



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

#### HB1974

Introduced 2/17/2021, by Rep. Lawrence Walsh, Jr.

#### SYNOPSIS AS INTRODUCED:

520 ILCS 5/1.2q-1 new	
520 ILCS 5/1.2q-2 new	
520 ILCS 5/2.37	from Ch. 61, par. 2.37
520 ILCS 5/3.1-2	from Ch. 61, par. 3.1-2
520 ILCS 5/3.1-4	
520 ILCS 5/3.1-7	
520 ILCS 5/3.3	from Ch. 61, par. 3.3

Amends the Wildlife Code. Provides that a veteran who is certified by the Department of Veterans' Affairs to be at least 10% disabled with service related disabilities or who is in receipt of total disability pension may trap, as permitted by the Code, without procuring a trapping license. Provides further that a military member returning from mobilization and service outside the United States who is an Illinois resident may trap, as permitted by the Code, without paying any fees required to obtain a trapping license, if he or she applies for the license within 2 years after returning from service abroad or after mobilization. Adds trapping licenses to the terminally ill hunter licensing program. Provides that persons on active duty in the Armed Forces or Illinois residents with a Type 1 or Type 4, Class 2 disability as defined in the Illinois Identification Card Act may trap, as permitted by the Code, without procuring a trapping license. Adds definitions. Effective immediately.

LRB102 11758 KMF 17093 b

FISCAL NOTE ACT  
MAY APPLY

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 2.37, 3.1-2, 3.1-4, 3.1-7, and 3.3 and by adding  
6 Sections 1.2q-1 and 1.2q-2 as follows:

7 (520 ILCS 5/1.2q-1 new)

8 Sec. 1.2q-1. Trapping license. "Trapping license" means an  
9 electronic or physical license authorizing the person to take  
10 a certain type of animal during a specified period of time.

11 (520 ILCS 5/1.2q-2 new)

12 Sec. 1.2q-2. Nuisance Wildlife Control Permit. "Nuisance  
13 Wildlife Control Permit" means an electronic or physical  
14 license authorizing the person to take a certain type of  
15 animal as provided in Section 2.37.

16 (520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

17 Sec. 2.37. Authority to kill wildlife responsible for  
18 damage. Subject to federal regulations and Section 3 of the  
19 Illinois Endangered Species Act, the Department may authorize  
20 owners and tenants of lands or their agents to remove or  
21 destroy any wild bird or wild mammal when the wild bird or wild

1 mammal is known to be destroying property or causing a risk to  
2 human health or safety upon his or her land.

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

11       If, after investigation, the Department finds that damage  
12 does exist and can be abated only by removing or destroying  
13 that wildlife, a permit shall be issued by the Department to  
14 remove or destroy the species responsible for causing the  
15 damage.

16       A permit to control the damage shall be for a period of up  
17 to 90 days, shall specify the means and methods by which and  
18 the person or persons by whom the wildlife may be removed or  
19 destroyed, and shall set forth the disposition procedure to be  
20 made of all wildlife taken and other restrictions the Director  
21 considers necessary and appropriate in the circumstances of  
22 the particular case. Whenever possible, the specimens  
23 destroyed shall be given to a bona-fide public or State  
24 scientific, educational, or zoological institution.

25       The permittee shall advise the Department in writing,  
26 within 10 days after the expiration date of the permit, of the

1 number of individual species of wildlife taken, disposition  
2 made of them, and any other information which the Department  
3 may consider necessary.

4 Subject to federal regulations and Section 3 of the  
5 Illinois Endangered Species Act, the Department may grant to  
6 an individual, corporation, association or a governmental body  
7 the authority to control species protected by this Code  
8 pursuant to the issuance of a Nuisance Wildlife Control  
9 Permit. The Department shall set forth applicable regulations  
10 in an Administrative Order and may require periodic reports  
11 listing species taken, numbers of each species taken, dates  
12 when taken, and other pertinent information.

