



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2685

by Rep. Jerry Costello, II

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.35	from Ch. 61, par. 2.35
520 ILCS 5/3.4	from Ch. 61, par. 3.4
520 ILCS 5/3.11	from Ch. 61, par. 3.11
520 ILCS 5/3.14	from Ch. 61, par. 3.14
520 ILCS 5/3.15	from Ch. 61, par. 3.15
520 ILCS 5/3.16	from Ch. 61, par. 3.16
520 ILCS 5/3.16a	
520 ILCS 5/3.18	from Ch. 61, par. 3.18
520 ILCS 5/3.19	from Ch. 61, par. 3.19
520 ILCS 5/3.20	from Ch. 61, par. 3.20
520 ILCS 5/3.12 rep.	

Amends the Wildlife Code. Provides that except as provided in the Code, it is unlawful to have in his or her possession the green hides of fur bearing mammals without a valid hunting or trapping license. Provides that the annual fee for each resident fur buyer's permit (rather than a resident retail or wholesale fur buyer's permit) shall be \$50.00 (rather than \$25.00 for a resident retail fur buyer's permit or \$125.00 for a resident wholesale fur buyer's permit). Provides that all fur buyers and non-resident auction participants shall maintain records of the receipt, collection, purchase, and sale of green hides of fur-bearing mammals. Provides that a record of each transaction shall be created at the time it is executed specifying the date, numbers, and kinds of green hides purchased, sold, or transferred, price paid for each green hide, if any, and the name, address, and Department customer identification number of the other party. Provides that a person who holds a fur tanner's permit is exempt from provisions for a resident fur buyer permit holder as long as the person is not engaged in the business of receiving green hides for the purpose of buying or selling the hides, whether green, dressed, processed, or tanned and the hides which have been tanned or processed are returned to the person who submitted the hides for processing or tanning. Repeals a provision regarding the receiving, collecting, or buying of green hides of fur-bearing or game mammals. Makes other conforming changes. Effective January 1, 2018.

LRB100 10431 SLF 20638 b

A BILL FOR

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 Sections 2.35, 3.4, 3.11, 3.14, 3.15, 3.16, 3.16a, 3.18, 3.19,
6 and 3.20 as follows:

7 (520 ILCS 5/2.35) (from Ch. 61, par. 2.35)

8 Sec. 2.35. Wild game birds or mammals. (a) Migratory game
9 birds, or any part or parts thereof, may be possessed only in
10 accordance with the regulations of the Federal Government.

11 (b) Except as provided in Sections 3.21, 3.23, 3.27, 3.28
12 and 3.30 it is unlawful to possess wild game birds or wild game
13 mammals or any parts thereof in excess of the legally
14 established daily limit or possession limit, whichever
15 applies.

16 (c) Except as provided in this Code ~~Sections 3.11, 3.12,~~
17 ~~3.15, 3.18, 3.21 and 3.25,~~ it is unlawful to have in possession
18 the green hides of fur-bearing mammals without a valid hunting
19 or trapping license ~~during the period within which it is~~
20 ~~unlawful to take such fur-bearing mammals in the State where~~
21 ~~taken, except during the open season provided and for an~~
22 ~~additional 20 days next succeeding such open season.~~

23 (d) Failure to establish proof of the legality of the

1 possession in another state or country and of importation into
2 this State ~~the State of Illinois~~, shall be prima facie evidence
3 that migratory game birds and game birds or any parts thereof,
4 and fur-bearing mammals or any parts thereof, were taken within
5 this State ~~the State of Illinois~~.

6 (e) For all those species to which a daily or possession
7 limit shall apply, each hunter shall maintain his bag of such
8 species separately and distinctly from those of all other
9 hunters.

10 (f) No person shall receive or have in custody any
11 protected species belonging to another person, except in the
12 personal abodes of the donor or recipient ~~donee~~, unless such
13 protected species are tagged in accordance with Section 2.30b
14 of this Code or tagged with the hunter's or trapper's name, ~~his~~
15 address, ~~the~~ total number of species, and the date such species
16 were taken.

17 (Source: P.A. 88-416; 89-341, eff. 8-17-95.)

