



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB2430

Introduced 2/4/2025, by Rep. Nabeela Syed

#### SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.37

from Ch. 61, par. 2.37

Amends the Wildlife Code. Provides that striped skunks and raccoons may be released alive. Requires the Department of Natural Resources to adopt rules to implement the amendatory Act.

LRB104 08121 BDA 18167 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 Wildlife Code is amended by changing  
5 Section 2.37 as follows:

6 (520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

7 (Text of Section before amendment by P.A. 103-611)

8 Sec. 2.37. Authority to kill wildlife responsible for  
9 damage.

10 (a) Subject to federal regulations and Section 3 of the  
11 Illinois Endangered Species Protection Act, the Department may  
12 authorize owners and tenants of lands or their agents, who are  
13 performing the service without fee or compensation, to remove  
14 or destroy any wild bird or wild mammal when the wild bird or  
15 wild mammal is known to be destroying property or causing a  
16 risk to human health or safety upon his or her land.

17 Upon receipt by the Department of information from the  
18 owner, tenant, or sharecropper that any one or more species of  
19 wildlife is damaging dams, levees, ditches, cattle pastures,  
20 or other property on the land on which he resides or controls,  
21 together with a statement regarding location of the property  
22 damages, the nature and extent of the damage, and the  
23 particular species of wildlife committing the damage, the

1 Department shall make an investigation.

2 If, after investigation, the Department finds that damage  
3 does exist and can be abated only by removing or destroying  
4 that wildlife, a permit shall be issued by the Department to  
5 remove or destroy the species responsible for causing the  
6 damage.

7 A permit to control the damage shall be for a period of up  
8 to 90 days, shall specify the means and methods by which and  
9 the person or persons by whom the wildlife may be removed or  
10 destroyed, without fee or compensation, and shall set forth  
11 the disposition procedure to be made of all wildlife taken and  
12 other restrictions the Director considers necessary and  
13 appropriate in the circumstances of the particular case.  
14 Whenever possible, the specimens destroyed shall be given to a  
15 bona fide public or State scientific, educational, or  
16 zoological institution.

17 The permittee shall advise the Department in writing,  
18 within 10 days after the expiration date of the permit, of the  
19 number of individual species of wildlife taken, disposition  
20 made of them, and any other information which the Department  
21 may consider necessary.

22 (b) Subject to federal regulations and Section 3 of the  
23 Illinois Endangered Species Protection Act, the Department may  
24 grant the authority to control species protected by this Code  
25 pursuant to the issuance of a Nuisance Wildlife Control Permit  
26 to:

1           (1) any person who is providing such service for a fee  
2           or compensation;

3           (2) a governmental body; or

4           (3) a nonprofit or other charitable organization.

5           The Department shall set forth applicable regulations in  
6           an Administrative Order and may require periodic reports  
7           listing species taken, numbers of each species taken, dates  
8           when taken, and other pertinent information.

9           Any person operating under a Nuisance Wildlife Control  
10          Permit who subcontracts the operation of nuisance wildlife  
11          control to another shall ensure that such subcontractor  
12          possesses a valid Nuisance Wildlife Control Permit issued by  
13          the Department. The person must maintain a record of the  
14          subcontractor including the subcontractor's name, address, and  
15          phone number, and type of work to be performed, for a period of  
16          not less than 2 years from the date the subcontractor is no  
17          longer performing services on behalf of the person. The  
18          records shall be presented to an authorized employee of the  
19          Department or law enforcement officer upon request for  
20          inspection.

21          Any person operating without the required permit as  
22          outlined under this subsection (b) or in violation of this  
23          subsection (b) is deemed to be taking, attempting to take,  
24          disturbing, or harassing wildlife contrary to the provisions  
25          of this Code, including the taking or attempting to take such  
26          species for commercial purposes as outlined in Sections 2.36

1 and 2.36a of this Code. Any devices and equipment, including  
2 vehicles, used in violation of this subsection (b) may be  
3 subject to the provisions of Section 1.25 of this Code.

4 (c) The location of traps or snares authorized under this  
5 Section, either by the Department or any other governmental  
6 body with the authority to control species protected by this  
7 Code, shall be exempt from the provisions of the Freedom of  
8 Information Act.

9 (d) A drainage district or road district or the designee  
10 of a drainage district or road district shall be exempt from  
11 the requirement to obtain a permit to control nuisance  
12 muskrats or beavers if all applicable provisions for licenses  
13 are complied with and any trap types and sizes used are in  
14 compliance with this Code, including marking or  
15 identification. The designee of a drainage district or road  
16 district must have a signed and dated written authorization  
17 from the drainage district or road district in possession at  
18 all times when conducting activities under this Section. This  
19 exemption from obtaining a permit shall be valid only upon  
20 property owned, leased, or controlled by the drainage district  
21 or road district. For the purposes of this Section, "road  
22 district" includes a township road district.

23 (e) Healthy striped skunks and healthy raccoons may be  
24 released alive after removal under this Section and rules  
25 adopted under this Section. The Department may set reasonable  
26 requirements for the release of striped skunks and raccoons

1 under this subsection in order to protect the health, welfare,  
2 and safety of the people of the State of Illinois. The  
3 Department shall adopt rules implementing this subsection  
4 within one year of the effective date of this amendatory Act of  
5 the 104th General Assembly.

6 (Source: P.A. 102-524, eff. 8-20-21; 103-37, eff. 6-9-23;  
7 103-225, eff. 6-30-23; 103-605, eff. 7-1-24.)

