

1 AN ACT concerning wildlife.

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

4 ARTICLE 1. GENERAL PROVISIONS

5 Section 1-1. Short title. This Act may be cited as the
6 Herptiles-Herps Act.

7 Section 1-5. Purpose. For purposes of this Act, reptiles
8 and amphibians shall be exempt from the definition of "aquatic
9 life" under Section 1-20 of the Fish and Aquatic Life Code. All
10 rules and enforcement actions under the Illinois Conservation
11 Law and the dangerous animals provisions in Section 48-10 of
12 the Criminal Code of 2012 related to reptiles and amphibians
13 shall be covered exclusively by this Act.

14 Section 1-10. Administrative agency. This Act shall be
15 administered and under the direction of the Department of
16 Natural Resources.

17 Section 1-15. Definitions. For the purposes of this Act,
18 unless the context clearly requires otherwise, the following
19 terms are defined as:

20 "Administrative rule" means a regulatory measure issued by

1 the Director under this Act.

2 "Authorized law enforcement officer" means all sworn
3 members of the Law Enforcement Division of the Department and
4 those persons specifically granted law enforcement
5 authorization by the Director.

6 "Bona fide scientific or educational institution" means
7 confirming educational or scientific tax-exemption, from the
8 federal Internal Revenue Service or the applicant's national,
9 state, or local tax authority, or a statement of accreditation
10 or recognition as an educational institution.

11 "Contraband" means all reptile or amphibian life or any
12 part of reptile or amphibian life taken, bought, sold or
13 bartered, shipped, or held in possession or any conveyance,
14 vehicle, watercraft, or other means of transportation
15 whatsoever, except sealed railroad cars or other sealed common
16 carriers, used to transport or ship any reptile or amphibian
17 life or any part of reptile or amphibian life taken, contrary
18 to this Act, including administrative rules, or used to
19 transport, contrary to this Act, including administrative
20 rules, any of the specified species when taken illegally.

21 "Culling" means picking out from others and removing
22 rejected members because of inferior quality.

23 "Department" means the Illinois Department of Natural
24 Resources.

25 "Director" means the Director of the Illinois Department of
26 Natural Resources.

1 "Educational program" means a program of organized
2 instruction or study for providing education intended to meet a
3 public need.

4 "Endangered or threatened species" means any species
5 listed as endangered or threatened to the species level on
6 either the Illinois List of Endangered and Threatened Fauna or
7 the federal U.S. Fish and Wildlife Service List of Threatened
8 and Endangered Species.

9 "Herptile" means collectively any amphibian or reptile
10 taxon, whether indigenous to this State or not.

11 "Indigenous or native taxa" means those amphibians and
12 reptiles to the subspecies level that can be found naturally in
13 this State.

14 "Individual" means a natural person.

15 "Medically significant" means a venomous or poisonous
16 species whose venom or toxin can cause death or serious illness
17 or injury in humans that may require emergency room care or the
18 immediate care of a physician. These species are categorized as
19 being "medically significant" or "medically important".

20 "Owner" means an individual who has a legal right to the
21 possession of a herptile.

22 "Person" means any individual, partnership, corporation,
23 organization, trade or professional association, firm, limited
24 liability company, joint venture, or group.

25 "Possession limit" means the maximum number or amount of
26 herptiles that can be lawfully held or possessed by one person

1 at any time.

2 "Possessor" means any person who possesses, keeps,
3 harbors, brings into the State, cares for, acts as a custodian
4 for, has in his or her custody or control, or holds a property
5 right to a herptile.

6 "Reptile show" means any event open to the public, for a
7 fee or without a fee, that is not a licensed pet store, where
8 herptiles or herptiles together with other animals are
9 exhibited, displayed, sold, bought, traded, or otherwise made
10 available for public display.

11 "Resident" means a person who in good faith makes
12 application for any license or permit and verifies by statement
13 that he or she has maintained his or her permanent abode in
14 this State for a period of at least 30 consecutive days
15 immediately preceding the person's application, and who does
16 not maintain permanent abode or claim residency in another
17 state for the purposes of obtaining any of the same or similar
18 licenses or permits under this Act. A person's permanent abode
19 is his or her fixed and permanent dwelling place, as
20 distinguished from a temporary or transient place of residence.
21 Domiciliary intent is required to establish that the person is
22 maintaining his or her permanent abode in this State. Evidence
23 of domiciliary intent includes, but is not limited to, the
24 location where the person votes, pays personal income tax, or
25 obtains a drivers license. Any person on active duty in the
26 Armed Forces shall be considered a resident of Illinois during

1 his or her period of military duty.