18 (520 ILCS 5/3.4) (from Ch. 61, par. 3.4)

19 Sec. 3.4. Trapping licenses. Before a trapping license
20 shall be issued to any person, such person shall make
21 application to the Department or any county, city, village,
22 township or incorporated town clerk or his or her duly
23 designated agent upon an application form provided by the
24 Department. This application shall be executed and sworn to and
25 shall set forth the name and description of the applicant and

1 his or her place of residence.

2 The fee for a trapping license for a resident of this State
3 ~~the State of Illinois~~ shall be \$10.00.

4 The Department may provide for non-resident trapping
5 license provided that any non-resident shall be charged a fee
6 of \$175, and if the state in which the applicant resides does
7 not provide for trapping mammals by Illinois residents, then
8 the fee shall be \$250.

9 Every person trapping mammals shall make a report properly
10 sworn to, to the Department, upon blanks supplied by the
11 Department for such purpose, of all hides of mammals taken,
12 sold, shipped or dealt in, during the open seasons for mammals
13 together with the names and addresses of the parties to whom
14 the same were sold or shipped. Such report shall be made to the
15 Department within 15 days after the close of the trapping
16 season. Failure to report or filing false reports shall subject
17 the person to the penalties provided in Section 3.5. Further,
18 the Department may refuse to issue a trapping license for the
19 following year to any person who has failed to file such a
20 report.

21 All trapping licenses shall expire on March 31 of each
22 year.

23 (Source: P.A. 85-1181; 85-1209; 85-1440.)

24 (520 ILCS 5/3.11) (from Ch. 61, par. 3.11)

25 Sec. 3.11. Resident fur buyer permits. Any individual who

1 is a resident of this State ~~the State of Illinois~~, who, within
2 this State ~~the State of Illinois~~, receives, collects or buys,
3 or who acts as an agent or broker in the receipt, collection or
4 purchase of the green hides of fur-bearing mammals, protected
5 by this Act, ~~except an individual who is a resident retail fur~~
6 ~~buyer as defined in Section 3.12,~~ shall be a resident ~~wholesale~~
7 fur buyer in the meaning of this Act. Resident ~~wholesale~~ fur
8 buyer's permits shall be issued by the Department. The annual
9 fee for each resident ~~wholesale~~ fur buyer's permit shall be
10 \$50.00 ~~\$125.00~~. All resident ~~wholesale~~ fur buyer permits shall
11 expire on April 30 of each year. A holder of a valid resident
12 ~~wholesale~~ fur buyer permit may buy, sell, possess, transport,
13 and ship the green hides of any legally taken fur-bearing
14 mammals ~~from May 1 through April 30 next thereafter~~; provided,
15 however, that failure to establish proof of the legality or
16 origin of the green hides of fur-bearing mammals shall be prima
17 facie evidence that such green hides of fur-bearing mammals are
18 contraband within the State of Illinois. Nothing in this
19 Section shall exempt any permittee from complying with ~~to~~ any
20 federal laws, rules or regulations which may apply to the green
21 hides of fur-bearing mammals. A person who holds a fur tanner's
22 permit under Section 3.16 of this Code is exempt under this
23 Section if the person is not engaged in the business of
24 receiving green hides for the purpose of buying or selling the
25 hides, whether green, dressed, processed, or tanned and the
26 hides which have been tanned or processed are returned to the

1 person who submitted the hides for processing or tanning.

2 (Source: P.A. 89-341, eff. 8-17-95.)

3 (520 ILCS 5/3.14) (from Ch. 61, par. 3.14)

4 Sec. 3.14. Record keeping; fur buyers and non-resident
5 auction participants. All fur buyers and non-resident auction
6 participants shall maintain records of the receipt,
7 collection, purchase, and sale of green hides of fur-bearing
8 mammals. A record of each transaction shall be created at the
9 time it is executed specifying the date, numbers, and kinds of
10 green hides purchased, sold, or transferred, the price paid for
11 each green hide, if any, and the name, address, and Department
12 customer identification number of the other party. Records of
13 transactions with non-residents may substitute the Department
14 customer identification number with an equivalent identifier
15 such as a license or permit number from the person's place of
16 residence. Records of transactions shall be retained for 2
17 years from the date of execution and shall be presented for
18 inspection at any reasonable time a request is made by
19 authorized employees of the Department or any sheriff, deputy
20 sheriff, or peace officer. Failure to produce records of
21 transactions for green hides shall be prima facie evidence that
22 the green hides are contraband in this State. A numbered
23 receipt shall be issued to the other party when purchasing
24 green hides of fur-bearing mammals. The receipt shall specify
25 the name and address of the person selling the green hides, the

