



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3249

Introduced 2/24/2011, by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.37

from Ch. 61, par. 2.37

Amends the Wildlife Code. Provides that if a permit is issued to control any deer that are causing a nuisance or damage, then the permittee may have any usable deer carcasses processed and may donate the processed venison to a food pantry or recognized charitable organization. Provides that any unusable deer carcasses must be disposed of in accordance with the Illinois Dead Animal Disposal Act or shall be given to a bona-fide public or State scientific, educational, or zoological institution.

LRB097 07895 CEL 48010 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, or other property
17 on the land on which he resides or controls, together with a
18 statement regarding location of the property damages, the
19 nature and extent of the damage, and the particular species of
20 wildlife committing the damage, the Department shall make an
21 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 If a permit is issued to control any deer that are causing
14 a nuisance or damage, then the permittee may have any usable
15 deer carcasses processed at a State or federally licensed and
16 inspected meat processing facility and may donate the processed
17 venison to a food pantry or recognized charitable organization
18 unless the Department currently requires the permittee to
19 donate the venison. Any unusable deer carcasses must be
20 disposed of in accordance with the Illinois Dead Animal
21 Disposal Act or shall be given to a bona-fide public or State
22 scientific, educational, or zoological institution.

23 The permittee shall advise the Department in writing,
24 within 10 days after the expiration date of the permit, of the
25 number of individual species of wildlife taken, disposition
26 made of them, and any other information which the Department

1 may consider necessary.

2 Subject to federal regulations and Section 3 of the
3 Illinois Endangered Species Act, the Department may grant to an
4 individual, corporation, association or a governmental body
5 the authority to control species protected by this Code. The
6 Department shall set forth applicable regulations in an
7 Administrative Order and may require periodic reports listing
8 species taken, numbers of each species taken, dates when taken,
9 and other pertinent information.

10 Drainage Districts shall have the authority to control
11 beaver provided that they must notify the Department in writing
12 that a problem exists and of their intention to trap the
13 animals at least 7 days before the trapping begins. The
14 District must identify traps used in beaver control outside the
15 dates of the furbearer trapping season with metal tags with the
16 district's name legibly inscribed upon them. During the
17 furtrapping season, traps must be identified as prescribed by
18 law. Conibear traps at least size 330 shall be used except
19 during the statewide furbearer trapping season. During that
20 time trappers may use any device that is legal according to the
21 Wildlife Code. Except during the statewide furbearer trapping
22 season, beaver traps must be set in water at least 10 inches
23 deep. Except during the statewide furbearer trapping season,
24 traps must be set within 10 feet of an inhabited bank burrow or
25 house and within 10 feet of a dam maintained by a beaver. No
26 beaver or other furbearer taken outside of the dates for the

1 furbearer trapping season may be sold. All animals must be
2 given to the nearest conservation officer or other Department
3 of Natural Resources representative within 48 hours after they
4 are caught. Furbearers taken during the fur trapping season may
5 be sold provided that they are taken by persons who have valid
6 trapping licenses in their possession and are lawfully taken.
7 The District must submit an annual report showing the species
8 and numbers of animals caught. The report must indicate all
9 species which were taken.

10 (Source: P.A. 91-654, eff. 12-15-99.)