



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2461

Introduced 2/15/2023, by Rep. Lawrence "Larry" Walsh, Jr.

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.36	from Ch. 61, par. 2.36
520 ILCS 5/2.37	from Ch. 61, par. 2.37
520 ILCS 5/3.5	from Ch. 61, par. 3.5

Amends the Wildlife Code. Provides that any individual, corporation, or association operating under a nuisance wildlife control permit that subcontracts the operation of nuisance wildlife control to another is responsible to ensure that the subcontractor possesses a valid nuisance wildlife control permit issued by the Department of Natural Resources. Establishes penalties for violations of this provision. Provides that any person operating without the required permit is deemed to be taking, attempting to take, disturbing, or harassing wildlife contrary to the provisions of the Code, including the taking or attempting to take such species for commercial purposes. Provides that any devices and equipment, including vehicles, used in violation of these provisions may be subject to seizure and confiscation by an employee of the Department of Natural Resources. Makes other changes. Effective immediately.

LRB103 25474 RLC 51823 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 Sections 2.36, 2.37, and 3.5 as follows:

6 (520 ILCS 5/2.36) (from Ch. 61, par. 2.36)

7 Sec. 2.36. It shall be unlawful to buy, sell or barter, or
8 offer to buy, sell or barter, and for a commercial
9 institution, other than a regularly operated refrigerated
10 storage establishment, to have in its possession any of the
11 wild birds, or any part thereof (and their eggs), or wild
12 mammals or any parts thereof, protected by this Act unless
13 done as hereinafter provided:

14 Game birds or any parts thereof (and their eggs), may be
15 held, possessed, raised and sold, or otherwise dealt with, as
16 provided in Section 3.23 of this Act or when legally produced
17 under similar special permit in another state or country and
18 legally transported into the State of Illinois; provided that
19 such imported game birds or any parts thereof, shall be marked
20 with permanent irremovable tags, or similar devices, to
21 establish and retain their origin and identity;

22 Rabbits may be legally taken and possessed as provided in
23 Sections 3.23, 3.24, and 3.26 of this Act;

1 Deer, or any parts thereof, may be held, possessed, sold
2 or otherwise dealt with as provided in this Section and
3 Sections 3.23 and 3.24 of this Act;

4 If a properly tagged deer is processed at a licensed meat
5 processing facility, the meat processor at the facility is an
6 active member of the Illinois Sportsmen Against Hunger
7 program, and the owner of the deer (i) fails to claim the
8 processed deer within a reasonable time or (ii) notifies the
9 licensed meat processing facility that the owner no longer
10 wants the processed deer, then the deer meat may be given away
11 by the licensed meat processor to another person or donated to
12 any other charitable organization or community food bank that
13 receives wild game meat. The licensed meat processing facility
14 may charge the person receiving the deer meat a reasonable and
15 customary processing fee;

16 Meat processors who are active members of the Illinois
17 Sportsmen Against Hunger program shall keep written records of
18 all deer received. Records shall include the following
19 information:

20 (1) the date the deer was received;

21 (2) the name, address, and telephone number of the
22 person from whom the deer was received;

23 (3) whether the deer was received as a whole carcass
24 or as deboned meat; if the deer was brought to the meat
25 processor as deboned meat, the processor shall include the
26 weight of the meat;

1 (4) the number and state of issuance of the permit of
2 the person from whom the deer was received; in the absence
3 of a permit number, the meat processor may rely on the
4 written certification of the person from whom the deer was
5 received that the deer was legally taken or obtained; and

6 (5) if the person who originally delivered the deer to
7 the meat processor fails to collect or make arrangements
8 for the packaged deer meat to be collected and the meat
9 processor gives all or part of the unclaimed deer meat to
10 another person, the meat processor shall maintain a record
11 of the exchange; the meat processor's records shall
12 include the customer's name, physical address, telephone
13 number, as well as the quantity and type of deer meat given
14 to the customer. The meat processor shall also include the
15 amount of compensation received for the deer meat in his
16 or her records.