1 numbers and kinds of green hides sold, the price paid for each
2 green hide, the date of the transaction, and the name of the
3 fur buyer or non-resident auction participant. Any person
4 ~~receiving, collecting or buying green hides of fur bearing or~~
5 ~~game mammals from a licensed resident retail, resident~~
6 ~~wholesale or non resident fur buyer, fur bearing mammal~~
7 ~~breeder or other fur vendor shall be furnished with a~~
8 ~~certificate by such buyer, breeder or vendor showing the number~~
9 ~~and kinds of such green hides received, collected or purchased,~~
10 ~~the date of the transaction, the name and address of the buyer,~~
11 ~~breeder, or vendor, the name and address of the person~~
12 ~~receiving, collecting or buying such green hides from such~~
13 ~~buyer breeder, or vendor, and any other information which the~~
14 ~~Department may require. The certificate, or certificates shall~~
15 ~~be immediately presented for inspection to officers and~~
16 ~~authorized employees of the Department, any sheriff, deputy~~
17 ~~sheriff, or any other peace officer when request is made for~~
18 ~~same. An invoice or export permit covering green hides of~~
19 ~~fur bearing or game mammals originating in other states may be~~
20 ~~accepted in lieu of the certificates. Failure to produce such~~
21 ~~certificate, invoice or export permit shall be prima facie~~
22 ~~evidence that such green hides are contraband within the State~~
23 ~~of Illinois.~~

24 (Source: P.A. 81-382.)

25 (520 ILCS 5/3.15) (from Ch. 61, par. 3.15)

1 Sec. 3.15. Purchase of green hides. Any manufacturer,
2 converter, or consumer who purchases or receives green hides of
3 fur-bearing or game mammals for the purpose of dressing and
4 fabricating them into fur garments or products, shall purchase
5 such green hides from a duly licensed fur buyer or fur-bearing
6 mammal breeder, and shall demand from the buyer or breeder an
7 invoice covering such purchases, indicating thereon the date of
8 the transaction, the name and address of the fur buyer or
9 fur-bearing mammal breeder, and the number and kinds of green
10 hides so purchased. Such invoices shall be presented for
11 inspection to officers and authorized employees of the
12 Department, any sheriff, deputy sheriff, or any other peace
13 officer when request is made for same. Failure to produce such
14 invoice shall be prima facie evidence that such green hides are
15 contraband within this State ~~the State of Illinois~~.

16 Such purchases of green hides of fur-bearing or game
17 mammals shall be made for converting or manufacturing purposes
18 only, and green hides so bought shall not be offered for resale
19 in the green or raw condition.

20 ~~Such a manufacturer, converter or consumer may have the~~
21 ~~green hides of any legally taken fur-bearing or game mammals~~
22 ~~purchased from a licensed fur buyer or fur-bearing mammal~~
23 ~~breeder, in his possession at any time during the year,~~
24 ~~provided such green hides were purchased and are used for~~
25 ~~manufacturing purposes only.~~

26 (Source: P.A. 81-382.)

1 (520 ILCS 5/3.16) (from Ch. 61, par. 3.16)

