

AN ACT concerning wildlife.

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

Section 5. The Wildlife Code is amended by changing Section 2.36a as follows:

(520 ILCS 5/2.36a) (from Ch. 61, par. 2.36a)

Sec. 2.36a. Value of protected species; violations.

(a) Any person who, for profit or commercial purposes, knowingly captures or kills, possesses, offers for sale, sells, offers to barter, barter, offers to purchase, purchases, delivers for shipment, ships, exports, imports, causes to be shipped, exported, or imported, delivers for transportation, transports or causes to be transported, carries or causes to be carried, or receives for shipment, transportation, carriage, or export any animal or part of animal of the species protected by this Act, contrary to the provisions of this Act, and such animals, in whole or in part, are valued at or in excess of a total of \$300, as per specie value specified in subsection (c) of this Section, commits a Class 3 felony.

A person shall be guilty of a Class 4 felony if convicted under this Section for more than one violation within a 90-day period where the animals of each violation are not valued at or in excess of \$300, but the total value of the animals from the

multiple violations is at or in excess of \$300. The prosecution for a Class 4 felony for these multiple violations must be alleged in a single charge or indictment and brought in a single prosecution.

(b) Possession of animals, in whole or in part, captured or killed in violation of this Act, valued at or in excess of \$600, as per specie value specified in subsection (c) of this Section, shall be considered prima facie evidence of possession for profit or commercial purposes.

(c) For purposes of this Section, the fair market value or replacement cost, whichever is greater, shall be used to determine the value of the species protected by this Act, but in no case shall the minimum value of all species protected by this Act be less than as follows:

- (1) Eagle, \$1,000 ~~\$500~~;
- (2) Whitetail deer, \$1,000 and wild turkey, \$500 ~~\$250~~;
- (3) Fur-bearing mammals, \$50 ~~\$25~~;
- (4) Game birds (except the wild turkey) and migratory game birds (except Trumpeter swans), \$50 ~~\$25~~;
- (5) Owls, hawks, falcons, kites, harriers, and ospreys, and other birds of prey \$250 ~~\$125~~;
- (6) Game mammals (except whitetail deer), \$50 ~~\$25~~;
- (7) Other mammals, \$100 ~~\$50~~;
- (8) Resident and migratory non-game birds (except birds of prey), \$100 ~~\$50~~;
- (9) Trumpeter swans, \$1,000 ~~\$250~~.

(d) In this subsection (d), "point" means a projection on the antler of a whitetail antlered deer that is at least one-inch long as measured from the tip to the nearest edge of antler beam and the length of which exceeds the length of its base. A person who possesses whitetail antlered deer, in whole or in part, captured or killed in violation of this Act, shall pay restitution to the Department in the amount of \$1,000 per whitetail antlered deer and an additional \$500 per antler point, for each whitetail antlered deer with at least 8 but not more than 10 antler points. For whitetail antlered deer with 11 or more antler points, restitution of \$1,000 shall be paid to the Department per whitetail antlered deer plus \$750 per antler point.

(Source: P.A. 90-743, eff. 1-1-99.)

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