17 Meat processor records for unclaimed deer meat shall be
18 open for inspection by any peace officer at any reasonable
19 hour. Meat processors shall maintain records for a period of 2
20 years after the date of receipt of the wild game or for as long
21 as the specimen or meat remains in the meat processors
22 possession, whichever is longer;

23 No meat processor shall have in his or her possession any
24 deer that is not listed in his or her written records and
25 properly tagged or labeled;

26 All licensed meat processors who ship any deer or parts of

1 deer that have been held, possessed, or otherwise dealt with
2 shall tag or label the shipment, and the tag or label shall
3 state the name of the meat processor;

4 Nothing in this Section removes meat processors from
5 responsibility for the observance of any State or federal
6 laws, rules, or regulations that may apply to the meat
7 processing business;

8 Fur-bearing mammals, or any parts thereof, may be held,
9 possessed, sold or otherwise dealt with as provided in
10 Sections 3.16, 3.24, and 3.26 of this Act or when legally taken
11 and possessed in Illinois or legally taken and possessed in
12 and transported from other states or countries;

13 It is unlawful for any person to act as a nuisance wildlife
14 control operator without a permit as provided in subsection
15 (b) of Section 2.37 of this Act.

16 The inedible parts of game mammals may be held, possessed,
17 sold or otherwise dealt with when legally taken, in Illinois
18 or legally taken and possessed in and transported from other
19 states or countries.

20 Failure to establish proof of the legality of possession
21 in another state or country and importation into the State of
22 Illinois, shall be prima facie evidence that such game birds
23 or any parts thereof, and their eggs, game mammals and
24 fur-bearing mammals, or any parts thereof, were taken within
25 the State of Illinois.

26 (Source: P.A. 97-567, eff. 8-25-11.)

1 (520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

2 Sec. 2.37. Authority to kill wildlife responsible for
3 damage.

4 (a) Subject to federal regulations and Section 3 of the
5 Illinois Endangered Species Act, the Department may authorize
6 owners and tenants of lands or their agents to remove or
7 destroy any wild bird or wild mammal when the wild bird or wild
8 mammal is known to be destroying property or causing a risk to
9 human health or safety upon his or her land.

10 Upon receipt by the Department of information from the
11 owner, tenant, or sharecropper that any one or more species of
12 wildlife is damaging dams, levees, ditches, cattle pastures,
13 or other property on the land on which he resides or controls,
14 together with a statement regarding location of the property
15 damages, the nature and extent of the damage, and the
16 particular species of wildlife committing the damage, the
17 Department shall make an investigation.

18 If, after investigation, the Department finds that damage
19 does exist and can be abated only by removing or destroying
20 that wildlife, a permit shall be issued by the Department to
21 remove or destroy the species responsible for causing the
22 damage.

23 A permit to control the damage shall be for a period of up
24 to 90 days, shall specify the means and methods by which and
25 the person or persons by whom the wildlife may be removed or

1 destroyed, without fee or compensation, and shall set forth
2 the disposition procedure to be made of all wildlife taken and
3 other restrictions the Director considers necessary and
4 appropriate in the circumstances of the particular case.
5 Whenever possible, the specimens destroyed shall be given to a
6 bona-fide public or State scientific, educational, or
7 zoological institution.

8 The permittee shall advise the Department in writing,
9 within 10 days after the expiration date of the permit, of the
10 number of individual species of wildlife taken, disposition
11 made of them, and any other information which the Department
12 may consider necessary.

13 (b) Subject to federal regulations and Section 3 of the
14 Illinois Endangered Species Act, the Department may grant to
15 an individual, corporation, association or a governmental body
16 the authority to control species protected by this Code
17 pursuant to the issuance of a Nuisance Wildlife Control
18 Permit. The Department shall set forth applicable regulations
19 in an Administrative Order and may require periodic reports
20 listing species taken, numbers of each species taken, dates
21 when taken, and other pertinent information.

22 Any individual, corporation, or association operating
23 under a nuisance wildlife control permit that subcontracts the
24 operation of nuisance wildlife control to another is
25 responsible to ensure that such subcontractor possesses a
26 valid nuisance wildlife control permit issued by the

1 Department. The individual, corporation, or association must
2 maintain a record of the subcontractor including their name,
3 address, and phone number, and type of work to be performed,
4 for a period of not less than 2 years from the date the
5 subcontractor is no longer performing services on behalf of
6 the individual, corporation, or association. The records shall
7 be presented to an authorized employee of the Department or
8 law enforcement officer upon request for inspection.