2 Sec. 3.16. Fur tanner permits. Any individual, who for
3 other individuals, engages in the business of dressing, dyeing
4 or tanning the green hides of fur-bearing ~~or game~~ mammals,
5 protected by this Act, shall be a fur tanner in the meaning of
6 this Act. Before any individual shall engage in the business of
7 dressing, dyeing, or tanning green hides of fur-bearing ~~or game~~
8 mammals, for any other individual, he or she shall first
9 procure a fur tanner permit. Fur tanner permits shall be issued
10 by the Department. The annual fee for each fur tanner's permit
11 shall be \$25.00. All fur tanner permits shall expire on March
12 31st of each year. Any fur tanner who receives or collects
13 green hides shall require an affidavit from the shipper or
14 consignor, stating that said green hides were taken according
15 to regulations of the state where they were taken, a
16 certificate of purchase as provided for in Section 3.14 or an
17 invoice as provided for in Section 3.15. The ~~Such~~ affidavit,
18 certificate of purchase, or invoice shall show the name and
19 address of the individual from whom the green hides were
20 received or collected and the ~~such~~ records shall be kept by the
21 fur tanner for a minimum period of one year following the date
22 of receipt or collection. The ~~Such~~ affidavit, certificate of
23 purchase, or invoice shall be immediately presented for
24 inspection to officers and authorized employees of the
25 Department, any sheriff, deputy sheriff, or any other peace

1 officer upon ~~when~~ request ~~is made for same~~. Failure to produce
2 such affidavit, certificate of purchase, or invoice shall be
3 prima facie evidence that such green hides are contraband
4 within this State ~~the State of Illinois~~. Upon receipt by the
5 fur tanner of any green hide not accompanied by an affidavit,
6 certificate of purchase or invoice, the fur tanner shall notify
7 the shipper or consignor in writing of the requirement. The fur
8 tanner shall then hold green hides until an affidavit,
9 certificate of purchase, or invoice is received. ~~The~~ ~~Such~~ green
10 hides shall be labeled with the name and address of the shipper
11 or consignor, date of receipt, and the date notification was
12 sent to the shipper or consignor. If the shipper or consignor
13 shall fail to furnish the ~~said~~ affidavit, certificate of
14 purchase, or invoice within 30 days from the date of receipt of
15 the green hides, the fur tanner shall notify the Department and
16 green hides shall be disposed of in accordance with
17 instructions from the Department. Additional Federal
18 regulations may apply to the hides of certain endangered
19 species.

20 (Source: P.A. 84-150.)

21 (520 ILCS 5/3.16a)

22 Sec. 3.16a. Non-resident auction participation permit;
23 fee. Any individual who is not a resident of this State ~~the~~
24 ~~State of Illinois~~ and does not possess a non-resident fur buyer
25 permit must obtain a non-resident auction participation permit

1 to receive, collect, buy, or act as an agent or broker in the
2 receipt, collection, or purchase of the green hides of
3 fur-bearing mammals at auctions organized for these purposes
4 within this State ~~the State of Illinois~~. Non-resident auction
5 participation permits shall be issued by the Department. The
6 annual fee for each non-resident auction participation permit
7 is \$50. Non-resident auction participation permits expire on
8 April 30. A holder of a valid non-resident auction
9 participation permit may receive, collect, buy, possess,
10 transport, or act as an agent or broker in the receipt,
11 collection, or purchase of legally taken fur-bearing mammals
12 ~~from May 1 through the next April 30~~. Failure to establish
13 proof of legality or origin of the green hides of fur-bearing
14 mammals, however, is prima facie evidence that the green hides
15 are contraband within this State ~~the State of Illinois~~. Nothing
16 in this Section exempts any permittee from complying with any
17 federal laws, rules, or regulations that may apply to the green
18 hides of fur-bearing mammals.

19 (Source: P.A. 94-212, eff. 1-1-06.)

20 (520 ILCS 5/3.18) (from Ch. 61, par. 3.18)

21 Sec. 3.18. Non-resident fur buyers. Any individual not a
22 resident of this State ~~the State of Illinois~~, who, within this
23 ~~the State of Illinois~~, receives, collects or buys, or who acts
24 as an agent or broker in the receipt, collection or purchase of
25 the green hides of fur-bearing mammals, protected by this Act,