13 Drainage Districts shall have the authority to control  
14 beaver provided that they must notify the Department in  
15 writing that a problem exists and of their intention to trap  
16 the animals at least 7 days before the trapping begins. The  
17 District must identify traps used in beaver control outside  
18 the dates of the furbearer trapping season with metal tags  
19 with the district's name legibly inscribed upon them. During  
20 the furtrapping season, traps must be identified as prescribed  
21 by law. Conibear traps at least size 330 shall be used except  
22 during the statewide furbearer trapping season. During that  
23 time trappers may use any device that is legal according to the  
24 Wildlife Code. Except during the statewide furbearer trapping  
25 season, beaver traps must be set in water at least 10 inches  
26 deep. Except during the statewide furbearer trapping season,

1 traps must be set within 10 feet of an inhabited bank burrow or  
2 house and within 10 feet of a dam maintained by a beaver. No  
3 beaver or other furbearer taken outside of the dates for the  
4 furbearer trapping season may be sold. All animals must be  
5 given to the nearest conservation officer or other Department  
6 of Natural Resources representative within 48 hours after they  
7 are caught. Furbearers taken during the fur trapping season  
8 may be sold provided that they are taken by persons who have  
9 valid trapping licenses in their possession and are lawfully  
10 taken. The District must submit an annual report showing the  
11 species and numbers of animals caught. The report must  
12 indicate all species which were taken.

13 The location of traps or snares authorized under this  
14 Section, either by the Department or any other governmental  
15 body with the authority to control species protected by this  
16 Code, shall be exempt from the provisions of the Freedom of  
17 Information Act.

18 (Source: P.A. 97-813, eff. 7-13-12; 97-959, eff. 8-15-12;  
19 98-1045, eff. 8-25-14.)

20 (520 ILCS 5/3.1-2) (from Ch. 61, par. 3.1-2)

21 Sec. 3.1-2. Veterans who, according to the determination  
22 of the Veterans' Administration as certified by the Department  
23 of Veterans' Affairs, are at least 10% disabled with  
24 service-related disabilities or in receipt of total disability  
25 pensions may hunt and trap any of the species protected by

1 Section 2.2, during such times, with such devices and by such  
2 methods as are permitted by this Act, without procuring  
3 hunting and trapping licenses, on the condition that their  
4 respective disabilities do not prevent them from hunting and  
5 trapping in a manner which is safe to themselves and others.

6 (Source: P.A. 83-58.)

7 (520 ILCS 5/3.1-4)

8 Sec. 3.1-4. Military members returning from mobilization  
9 and service outside the United States.

10 (a) After returning from service abroad or mobilization by  
11 the President of the United States as an active duty member of  
12 the United States Armed Forces, the Illinois National Guard,  
13 or the Reserves of the United States Armed Forces, an Illinois  
14 resident may hunt and trap any of the species protected by  
15 Section 2.2 of this Code without paying any fees required to  
16 obtain a hunting license or a trapping license for the time  
17 period prescribed by subsection (b) of this Section if the  
18 Illinois resident applies for a license within 2 years after  
19 returning from service abroad or mobilization. The applicant  
20 shall provide acceptable verification of service or  
21 mobilization to the Department either at the Department's  
22 office in Springfield or at a Regional Office of the  
23 Department.

24 (b) For each year that an applicant is an active duty  
25 member pursuant to subsection (a) of this Section, the

1 applicant shall receive one free hunting license, one free  
2 trapping license, one free Deer Hunting Permit as provided in  
3 Section 2.26 of this Code and rules adopted pursuant to that  
4 Section, and one free State Habitat Stamp. For the purposes of  
5 this determination, if the period of active duty is a portion  
6 of a year (for example, one year and 3 months), the applicant  
7 will be credited with a full year for the portion of a year  
8 served.

9 (c) (Blank).

10 (c-5) An Illinois resident veteran may obtain an Illinois  
11 Hunter Education card if he or she completes the online study  
12 section of the Illinois Hunter Education program and provides  
13 the Department with acceptable verification of service or  
14 mobilization.

15 (d) For the purposes of this Section, "acceptable  
16 verification of service or mobilization" means official  
17 documentation from the Department of Defense or the  
18 appropriate Major Command showing mobilization dates or  
19 service abroad dates, including: (i) a DD-214, (ii) a letter  
20 from the Illinois Department of Military Affairs for members  
21 of the Illinois National Guard, (iii) a letter from the  
22 Regional Reserve Command for members of the Armed Forces  
23 Reserve, (iv) a letter from the Major Command covering  
24 Illinois for active duty members, (v) personnel records for  
25 mobilized State employees, and (vi) any other documentation  
26 that the Department, by administrative rule, deems acceptable

1 to establish dates of mobilization or service abroad.