9 Any person operating without the required permit as
10 outlined under this subsection (b) or in violation of this
11 subsection (b) is deemed to be taking, attempting to take,
12 disturbing, or harassing wildlife contrary to the provisions
13 of this Code, including the taking or attempting to take such
14 species for commercial purposes as outlined in Sections 2.36
15 and 2.36a of this Code. Any devices and equipment, including
16 vehicles, used in violation of this subsection (b) may be
17 subject to the provisions of Section 1.25 of this Code.

18 (c) Except when operating under subsection (b) of this
19 Section, drainage districts ~~Drainage Districts~~ shall have the
20 authority to control beaver provided that they must notify the
21 Department in writing that a problem exists and of their
22 intention to trap the animals at least 7 days before the
23 trapping begins. The district ~~District~~ must identify traps
24 used in beaver control outside the dates of the furbearer
25 trapping season with metal tags with the district's name
26 legibly inscribed upon them. During the furtrapping season,

1 traps must be identified as prescribed by law. Conibear traps
2 at least size 330 shall be used except during the statewide
3 furbearer trapping season. During that time trappers may use
4 any device that is legal according to the Wildlife Code.
5 Except during the statewide furbearer trapping season, beaver
6 traps must be set in water at least 10 inches deep. Except
7 during the statewide furbearer trapping season, traps must be
8 set within 10 feet of an inhabited bank burrow or house and
9 within 10 feet of a dam maintained by a beaver. No beaver or
10 other furbearer taken outside of the dates for the furbearer
11 trapping season may be sold. All animals must be given to the
12 nearest conservation officer or other Department of Natural
13 Resources representative within 48 hours after they are caught
14 unless otherwise instructed by the Department. Furbearers
15 taken during the fur trapping season may be sold provided that
16 they are taken by persons who have valid trapping licenses in
17 their possession and are lawfully taken. The district ~~District~~
18 must submit an annual report showing the species and numbers
19 of animals caught. The report must indicate all species which
20 were taken.

21 The location of traps or snares authorized under this
22 Section, either by the Department or any other governmental
23 body with the authority to control species protected by this
24 Code, shall be exempt from the provisions of the Freedom of
25 Information Act.

26 (Source: P.A. 102-524, eff. 8-20-21.)

1 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

2 Sec. 3.5. Penalties; probation.

3 (a) Any person who violates any of the provisions of
4 Section 2.36a, including administrative rules, shall be guilty
5 of a Class 3 felony, except as otherwise provided in
6 subsection (b) of this Section and subsection (a) of Section
7 2.36a.

8 (b) Whenever any person who has not previously been
9 convicted of, or placed on probation or court supervision for,
10 any offense under Section 1.22, 2.36, or 2.36a operating
11 without a permit as prescribed subsection (b) of Section 2.37
12 or subsection (i) or (cc) of Section 2.33, the court may,
13 without entering a judgment and with the person's consent,
14 sentence the person to probation for a violation of Section
15 2.36a.

16 (1) When a person is placed on probation, the court
17 shall enter an order specifying a period of probation of
18 24 months and shall defer further proceedings in the case
19 until the conclusion of the period or until the filing of a
20 petition alleging violation of a term or condition of
21 probation.

22 (2) The conditions of probation shall be that the
23 person:

24 (A) Not violate any criminal statute of any
25 jurisdiction.

1 (B) Perform no less than 30 hours of community
2 service, provided community service is available in
3 the jurisdiction and is funded and approved by the
4 county board.

5 (3) The court may, in addition to other conditions:

6 (A) Require that the person make a report to and
7 appear in person before or participate with the court
8 or courts, person, or social service agency as
9 directed by the court in the order of probation.

10 (B) Require that the person pay a fine and costs.

11 (C) Require that the person refrain from
12 possessing a firearm or other dangerous weapon.

13 (D) Prohibit the person from associating with any
14 person who is actively engaged in any of the
15 activities regulated by the permits issued or
16 privileges granted by the Department of Natural
17 Resources.