2 "Special use herptile" means any taxon of amphibian or
3 reptile for which a Herptile Special Use permit is required.

4 "Take" means possess, collect, catch, detain, hunt, shoot,
5 pursue, lure, kill, destroy, capture, gig or spear, trap or
6 ensnare, harass, or an attempt to do so.

7 "Transport" or "ship" means to convey by parcel post,
8 express, freight, baggage, or shipment by common carrier or any
9 description; by automobile, motorcycle, or other vehicle of any
10 kind; by water or aircraft of any kind; or by any other means
11 of transportation.

12 "Turtle farming" means the act of breeding, hatching,
13 raising, selling turtles, or any combination commercially for
14 the purpose of providing turtles, turtle eggs, or turtle parts
15 to pet suppliers, exporters, and food industries.

16 "Wildlife sanctuary" means any non-profit organization
17 that: (1) is exempt from taxation under the federal Internal
18 Revenue Code and is currently confirmed as tax exempt by the
19 federal Internal Revenue Service; (2) operates a place of
20 refuge where wild animals are provided care for their lifetime
21 or released back to their natural range; (3) does not conduct
22 activities on animals in its possession that are not inherent
23 to the animal's nature; (4) does not use animals in its
24 possession for entertainment; (5) does not sell, trade, or
25 barter animals in its possession or parts of those animals; and
26 (6) does not breed animals in its possession.

1 ARTICLE 5. INDIGENOUS OR
2 NATIVE HERPTILE TAXA

3 Section 5-5. Possession limits.

4 (a) The possession limit for indigenous amphibian and
5 reptile taxa (excluding common snapping turtles and bullfrogs)
6 is 8 total collectively with no more than 4 per species. Young
7 of gravid wild-collected amphibians and reptiles shall be
8 returned to the site of adult capture after birth.

9 (b) Only residents may possess herptiles collected from the
10 wild within this State under a valid sport fishing license;
11 non-residents may not possess herptiles collected from the wild
12 within this State except for scientific purposes, with a
13 Herptile Scientific Collection permit.

14 (c) All herptile species (other than bullfrogs and common
15 snapping turtles) may be captured by hand. This shall not
16 restrict the use of legally taken herptiles as bait by anglers.
17 Any captured herptiles that are not to be retained in the
18 possession of the captor shall be immediately released at the
19 site of capture, unless taken with a lethal method such as bow
20 and arrow, gig, spear, or pitchfork which does not permit
21 release without harm. All common snapping turtles and bullfrogs
22 taken for personal consumption must be kept and counted in the
23 daily catch creel or bag. No culling of these 2 species for
24 personal consumption is permitted.

1 (d) The trier of fact may infer that a person is collecting
2 from the wild within this State if he or she possesses
3 indigenous reptiles or amphibians, in whole or in part, if no
4 documentation exists stating that the animals were legally
5 collected from the wild outside of this State.

6 (e) Residents may possess a total of 8 native herp
7 specimens collectively, with no more than 4 per species,
8 without obtaining and possessing either a Herptile Scientific
9 Collection permit or Herpetoculture permit from the
10 Department, regardless of the origin of the species. A sport
11 fishing license is required for residents to legally collect
12 any native herp taxon on private land, with the landowner's
13 permission. Collecting herptiles on public lands shall require
14 additional permits.

15 (f) Any resident wishing to possess more than his or her
16 allowed possession limit shall first apply to the Department
17 for a Herptile Scientific Collection permit or Herpetoculture
18 permit to do so. Issuance, modification, or denial of any and
19 all of these permits shall be at the sole discretion of the
20 Department.

21 (g) Due to the similarity of appearance (S/A) of certain
22 intergrade or hybrid specimens, the Department retains the
23 authority to enforce any and all provisions under this Act.
24 Specimens determined by the Department, or its agents, to fit
25 into this S/A category shall receive all benefits of this Act,
26 as well as the Illinois Endangered Species Protection Act if

1 applicable, and shall be included in an individual's overall
2 possession limit.