8 (Text of Section after amendment by P.A. 103-611)

9 Sec. 2.37. Authority to kill wildlife responsible for  
10 damage.

11 (a) Subject to federal regulations and Section 3 of the  
12 Illinois Endangered Species Protection Act, the Department may  
13 authorize owners and tenants of lands or their agents, who are  
14 performing the service without fee or compensation, to remove  
15 or destroy any wild bird or wild mammal when the wild bird or  
16 wild mammal is known to be destroying property or causing a  
17 risk to human health or safety upon his or her land.

18 Upon receipt by the Department of information from the  
19 owner, tenant, or sharecropper that any one or more species of  
20 wildlife is damaging dams, levees, ditches, cattle pastures,  
21 or other property on the land on which he resides or controls,  
22 together with a statement regarding location of the property  
23 damages, the nature and extent of the damage, and the  
24 particular species of wildlife committing the damage, the  
25 Department shall make an investigation.

1       If, after investigation, the Department finds that damage  
2       does exist and can be abated only by removing or destroying  
3       that wildlife, a permit shall be issued by the Department to  
4       remove or destroy the species responsible for causing the  
5       damage.

6       A permit to control the damage shall be for a period of up  
7       to 90 days, shall specify the means and methods by which and  
8       the person or persons by whom the wildlife may be removed or  
9       destroyed, without fee or compensation, and shall set forth  
10      the disposition procedure to be made of all wildlife taken and  
11      other restrictions the Director considers necessary and  
12      appropriate in the circumstances of the particular case.  
13      Whenever possible, the specimens destroyed shall be given to a  
14      bona fide public or State scientific, educational, or  
15      zoological institution.

16      The permittee shall advise the Department in writing,  
17      within 10 days after the expiration date of the permit, of the  
18      number of individual species of wildlife taken, disposition  
19      made of them, and any other information which the Department  
20      may consider necessary.

21      (b) Subject to federal regulations and Section 3 of the  
22      Illinois Endangered Species Protection Act, the Department may  
23      grant the authority to control species protected by this Code  
24      pursuant to the issuance of a Nuisance Wildlife Control Permit  
25      to:

26           (1) any person who is providing such service or

1 solicits customers for themselves or on behalf of a  
2 nuisance wildlife control permit holder for a fee or  
3 compensation;

4 (2) a governmental body; or

5 (3) a nonprofit or other charitable organization.

6 The Department shall set forth applicable regulations in  
7 an Administrative Order and may require periodic reports  
8 listing species taken, numbers of each species taken, dates  
9 when taken, and other pertinent information.

10 Any person operating under a Nuisance Wildlife Control  
11 Permit who subcontracts the operation of nuisance wildlife  
12 control to another shall ensure that such subcontractor  
13 possesses a valid Nuisance Wildlife Control Permit issued by  
14 the Department. The person must maintain a record of the  
15 subcontractor including the subcontractor's name, address, and  
16 phone number, and type of work to be performed, for a period of  
17 not less than 2 years from the date the subcontractor is no  
18 longer performing services on behalf of the person. The  
19 records shall be presented to an authorized employee of the  
20 Department or law enforcement officer upon request for  
21 inspection.

22 Any person operating without the required permit as  
23 outlined under this subsection (b) or in violation of this  
24 subsection (b) is deemed to be taking, attempting to take,  
25 disturbing, or harassing wildlife contrary to the provisions  
26 of this Code, including the taking or attempting to take such



1 species for commercial purposes as outlined in Sections 2.36  
2 and 2.36a of this Code. Any devices and equipment, including  
3 vehicles, used in violation of this subsection (b) may be  
4 subject to the provisions of Section 1.25 of this Code.

5 Any person properly permitted and operating under the  
6 provisions of this subsection is exempt from the provisions of  
7 this Act except as limited by administrative rule adopted by  
8 the Department.

9 (c) The location of traps or snares authorized under this  
10 Section, either by the Department or any other governmental  
11 body with the authority to control species protected by this  
12 Code, shall be exempt from the provisions of the Freedom of  
13 Information Act.

14 (d) A drainage district or road district or the designee  
15 of a drainage district or road district shall be exempt from  
16 the requirement to obtain a permit to control nuisance  
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23 all times when conducting activities under this Section. This  
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25 property owned, leased, or controlled by the drainage district  
26 or road district. For the purposes of this Section, "road

1 district" includes a township road district.

2 (e) Healthy striped skunks and healthy raccoons may be  
3 released alive after removal under this Section and rules  
4 adopted under this Section. The Department may set reasonable  
5 requirements for the release of striped skunks and raccoons  
6 under this subsection in order to protect the health, welfare,  
7 and safety of the people of the State of Illinois. The  
8 Department shall adopt rules implementing this subsection  
9 within one year of the effective date of this amendatory Act of  
10 the 104th General Assembly.

11 (Source: P.A. 102-524, eff. 8-20-21; 103-37, eff. 6-9-23;  
12 103-225, eff. 6-30-23; 103-605, eff. 7-1-24; 103-611, eff.  
13 1-1-25.)

14 Section 95. No acceleration or delay. Where this Act makes  
15 changes in a statute that is represented in this Act by text  
16 that is not yet or no longer in effect (for example, a Section  
17 represented by multiple versions), the use of that text does  
18 not accelerate or delay the taking effect of (i) the changes  
19 made by this Act or (ii) provisions derived from any other  
20 Public Act.