1 shall be a non-resident fur buyer in the meaning of this Act.
2 Non-resident fur buyer permits shall be issued by the
3 Department. Non-resident fur buyers must obtain a non-resident
4 fur buyer permit before receiving, collecting, or purchasing
5 the green hides of fur-bearing mammals within this State except
6 that a non-resident fur buyer permit shall not be required for
7 purchasing the green hides of fur-bearing mammals from resident
8 ~~wholesale fur buyers and resident retail fur buyers~~ as defined
9 in Sections 3.11 ~~and 3.12~~. The annual fee for each nonresident
10 fur buyer permit shall be \$250.00. All non-resident fur buyer
11 permits shall expire on April 30 of each year. A nonresident
12 fur buyer may buy, sell, possess, transport and ship the green
13 hides of any legally taken fur-bearing mammals ~~from May 1~~
14 ~~through April 30 next thereafter~~; provided, however, that
15 failure to establish proof of the legality of or origin of the
16 green hides of fur-bearing mammals shall be prima facie
17 evidence that such green hides of fur-bearing mammals are
18 contraband within this State ~~the State of Illinois~~. Nothing in
19 this Section shall be construed to remove such permittee from
20 responsibility for the observance of any federal laws, rules or
21 regulations which may apply to the green hides of fur-bearing
22 mammals.

23 (Source: P.A. 89-341, eff. 8-17-95.)

24 (520 ILCS 5/3.19) (from Ch. 61, par. 3.19)

25 Sec. 3.19. Permit requirements. Each ~~resident retail fur~~

1 ~~buyer,~~ resident ~~wholesale~~ fur buyer, nonresident fur buyer,
2 non-resident auction participant, fur bearing mammal breeder,
3 or fur tanner shall have his or her permit in his or her
4 possession when receiving, collecting, buying, selling, or
5 offering for sale, the green hides of fur-bearing ~~or game~~
6 mammals or accepting the same for dressing, dyeing, or tanning,
7 and shall immediately produce the same when requested to do so
8 by an officer or authorized employees of the Department, any
9 sheriff, deputy sheriff or any other peace officer. Persons
10 conducting organized and established auction sales or the green
11 hides of fur-bearing ~~or game~~ mammals, protected by this Act,
12 shall be exempt from the provisions of this Section.

13 (Source: P.A. 94-212, eff. 1-1-06.)

14 (520 ILCS 5/3.20) (from Ch. 61, par. 3.20)

15 Sec. 3.20. Reporting; fur buyers and non-resident auction
16 participants. ~~All fur buyers and non resident auction~~
17 ~~participants, shall, upon purchasing any green hide of any~~
18 ~~fur bearing mammal, protected by this Act, issue a numbered~~
19 ~~receipt to the hunter, trapper, fur buyer, fur bearing mammal~~
20 ~~breeder or other person from whom he purchased such hides,~~
21 ~~setting forth the number and kinds of green hides, the date of~~
22 ~~purchase, the price paid for each hide, the name and address of~~
23 ~~the hunter, trapper, fur buyer, fur bearing mammal breeder or~~
24 ~~other person from whom he purchased such hides, and the~~
25 ~~appropriate license number or stamp number of the hunter,~~

1 ~~trapper, fur buyer, fur bearing mammal breeder or other person~~
2 ~~from whom the hides were purchased, if applicable. The original~~
3 ~~receipt shall be retained by the fur buyer for a minimum of 2~~
4 ~~years from the date of purchase listed on the receipt. A~~
5 ~~duplicate receipt shall be given to the hunter, trapper, fur~~
6 ~~buyer, fur bearing mammal breeder or other person from whom the~~
7 ~~green hides were purchased at the time of purchase.~~

8 All fur buyers and non-resident auction participants shall
9 submit a report to the Department on forms provided by the
10 Department showing the number and kinds of all green hides of
11 fur-bearing mammals received, collected or purchased, and the
12 average price, if any, paid therefore and such other
13 information as required by the Department. This report shall be
14 made on or before May 10 of each year and shall include all
15 operations for the 12 months preceding May 1 of the current
16 year. All such receipts, reports, and records required by this
17 Section shall be available for inspection by any officer or
18 authorized employee of the Department, any sheriff, deputy
19 sheriff, or any other peace officer at any reasonable time when
20 request is made for same. Failure to comply with the provisions
21 of this Section shall bar the permittee from obtaining a fur
22 buyer or non-resident auction participant permit for the
23 following year.

24 (Source: P.A. 94-212, eff. 1-1-06.)

25 (520 ILCS 5/3.12 rep.)

1 Section 10. The Wildlife Code is amended by repealing
2 Section 3.12.

3 Section 99. Effective date. This Act takes effect January
4 1, 2018.