3 Section 5-10. Commercialization; herpetoculture.

4 (a) It is unlawful to take, possess, buy, sell, offer to
5 buy or sell or barter any reptile, amphibian, or their eggs,
6 any resulting offspring, or parts taken from the wild in this
7 State for commercial purposes unless otherwise authorized by
8 law.

9 (b) The trier of fact may infer that a person is collecting
10 from the wild within this State for commercial purposes if he
11 or she possesses indigenous reptiles or amphibians, in whole or
12 in part, for which no documentation exists stating that the
13 animals were legally collected from the wild outside this
14 State.

15 (c) Due to the similarity of appearance (S/A) of certain
16 intergrade or hybrid specimens, the Department retains the
17 authority to enforce any and all provisions under this Act.
18 Specimens determined by the Department, or its agents, to fit
19 into this S/A category shall receive all benefits of this Act,
20 as well as the Illinois Endangered Species Protection Act if
21 applicable, and shall be included in an individual's overall
22 possession limit.

23 (d) A valid, Department-issued Herpetoculture permit shall
24 apply only to indigenous herp taxa. A Herpetoculture permit
25 shall not be required in order to commercialize non-indigenous

1 herp taxa except as otherwise prohibited or regulated under
2 this Act.

3 (e) Indigenous herp taxa collected from the wild in this
4 State may not be bred unless otherwise authorized by the
5 Department for research or recovery purposes.

6 Section 5-15. Protection of habitat. Habitat features that
7 are disturbed in the course of searching for reptiles and
8 amphibians shall be returned to as near its original position
9 and condition as possible, for example overturned stones and
10 logs shall be restored to their original locations.

11 Section 5-20. Taking of endangered or threatened species.

12 (a) No person shall take or possess any of the herptiles
13 listed in the Illinois Endangered Species Protection Act or
14 subsequent administrative rules, except as provided by that
15 Act.

16 (b) Any Department-permitted threatened or endangered
17 (T/E) herptile species shall be exempt from an individual's
18 overall possession under the permitting system set forth in
19 this Act. However, any and all T/E specimens shall be
20 officially recorded with the Department's Endangered Species
21 Conservation Program. Any species occurring on the federal T/E
22 list also requires a Department permit for possession,
23 propagation, sale, or offer for sale unless otherwise permitted
24 through the Department.

1 (c) Due to the similarity of appearance (S/A) of certain
2 intergrade or hybrid specimens, the Department retains the
3 authority to enforce any and all provisions under this Act.
4 Specimens determined by the Department, or agents, to fit into
5 this S/A category shall receive all benefits of this Act, as
6 well as the Illinois Endangered Species Protection Act if
7 applicable, and shall be included in an individual's overall
8 possession limit.

9 (d) Federally licensed exhibits shall not be exempt from
10 the Illinois Endangered Species Protection Act.

11 (e) Any changes in T/E permit numbers for herptiles by
12 current, existing permit holders shall be reported to the
13 Department in writing no later than the first business day
14 after that change occurred. Requests for permits by any
15 resident acquiring a T/E species who is not permitted shall not
16 be issued after-the-fact.

17 (f) Annual reports are due by January 31 of each year for
18 the preceding year's activities. Failure to submit the annual
19 report by the due date shall result in a permit violation.

20 (g) An annual fee for herptile T/E species permits, per
21 permittee, shall be set by administrative rule. All fees for
22 herptile T/E species permits shall be deposited into the
23 Wildlife Preservation Fund.

24 (h) Procedures for acquisition, breeding, and sales of T/E
25 herptile species shall be set forth in administrative rule.

26 (i) Record keeping requirements for T/E herptile species

1 shall be set forth in administrative rule.

2 Section 5-25. Taking of snakes. Unless otherwise provided
3 in this Act, any non-threatened or non-endangered snake may be
4 taken by the owners or bona fide tenants of lands actually
5 residing on the lands and their children, parents, brothers,
6 and sisters permanently residing with them.

7 Section 5-30. Taking of turtles or bullfrogs; illegal
8 devices.

9 (a) No person shall take turtles or bullfrogs by commercial
10 fishing devices, including dip nets, hoop nets, traps, or
11 seines, or by the use of firearms, airguns, or gas guns.
12 Turtles may be taken only by hand or means of hook and line.

13 (b) Bullfrog; common snapping turtle; open season.

