



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5115

Introduced 2/8/2012, by Rep. Kay Hatcher

#### SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.37

from Ch. 61, par. 2.37

Amends the Wildlife Code. Provides that the Department of Natural Resources shall investigate a complaint by an authorized owner or tenant of lands or their agents when any wild bird or wild mammal is known to be destroying property, including cattle pastures. Effective immediately.

LRB097 17905 CEL 63128 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 Section  
5 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, or  
17 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 the  
10 particular case. Whenever possible, the specimens destroyed  
11 shall be given to a bona-fide public or State scientific,  
12 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 an  
20 individual, corporation, association or a governmental body  
21 the authority to control species protected by this Code. The  
22 Department shall set forth applicable regulations in an  
23 Administrative Order and may require periodic reports listing  
24 species taken, numbers of each species taken, dates when taken,  
25 and other pertinent information.

26 Drainage Districts shall have the authority to control

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

26 (Source: P.A. 91-654, eff. 12-15-99; revised 11-18-11.)

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