18 (4) Upon violation of a term or condition of
19 probation, the court may enter a judgment on its original
20 finding of guilt and proceed as otherwise provided.

21 (5) Upon fulfillment of the terms and conditions of
22 probation, the court shall discharge the person and
23 dismiss the proceedings against the person.

24 (6) A disposition of probation is considered to be a
25 conviction for the purposes of imposing the conditions of
26 probation, for appeal, and for administrative revocation

1 and suspension of licenses and privileges; however,
2 discharge and dismissal under this Section is not a
3 conviction for purposes of disqualification or
4 disabilities imposed by law upon conviction of a crime.

5 (7) Discharge and dismissal under this Section may
6 occur only once with respect to any person.

7 (8) If a person is convicted of an offense under this
8 Act within 5 years subsequent to a discharge and dismissal
9 under this Section, the discharge and dismissal under this
10 Section shall be admissible in the sentencing proceeding
11 for that conviction as a factor in aggravation.

12 (9) The Circuit Clerk shall notify the Illinois State
13 Police of all persons convicted of or placed under
14 probation for violations of Section 2.36a.

15 (c) Any person who violates any of the provisions of
16 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,
17 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),
18 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 through 3.16, 3.19,
19 3.20, 3.21 (except subsections (b), (c), (d), (e), (f), (f.5),
20 (g), (h), and (i)), 3.24, 3.25, and 3.26 (except subsection
21 (f)), including administrative rules, shall be guilty of a
22 Class B misdemeanor.

23 A person who violates Section 2.33b by using any computer
24 software or service to remotely control a weapon that takes
25 wildlife by remote operation is guilty of a Class B
26 misdemeanor. A person who violates Section 2.33b by

1 facilitating a violation of Section 2.33b, including an owner
2 of land in which remote control hunting occurs, a computer
3 programmer who designs a program or software to facilitate
4 remote control hunting, or a person who provides weapons or
5 equipment to facilitate remote control hunting, is guilty of a
6 Class A misdemeanor.

7 Any person who violates any of the provisions of Sections
8 1.22, 2.2a, 2.3, 2.4, 2.36 and 2.38, including administrative
9 rules, shall be guilty of a Class A misdemeanor. Any second or
10 subsequent violations of Sections 2.4 and 2.36 shall be a
11 Class 4 felony.

12 Any person who violates any of the provisions of this Act,
13 including administrative rules, during such period when his
14 license, privileges, or permit is revoked or denied by virtue
15 of Section 3.36, shall be guilty of a Class A misdemeanor.

16 Any person who violates subsection (g), (i), (o), (p),
17 (y), or (cc) of Section 2.33 shall be guilty of a Class A
18 misdemeanor and subject to a fine of no less than \$500 and no
19 more than \$5,000 in addition to other statutory penalties. In
20 addition, the Department shall suspend the privileges, under
21 this Act, of any person found guilty of violating Section
22 2.33(cc) for a period of not less than one year.

23 Any person who operates without a permit in violation
24 subsection (b) of Section 2.37 is guilty of a Class A
25 misdemeanor and subject to a fine of no less than \$500 or no
26 more than \$5,000 for the first offense. Any subsequent

1 violation is a Class 4 felony. Any other violation of
2 subsection (b) of Section 2.37 including administrative rules
3 is a Class B misdemeanor.

4 Any person who violates any other of the provisions of
5 this Act including administrative rules, unless otherwise
6 stated, shall be guilty of a petty offense. Offenses committed
7 by minors under the direct control or with the consent of a
8 parent or guardian may subject the parent or guardian to the
9 penalties prescribed in this Section.

10 In addition to any fines imposed pursuant to the
11 provisions of this Section or as otherwise provided in this
12 Act, any person found guilty of unlawfully taking or
13 possessing any species protected by this Act, shall be
14 assessed a civil penalty for such species in accordance with
15 the values prescribed in Section 2.36a of this Act. This civil
16 penalty shall be imposed by the Circuit Court for the county
17 within which the offense was committed at the time of the
18 conviction. All penalties provided for in this Section shall
19 be remitted to the Department in accordance with the same
20 provisions provided for in Section 1.18 of this Act.

21 (Source: P.A. 102-538, eff. 8-20-21.)

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