

SB3266



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3266

Introduced 2/19/2016, by Sen. Wm. Sam McCann

SYNOPSIS AS INTRODUCED:

510 ILCS 68/1-15

Amends the Herptiles-Herps Act. Provides that "administrative rule" means a rule adopted under the Illinois Administrative Procedure Act.

LRB099 19963 SMS 44362 b

A BILL FOR

1 AN ACT concerning animals.

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

4 Section 5. The Herptiles-Herps Act is amended by changing
5 Section 1-15 as follows:

6 (510 ILCS 68/1-15)

7 Sec. 1-15. Definitions. For the purposes of this Act,
8 unless the context clearly requires otherwise, the following
9 terms are defined as:

10 "Administrative rule" means a rule adopted under the
11 Illinois Administrative Procedure ~~regulatory measure issued by~~
12 ~~the Director under this~~ Act.

13 "Authorized law enforcement officer" means all sworn
14 members of the Law Enforcement Division of the Department and
15 those persons specifically granted law enforcement
16 authorization by the Director.

17 "Bona fide scientific or educational institution" means
18 confirming educational or scientific tax-exemption, from the
19 federal Internal Revenue Service or the applicant's national,
20 state, or local tax authority, or a statement of accreditation
21 or recognition as an educational institution.

22 "Contraband" means all reptile or amphibian life or any
23 part of reptile or amphibian life taken, bought, sold or

1 bartered, shipped, or held in possession or any conveyance,
2 vehicle, watercraft, or other means of transportation
3 whatsoever, except sealed railroad cars or other sealed common
4 carriers, used to transport or ship any reptile or amphibian
5 life or any part of reptile or amphibian life taken, contrary
6 to this Act, including administrative rules, or used to
7 transport, contrary to this Act, including administrative
8 rules, any of the specified species when taken illegally.

9 "Culling" means picking out from others and removing
10 rejected members because of inferior quality.

11 "Department" means the Illinois Department of Natural
12 Resources.

13 "Director" means the Director of the Illinois Department of
14 Natural Resources.

15 "Educational program" means a program of organized
16 instruction or study for providing education intended to meet a
17 public need.

18 "Endangered or threatened species" means any species
19 listed as endangered or threatened to the species level on
20 either the Illinois List of Endangered and Threatened Fauna or
21 the federal U.S. Fish and Wildlife Service List of Threatened
22 and Endangered Species.

23 "Herptile" means collectively any amphibian or reptile
24 taxon, whether indigenous to this State or not.

25 "Indigenous or native taxa" means those amphibians and
26 reptiles to the subspecies level that can be found naturally in

1 this State.

2 "Individual" means a natural person.

3 "Medically significant" means a venomous or poisonous
4 species whose venom or toxin can cause death or serious illness
5 or injury in humans that may require emergency room care or the
6 immediate care of a physician. These species are categorized as
7 being "medically significant" or "medically important".

8 "Owner" means an individual who has a legal right to the
9 possession of a herptile.

10 "Person" means any individual, partnership, corporation,
11 organization, trade or professional association, firm, limited
12 liability company, joint venture, or group.

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

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

20 "Reptile show" means any event open to the public, for a
21 fee or without a fee, that is not a licensed pet store, where
22 herptiles or herptiles together with other animals are
23 exhibited, displayed, sold, bought, traded, or otherwise made
24 available for public display.

25 "Resident" means a person who in good faith makes
26 application for any license or permit and verifies by statement

1 that he or she has maintained his or her permanent abode in
2 this State for a period of at least 30 consecutive days
3 immediately preceding the person's application, and who does
4 not maintain permanent abode or claim residency in another
5 state for the purposes of obtaining any of the same or similar
6 licenses or permits under this Act. A person's permanent abode
7 is his or her fixed and permanent dwelling place, as
8 distinguished from a temporary or transient place of residence.
9 Domiciliary intent is required to establish that the person is
10 maintaining his or her permanent abode in this State. Evidence
11 of domiciliary intent includes, but is not limited to, the
12 location where the person votes, pays personal income tax, or
13 obtains a drivers license. Any person on active duty in the
14 Armed Forces shall be considered a resident of Illinois during
15 his or her period of military duty.

16 "Special use herptile" means any taxon of amphibian or
17 reptile for which a Herptile Special Use permit is required.

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

21 "Transport" or "ship" means to convey by parcel post,
22 express, freight, baggage, or shipment by common carrier or any
23 description; by automobile, motorcycle, or other vehicle of any
24 kind; by water or aircraft of any kind; or by any other means
25 of transportation.

26 "Turtle farming" means the act of breeding, hatching,

1 raising, selling turtles, or any combination commercially for
2 the purpose of providing turtles, turtle eggs, or turtle parts
3 to pet suppliers, exporters, and food industries.

4 "Wildlife sanctuary" means any non-profit organization
5 that: (1) is exempt from taxation under the federal Internal
6 Revenue Code and is currently confirmed as tax exempt by the
7 federal Internal Revenue Service; (2) operates a place of
8 refuge where wild animals are provided care for their lifetime
9 or released back to their natural range; (3) does not conduct
10 activities on animals in its possession that are not inherent
11 to the animal's nature; (4) does not use animals in its
12 possession for entertainment; (5) does not sell, trade, or
13 barter animals in its possession or parts of those animals; and
14 (6) does not breed animals in its possession.
15 (Source: P.A. 98-752, eff. 1-1-15.)