14 (1) All individuals taking bullfrogs shall possess a
15 valid sport fishing license and may take bullfrogs only
16 during the open season to be specified by administrative
17 rule. Bullfrogs may only be taken by hook and line, gig,
18 pitchfork, spear, bow and arrow, hand, or landing net.

19 (2) The daily catch limit and total possession limit
20 for all properly licensed persons shall be specified by
21 administrative rule.

22 (3) All persons taking common snapping turtles shall
23 possess a valid sport fishing license and may take common
24 snapping turtles only during the open season to be

1 specified by administrative rule. Common snapping turtles
2 (Chelydra serpentina) may be taken only by hand, hook and
3 line, or bow and arrow, except in the counties listed in
4 Section 5-35 where bowfishing for common snapping turtles
5 is not allowed.

6 (4) The daily catch limit and total possession limit
7 for all properly licensed persons shall be specified by
8 administrative rule.

9 (c) The alligator snapping turtle (*Macrochelys temminckii*)
10 is protected and may not be taken by any method including, but
11 not limited to, any sport fishing method.

12 Section 5-35. Areas closed to the taking of reptiles and
13 amphibians.

14 (a) Unless otherwise allowed by law or administrative rule,
15 the taking of reptiles and amphibians at any time and by any
16 method is prohibited in the following areas:

17 The LaRue-Pine Hills or Otter Pond Research Natural Area in
18 Union County. The closed area shall include the Research
19 Natural Area as designated by the U.S. Forest Service and
20 the right-of-way of Forest Road 345 with Forest Road 236 to
21 the intersection of Forest Road 345 with the Missouri
22 Pacific railroad tracks. Unless otherwise authorized,
23 possession of any collecting equipment is prohibited
24 within the closed area.

25 (b) In the following counties bowfishing for common

1 snapping turtles is not permitted: Randolph, Perry, Franklin,
2 Hamilton, White, Gallatin, Saline, Williamson, Jackson, Union,
3 Johnson, Pope, Hardin, Massac, Pulaski, and Alexander, or in
4 any additional counties added through administrative rule.

5 (c) Collection of wild turtles for races or other types of
6 events involving congregating and gathering numbers of wild
7 turtles is prohibited in counties where ranavirus has been
8 documented. Inclusion on the county list shall be determined by
9 rule.

10 Section 5-40. Translocation and release of herptiles.

11 (a) Except as provided for in subsection (a) of Section
12 5-5, no herptile indigenous species may be moved, translocated,
13 or populations repatriated within this State without approval
14 of the Department, after review of a proposal complete with
15 long-term monitoring plan at least 5 years post-release.

16 (b) It shall be unlawful to intentionally or negligently
17 release any non-indigenous herptile species into this State.

18 ARTICLE 10. VENOMOUS REPTILES

19 Section 10-5. Venomous reptile defined. Venomous reptiles
20 include, but are not limited to, any medically significant
21 venomous species of the families or genera of the Order
22 Squamata: Helodermatidae, such as gila monsters and beaded
23 lizards; Elapidae, such as cobras and coral snakes;

1 Hydrophiidae, such as sea snakes; Viperidae and Crotalinae,
2 such as vipers and pit vipers; Atractaspididae, such as
3 burrowing asps; Colubridae in the following genera that shall
4 be determined by administrative rule: West Indian racers
5 (Alsophis); boigas and mangrove snakes (Boiga); road guarders
6 (Conophis); Boomslangs (Dispholidus); false water cobras
7 (Hydrodynastes); varied or hooded keelbacks (Macropisthodon);
8 Malagasy cat-eyed snakes (Madagascarophis); Montpellier snakes
9 (Malpolon); kukri snakes (Oligodon); collared snakes
10 (Phalotris); palm snakes or green racers (Philodryas); sand
11 snakes or racers (Psammophis); keelbacks (Rhabdophis); beaked
12 snakes (Rhamphiophis); twig snakes (Thelotornis); black tree
13 snakes (Thrasops); Pampas snakes (Tomodon); Wagler's snakes
14 (Waglerophis); false fer-de-lances (Xenodon); specimens or
15 eggs of the brown tree snake (Boiga irregularis); and any other
16 species added through legislative process designated.

17 Section 10-10. Surgically altered venomous reptiles. It is
18 not a defense to a violation of Article 65 that the person
19 violating that Article has had the venomous reptile surgically
20 altered to render it harmless.

