Public Utilities Act.

3           (t) All identified or deidentified health information in  
4 the form of health data or medical records contained in, stored  
5 in, submitted to, transferred by, or released from the Illinois  
6 Health Information Exchange, and identified or deidentified  
7 health information in the form of health data and medical  
8 records of the Illinois Health Information Exchange in the  
9 possession of the Illinois Health Information Exchange  
10 Authority due to its administration of the Illinois Health  
11 Information Exchange. The terms "identified" and  
12 "deidentified" shall be given the same meaning as in the Health  
13 Insurance Accountability and Portability Act of 1996, Public  
14 Law 104-191, or any subsequent amendments thereto, and any  
15 regulations promulgated thereunder.

16           (u) Records and information provided to an independent team  
17 of experts under Brian's Law.

18           (v) Names and information of people who have applied for or  
19 received Firearm Owner's Identification Cards under the  
20 Firearm Owners Identification Card Act or applied for or  
21 received a concealed carry license under the Firearm Concealed  
22 Carry Act, unless otherwise authorized by the Firearm Concealed  
23 Carry Act; and databases under the Firearm Concealed Carry Act,  
24 records of the Concealed Carry Licensing Review Board under the  
25 Firearm Concealed Carry Act, and law enforcement agency  
26 objections under the Firearm Concealed Carry Act.

1 (w) Personally identifiable information which is exempted  
2 from disclosure under subsection (g) of Section 19.1 of the  
3 Toll Highway Act.

4 (x) Information which is exempted from disclosure under  
5 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the  
6 Illinois Municipal Code.

7 (y) Confidential information under the Adult Protective  
8 Services Act and its predecessor enabling statute, the Elder  
9 Abuse and Neglect Act, including information about the identity  
10 and administrative finding against any caregiver of a verified  
11 and substantiated decision of significant abuse, neglect, or  
12 financial exploitation of an eligible adult maintained in the  
13 Department of Public Health's Health Care Worker Registry.

14 (z) Records and information provided to an at-risk adult  
15 fatality review team or the Illinois At-Risk Adult Fatality  
16 Review Team Advisory Council under Section 15 of the Adult  
17 Protective Services Act.

18 (aa) Information which is exempted from disclosure under  
19 Section 2.37 of the Wildlife Code.

20 (Source: P.A. 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342,  
21 eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13; 98-49,  
22 eff. 7-1-13; 98-63, eff. 7-9-13; revised 7-23-13.)

23 Section 10. The Wildlife Code is amended by changing  
24 Section 2.37 as follows:

1 (520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

2 Sec. 2.37. Authority to kill wildlife responsible for  
3 damage. Subject to federal regulations and Section 3 of the  
4 Illinois Endangered Species Act, the Department may authorize  
5 owners and tenants of lands or their agents to remove or  
6 destroy any wild bird or wild mammal when the wild bird or wild  
7 mammal is known to be destroying property or causing a risk to  
8 human health or safety upon his or her land.

9 Upon receipt by the Department of information from the  
10 owner, tenant, or sharecropper that any one or more species of  
11 wildlife is damaging dams, levees, ditches, cattle pastures, or  
12 other property on the land on which he resides or controls,  
13 together with a statement regarding location of the property  
14 damages, the nature and extent of the damage, and the  
15 particular species of wildlife committing the damage, the  
16 Department shall make an investigation.

17 If, after investigation, the Department finds that damage  
18 does exist and can be abated only by removing or destroying  
19 that wildlife, a permit shall be issued by the Department to  
20 remove or destroy the species responsible for causing the  
21 damage.

22 A permit to control the damage shall be for a period of up  
23 to 90 days, shall specify the means and methods by which and  
24 the person or persons by whom the wildlife may be removed or  
25 destroyed, and shall set forth the disposition procedure to be  
26 made of all wildlife taken and other restrictions the Director

1 considers necessary and appropriate in the circumstances of the  
2 particular case. Whenever possible, the specimens destroyed  
3 shall be given to a bona-fide public or State scientific,  
4 educational, or zoological institution.

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

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

18 Drainage Districts shall have the authority to control  
19 beaver provided that they must notify the Department in writing  
20 that a problem exists and of their intention to trap the  
21 animals at least 7 days before the trapping begins. The  
22 District must identify traps used in beaver control outside the  
23 dates of the furbearer trapping season with metal tags with the  
24 district's name legibly inscribed upon them. During the  
25 furtrapping season, traps must be identified as prescribed by  
26 law. Conibear traps at least size 330 shall be used except

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

18 The location of traps or snares authorized under this  
19 Section, either by the Department or any other governmental  
20 body with the authority to control species protected by this  
21 Code, shall be exempt from the provisions of the Freedom of  
22 Information Act.

23 (Source: P.A. 97-813, eff. 7-13-12; 97-959, eff. 8-15-12.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.