2 (e) For the purposes of this Section, the term "service  
3 abroad" means active duty service outside of the 50 United  
4 States and the District of Columbia, and includes all active  
5 duty service in territories and possessions of the United  
6 States.

7 (Source: P.A. 98-118, eff. 7-30-13.)

8 (520 ILCS 5/3.1-7)

9 Sec. 3.1-7. Terminally ill hunter or trapper licensing  
10 program. In order to facilitate hunting, trapping, and fishing  
11 opportunities for a terminally ill person, the Director may  
12 issue any license, tag, permit, or stamp and waive fees,  
13 including transaction and dealer fees.

14 Youth may take game outside of an established season if  
15 that youth is deemed to be terminally ill and the hunt is  
16 pre-approved by the Director.

17 (Source: P.A. 97-215, eff. 1-1-12.)

18 (520 ILCS 5/3.3) (from Ch. 61, par. 3.3)

19 Sec. 3.3. Trapping license required. Before any person  
20 shall trap any of the mammals protected by this Act, for which  
21 an open trapping season has been established, he shall first  
22 procure a trapping license from the Department to do so. No  
23 traps shall be placed in the field, set or unset, prior to the  
24 opening day of the trapping season.



1 Traps used in the taking of such mammals shall be marked or  
2 tagged with metal tags or inscribed in lettering giving the  
3 name and address of the owner or the customer identification  
4 number issued by the Department, and absence of such mark or  
5 tag shall be prima facie evidence that such trap or traps are  
6 illegally used and the trap or traps shall be confiscated and  
7 disposed of as directed by the Department.

8 Before any person 18 years of age or older shall trap,  
9 attempt to trap, or sell the green hides of any mammal of the  
10 species defined as fur-bearing mammals by Section 2.2 for  
11 which an open season is established under this Act, he shall  
12 first have procured a State Habitat Stamp.

13 Beginning January 1, 2016, no trapping license shall be  
14 issued to any person born on or after January 1, 1998 unless he  
15 or she presents to the authorized issuer of the license  
16 evidence that he or she has a certificate of competency  
17 provided for in this Section.

18 The Department of Natural Resources shall authorize  
19 personnel of the Department, or volunteer instructors, found  
20 by the Department to be competent, to provide instruction in  
21 courses on trapping techniques and ethical trapping behavior  
22 as needed throughout the State, which courses shall be at  
23 least 8 hours in length. Persons so authorized shall provide  
24 instruction in such courses to individuals at no charge, and  
25 shall issue to individuals successfully completing such  
26 courses certificates of competency in basic trapping

1 techniques. The Department shall cooperate in establishing  
2 such courses with any reputable association or organization  
3 which has as one of its objectives the promotion of the ethical  
4 use of legal fur harvesting devices and techniques. The  
5 Department shall furnish information on the requirements of  
6 the trapper education program to be distributed free of charge  
7 to applicants for trapping licenses by the persons appointed  
8 and authorized to issue licenses.

9 The owners residing on, or bona fide tenants of farm  
10 lands, and their children actually residing on such lands,  
11 shall have the right to trap mammals protected by this Act, for  
12 which an open trapping season has been established, upon such  
13 lands, without procuring licenses, provided that such mammals  
14 are taken during the periods of time and with such devices as  
15 are permitted by this Act.

16 Any person on active duty in the Armed Forces or any person  
17 with a disability who is a resident of Illinois, may trap any  
18 of the species protected by Section 2.2, during such times,  
19 with such devices and by such methods as are permitted by this  
20 Act, without procuring a trapping license. For the purposes of  
21 this Section, a person is considered a person with a  
22 disability if he or she has a Type 1 or Type 4, Class 2  
23 disability as defined in Section 4A of the Illinois  
24 Identification Card Act. For purposes of this Section, an  
25 Illinois Person with a Disability Identification Card issued  
26 pursuant to the Illinois Identification Card Act indicating

1 that the person thereon named has a Type 1 or Type 4, Class 2  
2 disability shall be adequate documentation of such a  
3 disability.

4 (Source: P.A. 100-638, eff. 1-1-19; 100-964, eff. 8-19-18;  
5 101-81, eff. 7-12-19.)

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