21 Section 10-15. Venomous reptile permit requirements. In
22 addition to those requirements listed in Articles 60 and 65 of
23 this Act, Herptile Special Use permits may be issued to
24 residents using approved venomous reptile species only for bona

1 fide educational programs, following an inspection and
2 approval of the proposed facilities. A minimum of 6 documented
3 programs shall be required of each permittee per calendar year.
4 Unless addressed or exempted by administrative rule, annual
5 permit renewal must be accompanied by a non-refundable fee as
6 set by the Department by administrative rule and documented
7 proof of educational programs completed on the recipient's
8 letterhead. Prospective permittees must have 250 documented
9 hours of experience with venomous reptiles. The Department or
10 the Department of Agriculture reserves the right to inspect
11 permittees and facilities during reasonable hours. Additions
12 to permits must be approved prior to acquisition of additional
13 venomous reptiles, and any changes shall be reported to the
14 Department in writing no later than the first business day
15 after that change occurred.

16 Section 10-20. Approved venomous reptiles. Permittees may
17 keep legally obtained venomous reptile specimens native to the
18 United States, except the following species: Eastern
19 diamondback rattlesnakes (*Crotalus adamanteus*); Western
20 diamondback rattlesnakes (*Crotalus atrox*); Mojave rattlesnakes
21 (*Crotalus scutulatus*); Southern Pacific rattlesnakes (*Crotalus*
22 *oreganus helleri*); Eastern and Texas coral snakes (*Micrurus*
23 *fulvius*); Sonoran coral snakes (*Micruroides euryxanthus*); and
24 timber/canebrake rattlesnakes (*Crotalus horridus*) from the
25 southern portions of their range (Oklahoma, southern Arkansas,

1 Louisiana, and also southeastern South Carolina south through
2 eastern Georgia to northern Florida), known as "Type A" and
3 containing canebrake toxin.

4 Except for Boomslangs (Dispholidus), twig snakes
5 (Thelotornis), keelbacks (Rhabdophis), Lichtenstein's green
6 racer (Philodryas olfersii), and brown tree snake (Boiga
7 irregularis), medically significant snakes in the family
8 Colubridae defined in Section 10-5 of this Article may be
9 possessed with a permit.

10 Section 10-25. Maintenance of venomous reptiles.
11 Permittees shall keep approved venomous reptiles in strong
12 escape-proof enclosures that at a minimum are: impact
13 resistant, locked at all times, prominently labeled with the
14 permittee's full name, address, telephone number, list of cage
15 contents by scientific and common names, and a sign labeled
16 "venomous". The signage shall also include the type and
17 location of antivenom and contact information of the person or
18 organization possessing the antivenom.

19 Section 10-30. Educational programs with approved venomous
20 reptiles. Permittees shall keep approved venomous reptiles in
21 strong escape-proof enclosures that at a minimum are: impact
22 resistant, locked at all times, prominently labeled with the
23 permittee's full name, address, telephone number, list of cage
24 contents by scientific and common names, and a sign labeled

1 "venomous". Labeling shall also include the type and location
2 of antivenom and contact information of the person or
3 organization possessing the antivenom. Interiors of enclosures
4 may not be accessible to the public.

5 Section 10-35. Transport of approved venomous reptiles.
6 During transport of any approved venomous reptile, it must be
7 kept out of sight of the public in an escape-proof enclosure at
8 all times that is labeled "venomous". Transport of any venomous
9 reptile to any public venue, commercial establishment, retail
10 establishment, or educational institution shall only be for
11 bona fide educational programs or veterinary care.

12 Section 10-40. Additional regulations. Venomous reptiles
13 shall not be bred, sold, or offered for sale within this State.
14 The Department may approve limited transfers among existing
15 permittees at the sole discretion of the Department.

16 As determined by the Department, non-residents may apply
17 for a permit not to exceed 15 consecutive days to use venomous
18 reptiles in bona fide educational programs. The fee for the
19 permit shall be set by administrative rule, and all fees shall
20 be deposited into the Wildlife and Fish Fund.

21 ARTICLE 15. BOAS,
22 PYTHONS, AND ANACONDAS

1 Section 15-5. Boas, pythons, and anacondas. Nothing shall
2 prohibit lawfully acquired possession of any of the Boidae
3 family, such as boas, pythons, and anacondas, provided captive
4 maintenance requirements from the Department as set forth in
5 this Act are met. All boas, pythons, and anacondas referenced
6 in this Act are exempt from the permit process, associated
7 annual fee, and liability insurance coverage.

