



Rep. Lawrence "Larry" Walsh, Jr.

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10300HB2461ham001

LRB103 25474 RLC 57977 a

1 AMENDMENT TO HOUSE BILL 2461

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2461 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Wildlife Code is amended by changing  
5 Sections 2.33a, 2.36, 2.37, and 3.5 as follows:

6 (520 ILCS 5/2.33a) (from Ch. 61, par. 2.33a)  
7 Sec. 2.33a. Trapping.

8 (a) It is unlawful to fail to visit and remove all animals  
9 from traps staked out, set, used, tended, placed or maintained  
10 at least once each calendar day.

11 (b) It is unlawful for any person to place, set, use, or  
12 maintain a leghold trap or one of similar construction on  
13 land, that has a jaw spread of larger than 6 1/2 inches (16.6  
14 CM), or a body-gripping trap or one of similar construction  
15 having a jaw spread larger than 7 inches (17.8 CM) on a side if  
16 square and 8 inches (20.4 CM) if round.

1 (c) It is unlawful for any person to place, set, use, or  
2 maintain a leghold trap or one of similar construction in  
3 water, that has a jaw spread of larger than 7 1/2 inches (19.1  
4 CM), or a body-gripping trap or one of similar construction  
5 having a jaw spread larger than 10 inches (25.4 CM) on a side  
6 if square and 12 inches (30.5 CM) if round.

7 (d) It is unlawful to use any trap with saw-toothed,  
8 spiked, or toothed jaws.

9 (e) It is unlawful to destroy, disturb or in any manner  
10 interfere with dams, lodges, burrows or feed beds of beaver  
11 while trapping for beaver or to set a trap inside a muskrat  
12 house or beaver lodge, except that this shall not apply to  
13 individuals who ~~Drainage Districts that~~ are acting pursuant to  
14 the provisions of Section 2.37 or as provided for by  
15 administrative rule.

16 (f) It is unlawful to trap beaver or river otter with: (1)  
17 a leghold trap or one of similar construction having a jaw  
18 spread of less than 5 1/2 inches (13.9 CM) or more than 7 1/2  
19 inches (19.1 CM), or (2) a body-gripping trap or one of similar  
20 construction having a jaw spread of less than 7 inches (17.7  
21 CM) or more than 10 inches (25.4 CM) on a side if square and 12  
22 inches (30.5 CM) if round, except that these restrictions  
23 shall not apply during the open season for trapping raccoons.

24 (g) It is unlawful to set traps closer than 10 feet (3.05  
25 M) from any hole or den which may be occupied by a game mammal  
26 or fur-bearing mammal except that this restriction shall not

1 apply to water sets.

2 (h) It is unlawful to trap or attempt to trap any  
3 fur-bearing mammal with any colony, cage, box, or stove-pipe  
4 trap designed to take more than one mammal at a single setting.

5 (i) It is unlawful for any person to set or place any trap  
6 designed to take any fur-bearing mammal protected by this Act  
7 during the closed trapping season. Proof that any trap was  
8 placed during the closed trapping season shall be deemed prima  
9 facie evidence of a violation of this provision.

10 (j) It is unlawful to place, set, or maintain any leghold  
11 trap or one of similar construction within thirty (30) feet  
12 (9.14 m) of bait placed in such a manner or position that it is  
13 not completely covered and concealed from sight, except that  
14 this shall not apply to underwater sets. Bait shall mean and  
15 include any bait composed of mammal, bird, or fish flesh, fur,  
16 hide, entrails or feathers.

17 (k) (Blank).

18 (l) It is unlawful for any person to place, set, use or  
19 maintain a snare trap or one of similar construction in water,  
20 that has a loop diameter exceeding 15 inches (38.1 CM) or a  
21 cable or wire diameter of more than 1/8 inch (3.2 MM) or less  
22 than 5/64 inch (2.0 MM), that is constructed of stainless  
23 steel metal cable or wire, and that does not have a mechanical  
24 lock, anchor swivel and stop device to prevent the mechanical  
25 lock from closing the noose loop to a diameter of less than 2  
26 1/2 inches (6.4 CM).

1 (m) It is unlawful to trap muskrat or mink with (1) a  
2 leghold trap or one of similar construction or (2) a  
3 body-gripping trap or one of similar construction unless the  
4 body-gripping trap or similar trap is completely submerged  
5 underwater when set. These restrictions shall not apply during  
6 the open season for trapping raccoons.

7 (Source: P.A. 99-33, eff. 1-1-16; 100-201, eff. 8-18-17.)

8 (520 ILCS 5/2.36) (from Ch. 61, par. 2.36)

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

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

24 Rabbits may be legally taken and possessed as provided in  
25 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, who are  
7 performing the service without fee or compensation, to remove  
8 or destroy any wild bird or wild mammal when the wild bird or  
9 wild mammal is known to be destroying property or causing a  
10 risk to human health or safety upon his or her land.

