

AN ACT concerning wildlife.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

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

(520 ILCS 5/2.33a) (from Ch. 61, par. 2.33a)

Sec. 2.33a. Trapping.

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

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

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

(d) It is unlawful to use any trap with saw-toothed,

spiked, or toothed jaws.

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

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

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

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

(i) It is unlawful for any person to set or place any trap designed to take any fur-bearing mammal protected by this Act during the closed trapping season. Proof that any trap was

placed during the closed trapping season shall be deemed prima facie evidence of a violation of this provision.

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

(k) (Blank).

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

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

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

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

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

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

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

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

If a properly tagged deer is processed at a licensed meat processing facility, the meat processor at the facility is an active member of the Illinois Sportsmen Against Hunger program, and the owner of the deer (i) fails to claim the

processed deer within a reasonable time or (ii) notifies the licensed meat processing facility that the owner no longer wants the processed deer, then the deer meat may be given away by the licensed meat processor to another person or donated to any other charitable organization or community food bank that receives wild game meat. The licensed meat processing facility may charge the person receiving the deer meat a reasonable and customary processing fee;

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

- (1) the date the deer was received;
- (2) the name, address, and telephone number of the person from whom the deer was received;
- (3) whether the deer was received as a whole carcass or as deboned meat; if the deer was brought to the meat processor as deboned meat, the processor shall include the weight of the meat;
- (4) the number and state of issuance of the permit of the person from whom the deer was received; in the absence of a permit number, the meat processor may rely on the written certification of the person from whom the deer was received that the deer was legally taken or obtained; and
- (5) if the person who originally delivered the deer to the meat processor fails to collect or make arrangements

for the packaged deer meat to be collected and the meat processor gives all or part of the unclaimed deer meat to another person, the meat processor shall maintain a record of the exchange; the meat processor's records shall include the customer's name, physical address, telephone number, as well as the quantity and type of deer meat given to the customer. The meat processor shall also include the amount of compensation received for the deer meat in his or her records.

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

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

All licensed meat processors who ship any deer or parts of deer that have been held, possessed, or otherwise dealt with shall tag or label the shipment, and the tag or label shall state the name of the meat processor;

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

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

It is unlawful for any person to act as a nuisance wildlife control operator for fee or compensation without a permit as provided in subsection subsection (b) of Section 2.37 of this Act unless such trapping is in compliance with Section 2.30.

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

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

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

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

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

(a) Subject to federal regulations and Section 3 of the Illinois Endangered Species Act, the Department may authorize

owners and tenants of lands or their agents, who are performing the service without fee or compensation, to remove or destroy any wild bird or wild mammal when the wild bird or wild mammal is known to be destroying property or causing a risk to human health or safety upon his or her land.

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

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

A permit to control the damage shall be for a period of up to 90 days, shall specify the means and methods by which and the person or persons by whom the wildlife may be removed or destroyed, without fee or compensation, and shall set forth the disposition procedure to be made of all wildlife taken and other restrictions the Director considers necessary and appropriate in the circumstances of the particular case. Whenever possible, the specimens destroyed shall be given to a



bona-fide public or State scientific, educational, or zoological institution.

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

(b) Subject to federal regulations and Section 3 of the Illinois Endangered Species Act, the Department may grant the authority to control species protected by this Code pursuant to the issuance of a Nuisance Wildlife Control Permit to:

(1) any person who is providing such service for a fee or compensation; ~~an individual, corporation, association or~~

(2) a governmental body; or

(3) a nonprofit or other charitable organization ~~the authority to control species protected by this Code pursuant to the issuance of a Nuisance Wildlife Control Permit.~~

The Department shall set forth applicable regulations in an Administrative Order and may require periodic reports listing species taken, numbers of each species taken, dates when taken, and other pertinent information.

Any person operating under a Nuisance Wildlife Control Permit who subcontracts the operation of nuisance wildlife control to another shall ensure that such subcontractor

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

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

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

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

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

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

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

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

Sec. 3.5. Penalties; probation.

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

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

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

(2) The conditions of probation shall be that the

person:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A person who violates Section 2.33b by using any computer

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

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

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

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

Any person who operates without a permit in violation

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

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

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



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

(2) 40% to the Illinois Habitat Fund.

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

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