8 Section 15-10. Maintenance of boas, pythons, and
9 anacondas. Any species of boa, python, or anaconda not native
10 to the United States, regardless of length, must be properly
11 maintained in suitable, strong, impact resistant, escape-proof
12 enclosures at all times unless being used for bona fide
13 educational programs or trips for veterinary care.

14 Section 15-15. Educational programs with boas, pythons,
15 and anacondas. During any bona fide educational program
16 involving boas, pythons, or anacondas not native to the United
17 States, the owner or affiliated agent must maintain physical
18 possession of the snake at all times if removed from a
19 container or cage. Interiors of cages or containers used during
20 educational programs may not be accessible to the public.

21 Section 15-20. Transport of boas, pythons, and anacondas.
22 During transport of any boa, python, or anaconda, the snake
23 must be kept out of sight of the public in an escape-proof

1 enclosure at all times.

2 Section 15-25. Use of boas, pythons, and anacondas at
3 reptile shows. An owner or affiliated agent must have physical
4 possession and control of any boa, python, or anaconda that is
5 not native to the United States at all times if removed from a
6 container or cage. Uncontained boas, pythons, or anacondas
7 removed from cages for examination or onlooker interaction must
8 be kept confined either behind or at a display table. Interiors
9 of cages or containers may not be accessible to the public.

10 ARTICLE 20. CROCODILIANS

11 Section 20-5. Crocodilians. "Crocodilians" means any
12 species of the Order Crocodylia, such as crocodiles,
13 alligators, caimans, and gavials.

14 Section 20-10. Crocodilian permit requirements. In
15 addition to the requirements listed in Articles 60 and 65 of
16 this Act, Herptile Special Use permits may be issued to
17 residents using crocodilian species only for bona fide
18 educational programs, following an inspection and approval of
19 the proposed facilities. A minimum of 6 documented programs
20 shall be required of each permittee per calendar year. Unless
21 addressed or exempted by administrative rule, annual permit
22 renewal must be accompanied by a non-refundable fee as set by

1 the Department and documented proof of educational programs
2 completed on the recipient's letterhead. The Department or the
3 Department of Agriculture reserves the right to inspect
4 permittees and facilities during reasonable hours. Additions
5 to permits must be approved prior to acquisition of additional
6 crocodilians, and any changes shall be reported to the
7 Department in writing no later than the first business day
8 after that change occurred.

9 Section 20-15. Maintenance of crocodilians. Permittees
10 shall keep crocodilians maintained in suitable, strong, impact
11 resistant, escape-proof enclosures at all times unless being
12 used for bona fide educational programs or trips for veterinary
13 care.

14 Section 20-20. Educational programs with crocodilians.
15 During any bona fide educational program involving
16 crocodilians, the owner or affiliated agent must maintain
17 physical possession and control of the crocodilian at all times
18 if removed from a container or cage. Interiors of cages or
19 containers used during educational programs may not be
20 accessible to the public. Crocodilians removed from their cage
21 or enclosure for educational programs must have either the
22 mouth banded or taped shut or kept at a minimum of 10 feet from
23 the public and also kept out of direct contact with the public.

1 the proposed facilities. A minimum of 6 documented programs on
2 the family Varanidae shall be required of each permittee per
3 calendar year. Unless addressed or exempted by administrative
4 rule, annual permit renewal must be accompanied by a
5 non-refundable fee as set by the Department and documented
6 proof of educational programs completed on the recipient's
7 letterhead. The Department or the Department of Agriculture
8 reserves the right to inspect permittees and facilities during
9 reasonable hours. Additions to permits must be approved prior
10 to acquisition of additional monitor lizards, and any changes
11 shall be reported to the Department in writing no later than
12 the first business day after that change occurred.

13 Section 25-15. Maintenance of monitor lizards. Permittees
14 shall keep monitor lizards maintained in suitable, strong,
15 impact resistant, escape-proof enclosures at all times unless
16 being used for bona fide educational programs or trips for
17 veterinary care.