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

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

24 A permit to control the damage shall be for a period of up  
25 to 90 days, shall specify the means and methods by which and



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

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

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

24 Any person operating under a Nuisance Wildlife Control  
25 Permit who subcontracts the operation of nuisance wildlife  
26 control to another is responsible to ensure that such

1 subcontractor possesses a valid Nuisance Wildlife Control  
2 Permit issued by the Department. The person must maintain a  
3 record of the subcontractor including the subcontractor's  
4 name, address, and phone number, and type of work to be  
5 performed, for a period of not less than 2 years from the date  
6 the subcontractor is no longer performing services on behalf  
7 of the person. The records shall be presented to an authorized  
8 employee of the Department or law enforcement officer upon  
9 request for inspection.

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

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

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

24 The location of traps or snares authorized under this  
25 Section, either by the Department or any other governmental  
26 body with the authority to control species protected by this

1 Code, shall be exempt from the provisions of the Freedom of  
2 Information Act.

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

4 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

5 Sec. 3.5. Penalties; probation.

6 (a) Any person who violates any of the provisions of  
7 Section 2.36a, including administrative rules, shall be guilty  
8 of a Class 3 felony, except as otherwise provided in  
9 subsection (b) of this Section and subsection (a) of Section  
10 2.36a.

11 (b) Whenever any person who has not previously been  
12 convicted of, or placed on probation or court supervision for,  
13 any offense under Section 1.22, 2.36, or 2.36a operating  
14 without a permit as prescribed in subsection (b) of Section  
15 2.37 or subsection (i) or (cc) of Section 2.33, the court may,  
16 without entering a judgment and with the person's consent,  
17 sentence the person to probation for a violation of Section  
18 2.36a.

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

25 (2) The conditions of probation shall be that the

1 person:

2 (A) Not violate any criminal statute of any  
3 jurisdiction.

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

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

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

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

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

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

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

24 (5) Upon fulfillment of the terms and conditions of  
25 probation, the court shall discharge the person and  
26 dismiss the proceedings against the person.

1           (6) A disposition of probation is considered to be a  
2 conviction for the purposes of imposing the conditions of  
3 probation, for appeal, and for administrative revocation  
4 and suspension of licenses and privileges; however,  
5 discharge and dismissal under this Section is not a  
6 conviction for purposes of disqualification or  
7 disabilities imposed by law upon conviction of a crime.

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

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

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

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

26           A person who violates Section 2.33b by using any computer

1 software or service to remotely control a weapon that takes  
2 wildlife by remote operation is guilty of a Class B  
3 misdemeanor. A person who violates Section 2.33b by  
4 facilitating a violation of Section 2.33b, including an owner  
5 of land in which remote control hunting occurs, a computer  
6 programmer who designs a program or software to facilitate  
7 remote control hunting, or a person who provides weapons or  
8 equipment to facilitate remote control hunting, is guilty of a  
9 Class A misdemeanor.

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

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

19 Any person who violates subsection (g), (i), (o), (p),  
20 (y), or (cc) of Section 2.33 shall be guilty of a Class A  
21 misdemeanor and subject to a fine of no less than \$500 and no  
22 more than \$5,000 in addition to other statutory penalties. In  
23 addition, the Department shall suspend the privileges, under  
24 this Act, of any person found guilty of violating Section  
25 2.33(cc) for a period of not less than one year.

26 Any person who operates without a permit in violation

1 subsection (b) of Section 2.37 is guilty of a Class A  
2 misdemeanor and subject to a fine of not less than \$500. Any  
3 other violation of subsection (b) of Section 2.37 including  
4 administrative rules is a Class B misdemeanor.

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

11 In addition to any fines imposed pursuant to the  
12 provisions of this Section or as otherwise provided in this  
13 Act, any person found guilty of unlawfully taking or  
14 possessing any species protected by this Act, shall be  
15 assessed a civil penalty for such species in accordance with  
16 the values prescribed in Section 2.36a of this Act. This civil  
17 penalty shall be imposed by the Circuit Court for the county  
18 within which the offense was committed at the time of the  
19 conviction. Any person found guilty of violating subsection  
20 (b) of Section 2.37 is subject to an additional civil penalty  
21 of up to \$1,500. All penalties provided for in this Section  
22 shall be remitted to the Department in accordance with the  
23 same provisions provided for in Section 1.18 of this Act, except that civil penalties collected for violation of  
24 Subsection (b) of Section 2.37 shall be remitted to the  
25 Department and allocated as follows:-  
26



1           (1) 60% to the Conservation Police Operations  
2           Assistance Fund; and

3           (2) 40% to the Illinois Habitat Fund.

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

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