



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2979

by Rep. Robert W. Pritchard

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5  
520 ILCS 5/2.37

from Ch. 61, par. 2.37

Amends the Wildlife Code. Provides that if an individual is authorized by the Department of Natural Resources to trap a wild bird or wild mammal that is known to be destroying property or causing a risk to human health or safety upon his or her land, then the location of the traps or snares shall be exempt from the provisions of the Freedom of Information Act. Makes a corresponding change in the Freedom of Information Act. Effective immediately.

LRB098 10827 CEL 41309 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 Freedom of Information Act is amended by  
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory Exemptions. To the extent provided for  
8 by the statutes referenced below, the following shall be exempt  
9 from inspection and copying:

10 (a) All information determined to be confidential under  
11 Section 4002 of the Technology Advancement and Development Act.

12 (b) Library circulation and order records identifying  
13 library users with specific materials under the Library Records  
14 Confidentiality Act.

15 (c) Applications, related documents, and medical records  
16 received by the Experimental Organ Transplantation Procedures  
17 Board and any and all documents or other records prepared by  
18 the Experimental Organ Transplantation Procedures Board or its  
19 staff relating to applications it has received.

20 (d) Information and records held by the Department of  
21 Public Health and its authorized representatives relating to  
22 known or suspected cases of sexually transmissible disease or  
23 any information the disclosure of which is restricted under the

1 Illinois Sexually Transmissible Disease Control Act.

2 (e) Information the disclosure of which is exempted under  
3 Section 30 of the Radon Industry Licensing Act.

4 (f) Firm performance evaluations under Section 55 of the  
5 Architectural, Engineering, and Land Surveying Qualifications  
6 Based Selection Act.

7 (g) Information the disclosure of which is restricted and  
8 exempted under Section 50 of the Illinois Prepaid Tuition Act.

9 (h) Information the disclosure of which is exempted under  
10 the State Officials and Employees Ethics Act, and records of  
11 any lawfully created State or local inspector general's office  
12 that would be exempt if created or obtained by an Executive  
13 Inspector General's office under that Act.

14 (i) Information contained in a local emergency energy plan  
15 submitted to a municipality in accordance with a local  
16 emergency energy plan ordinance that is adopted under Section  
17 11-21.5-5 of the Illinois Municipal Code.

18 (j) Information and data concerning the distribution of  
19 surcharge moneys collected and remitted by wireless carriers  
20 under the Wireless Emergency Telephone Safety Act.

21 (k) Law enforcement officer identification information or  
22 driver identification information compiled by a law  
23 enforcement agency or the Department of Transportation under  
24 Section 11-212 of the Illinois Vehicle Code.

25 (l) Records and information provided to a residential  
26 health care facility resident sexual assault and death review

1 team or the Executive Council under the Abuse Prevention Review  
2 Team Act.

3 (m) Information provided to the predatory lending database  
4 created pursuant to Article 3 of the Residential Real Property  
5 Disclosure Act, except to the extent authorized under that  
6 Article.

7 (n) Defense budgets and petitions for certification of  
8 compensation and expenses for court appointed trial counsel as  
9 provided under Sections 10 and 15 of the Capital Crimes  
10 Litigation Act. This subsection (n) shall apply until the  
11 conclusion of the trial of the case, even if the prosecution  
12 chooses not to pursue the death penalty prior to trial or  
13 sentencing.

14 (o) Information that is prohibited from being disclosed  
15 under Section 4 of the Illinois Health and Hazardous Substances  
16 Registry Act.

17 (p) Security portions of system safety program plans,  
18 investigation reports, surveys, schedules, lists, data, or  
19 information compiled, collected, or prepared by or for the  
20 Regional Transportation Authority under Section 2.11 of the  
21 Regional Transportation Authority Act or the St. Clair County  
22 Transit District under the Bi-State Transit Safety Act.

23 (q) Information prohibited from being disclosed by the  
24 Personnel Records Review Act.

25 (r) Information prohibited from being disclosed by the  
26 Illinois School Student Records Act.

1           (s) Information the disclosure of which is restricted under  
2 Section 5-108 of the Public Utilities Act.

3           (t) All identified or deidentified health information in  
4 the form of health data or medical records contained in, stored  
5 in, submitted to, transferred by, or released from the Illinois  
6 Health Information Exchange, and identified or deidentified  
7 health information in the form of health data and medical  
8 records of the Illinois Health Information Exchange in the  
9 possession of the Illinois Health Information Exchange  
10 Authority due to its administration of the Illinois Health  
11 Information Exchange. The terms "identified" and  
12 "deidentified" shall be given the same meaning as in the Health  
13 Insurance Accountability and Portability Act of 1996, Public  
14 Law 104-191, or any subsequent amendments thereto, and any  
15 regulations promulgated thereunder.

16           (u) Records and information provided to an independent team  
17 of experts under Brian's Law.

18           (v) Names and information of people who have applied for or  
19 received Firearm Owner's Identification Cards under the  
20 Firearm Owners Identification Card Act.

21           (w) Personally identifiable information which is exempted  
22 from disclosure under subsection (g) of Section 19.1 of the  
23 Toll Highway Act.

24           (x) Information which is exempted from disclosure under  
25 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the  
26 Illinois Municipal Code.

1           (y) Information which is exempted from disclosure under  
2           Section 2.37 of the Wildlife Code.

3           (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;  
4           96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.  
5           8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,  
6           eff. 1-1-13.)

7           Section 10. The Wildlife Code is amended by changing  
8           Section 2.37 as follows:

9           (520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

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

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

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

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

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

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

1 and other pertinent information.

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



1 species which were taken.

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

7 (Source: P.A. 97-813, eff. 7-13-12; 97-959, eff. 8-15-12.)

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