

# HB3770



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3770

Introduced 2/22/2021, by Rep. Barbara Hernandez

### SYNOPSIS AS INTRODUCED:

510 ILCS 68/1-15

Amends the Herptiles-Herps Act. Modifies the definition of "special use herptile" and adds "consumptive use" and "herpetoculture" to the definitions in the Act.

LRB102 11454 KMF 16788 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 regulatory measure issued by  
11 the Director under this Act.

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

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

21 "Consumptive use" means the removal of a herptile from the  
22 wild for personal use, including, but not limited to, as a pet  
23 or hobby.

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

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

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

15 "Director" means the Director of the Illinois Department  
16 of Natural Resources.

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

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

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

1       "Herpetoculture" means the breeding, hatching,  
2 propagation, or raising of indigenous or native herptiles in  
3 captivity.

4       "Indigenous or native taxa" means those amphibians and  
5 reptiles to the subspecies level that can be found naturally  
6 in this State.

7       "Individual" means a natural person.

8       "Medically significant" means a venomous or poisonous  
9 species whose venom or toxin can cause death or serious  
10 illness or injury in humans that may require emergency room  
11 care or the immediate care of a physician. These species are  
12 categorized as being "medically significant" or "medically  
13 important".

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

16       "Person" means any individual, partnership, corporation,  
17 organization, trade or professional association, firm, limited  
18 liability company, joint venture, or group.

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

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

26       "Reptile show" means any event open to the public, for a

1 fee or without a fee, that is not a licensed pet store, where  
2 herptiles or herptiles together with other animals are  
3 exhibited, displayed, sold, bought, traded, or otherwise made  
4 available for public display.

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

22 "Special use herptile" means any taxon of amphibian or  
23 reptile for which a Herptile Special Use permit is required  
24 for acquisition and possession.

25 "Take" means possess, collect, catch, detain, hunt, shoot,  
26 pursue, lure, kill, destroy, capture, gig or spear, trap or

1 ensnare, harass, or an attempt to do so.

2 "Transport" or "ship" means to convey by parcel post,  
3 express, freight, baggage, or shipment by common carrier or  
4 any description; by automobile, motorcycle, or other vehicle  
5 of any kind; by water or aircraft of any kind; or by any other  
6 means of transportation.

7 "Turtle farming" means the act of breeding, hatching,  
8 raising, selling turtles, or any combination commercially for  
9 the purpose of providing turtles, turtle eggs, or turtle parts  
10 to pet suppliers, exporters, and food industries.

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

22 (Source: P.A. 98-752, eff. 1-1-15.)