



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1745

Introduced 2/9/2023, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.37

from Ch. 61, par. 2.37

Amends the Wildlife Code. Repeals provisions authorizing, under certain conditions, drainage districts to control beaver populations. Provides that a drainage district, road district or similar body, landowner, tenant, or the designee of a drainage district, road district, landowner, or tenant shall be exempt from the requirement to obtain a permit to control nuisance raccoons, opossums, muskrats, skunks, coyotes, or beavers if all applicable provisions for licenses are complied with and any trap types and sizes used are in compliance with the Act, including marking or identification. Provides that landowners, tenants, or their designees may remove cottontail rabbits or grey or fox squirrels from their property, but only by means of a live trap, if the cottontail rabbits and grey or fox squirrels are released alive and unharmed in suitable habitat that is not within any city or town and not within any park. Provides that the designee of a drainage district, road district, landowner, or tenant must have a signed and dated written authorization from the drainage district, landowner, or tenant in possession at all times when conducting animal control activities. Provides that the exemption from obtaining a permit shall be valid only upon property owned, leased, or controlled by the drainage district, road district, landowner, or tenant. Effective immediately.

LRB103 26822 RLC 53186 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 Section 2.37 as follows:

6 (520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

7 Sec. 2.37. Authority to kill wildlife responsible for
8 damage. Subject to federal regulations and Section 3 of the
9 Illinois Endangered Species Act, the Department may authorize
10 owners and tenants of lands or their agents to remove or
11 destroy any wild bird or wild mammal when the wild bird or wild
12 mammal is known to be destroying property or causing a risk to
13 human health or safety upon his or her land.

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

22 If, after investigation, the Department finds that damage
23 does exist and can be abated only by removing or destroying

1 that wildlife, a permit shall be issued by the Department to
2 remove or destroy the species responsible for causing the
3 damage.

4 A permit to control the damage shall be for a period of up
5 to 90 days, shall specify the means and methods by which and
6 the person or persons by whom the wildlife may be removed or
7 destroyed, and shall set forth the disposition procedure to be
8 made of all wildlife taken and other restrictions the Director
9 considers necessary and appropriate in the circumstances of
10 the particular case. Whenever possible, the specimens
11 destroyed shall be given to a bona-fide public or State
12 scientific, educational, or zoological institution.

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

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

1 ~~Drainage Districts shall have the authority to control~~
2 ~~beaver provided that they must notify the Department in~~
3 ~~writing that a problem exists and of their intention to trap~~
4 ~~the animals at least 7 days before the trapping begins. The~~
5 ~~District must identify traps used in beaver control outside~~
6 ~~the dates of the furbearer trapping season with metal tags~~
7 ~~with the district's name legibly inscribed upon them. During~~
8 ~~the furtrapping season, traps must be identified as prescribed~~
9 ~~by law. Conibear traps at least size 330 shall be used except~~
10 ~~during the statewide furbearer trapping season. During that~~
11 ~~time trappers may use any device that is legal according to the~~
12 ~~Wildlife Code. Except during the statewide furbearer trapping~~
13 ~~season, beaver traps must be set in water at least 10 inches~~
14 ~~deep. Except during the statewide furbearer trapping season,~~
15 ~~traps must be set within 10 feet of an inhabited bank burrow or~~
16 ~~house and within 10 feet of a dam maintained by a beaver. No~~
17 ~~beaver or other furbearer taken outside of the dates for the~~
18 ~~furbearer trapping season may be sold. All animals must be~~
19 ~~given to the nearest conservation officer or other Department~~
20 ~~of Natural Resources representative within 48 hours after they~~
21 ~~are caught. Furbearers taken during the fur trapping season~~
22 ~~may be sold provided that they are taken by persons who have~~
23 ~~valid trapping licenses in their possession and are lawfully~~
24 ~~taken. The District must submit an annual report showing the~~
25 ~~species and numbers of animals caught. The report must~~
26 ~~indicate all species which were taken.~~

1 The location of traps or snares authorized under this
2 Section, either by the Department or any other governmental
3 body with the authority to control species protected by this
4 Code, shall be exempt from the provisions of the Freedom of
5 Information Act.

6 A drainage district, road district or similar body,
7 landowner, tenant, or the designee of a drainage district,
8 road district, landowner, or tenant shall be exempt from the
9 requirement to obtain a permit to control nuisance raccoons,
10 opossums, muskrats, skunks, coyotes, or beavers if all
11 applicable provisions for licenses are complied with and any
12 trap types and sizes used are in compliance with this Act,
13 including marking or identification. Landowners, tenants, or
14 their designees may remove cottontail rabbits or grey or fox
15 squirrels from their property, but only by means of a live
16 trap, if the cottontail rabbits and grey or fox squirrels are
17 released alive and unharmed in suitable habitat that is not
18 within any city or town and not within any park. The designee
19 of a drainage district, road district, landowner, or tenant
20 must have a signed and dated written authorization from the
21 drainage district, landowner, or tenant in possession at all
22 times when conducting activities under this Section. This
23 exemption from obtaining a permit shall be valid only upon
24 property owned, leased, or controlled by the drainage
25 district, road district, landowner, or tenant.

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.