18 Section 25-20. Educational programs with monitor lizards.
19 During any bona fide educational program involving monitor
20 lizards, the owner or affiliated agent must maintain physical
21 possession and control of the monitor lizard at all times if
22 removed from a container or cage. Interiors of cages or
23 containers used during educational programs may not be
24 accessible to the public. Monitor lizards removed from their

1 cage or enclosure for educational programs must have either the
2 mouth banded or taped shut, or kept at a minimum of 10 feet
3 from the public and also kept out of direct contact with the
4 public.

5 Section 25-25. Transport of monitor lizards. During
6 transport of any monitor lizard, it must be kept out of sight
7 of the public in an escape-proof enclosure at all times.
8 Transport of a monitor lizard to any public venue, commercial
9 establishment, retail establishment, or educational
10 institution shall only be for bona fide educational programs or
11 veterinary care.

12 Section 25-30. Additional regulations. Monitor lizards
13 shall not be bred, sold, or offered for sale within this State.

14 As determined by the Department, non-residents may apply
15 for a permit not to exceed 15 consecutive days to use monitor
16 lizards in bona fide educational programs. The fee for the
17 permit shall be set by administrative rule, and all fees shall
18 be deposited into the Wildlife and Fish Fund.

19 ARTICLE 30. TURTLES

20 Section 30-5. Turtles. It is unlawful to buy, sell, or
21 offer to sell, or otherwise commercialize (including, but not
22 limited to, offering as a commercial incentive, trading, or

1 otherwise use for the purpose of profit or pecuniary gain) any
2 species of aquatic or semi-aquatic turtles in the Order
3 Testudines (except for the terrestrial tortoises in the family
4 Testudinidae) with a carapace length of 4 inches or less or
5 their eggs within this State. With prior approval from the
6 Department, in its sole discretion, sales or offers for sale of
7 aquatic or semi-aquatic turtles with a carapace length of 4
8 inches or less or their eggs may be allowed to bona fide
9 scientific or educational institutions.

10 Section 30-10. Turtle farming. Turtles shall not be
11 commercially farmed in this State.

12 Section 30-15. Turtle collection. Collection of wild
13 turtles for races or other types of events involving
14 congregating and gathering numbers of wild turtles is
15 prohibited in counties where ranavirus has been documented.
16 Inclusion on the county list shall be determined by rule.

17 ARTICLE 35. AMPHIBIANS

18 Section 35-5. Amphibians. For the purposes of this Section,
19 "amphibians" means those medically significant poisonous
20 amphibians capable of causing bodily harm to humans or animals,
21 including, but not limited to, cane or marine toads (*Bufo*
22 *marinus*) and Colorado river toads (*Bufo alvarius*), or any other

1 amphibian found to be medically significant and shall only be
2 allowed for bona fide educational purposes or research purposes
3 by exempted institutions.

4 Poison dart frogs bred and raised in captivity shall be
5 exempt from the permit process.

6 ARTICLE 40. HERPTILE SCIENTIFIC
7 COLLECTION PERMITS

8 Section 40-5. Permit issuance. Herptile Scientific
9 Collection permits may be granted by the Department, in its
10 sole discretion, to any properly accredited person at least 18
11 years of age, permitting the capture, marking, handling,
12 banding, or collecting (including hide, skin, bones, teeth,
13 claws, nests, eggs, or young), for strictly scientific
14 purposes, of any of the herptiles not listed as endangered or
15 threatened but now protected under this Act. A Herptile
16 Scientific Collection permit may be granted to qualified
17 individuals for purpose of salvaging dead, sick, or injured
18 herptiles not listed as endangered or threatened but protected
19 by this Act for permanent donation to bona fide public or state
20 scientific, educational, or zoological institutions.
21 Collecting herptiles on public lands shall require additional
22 permits.

23 Section 40-10. Permit requirements. The criteria and

1 standards for a Herptile Scientific Collection permit shall be
2 provided by administrative rule. The Department shall set forth
3 applicable rules covering qualifications and facilities needed
4 to obtain a permit. Disposition of herptiles taken under the
5 authority of this Article shall be specified by the Department.
6 The holder of each permit shall make to the Department a report
7 in writing upon forms furnished by the Department. These
8 reports shall be made (i) annually if the permit is granted for
9 a period of one year or (ii) within 30 days after the
10 expiration of the permit if the permit is granted for a period
11 of less than one year. These reports shall include information
12 that the Department considers necessary.

13 ARTICLE 45. HERPTILE SCIENTIFIC
14 COLLECTION PERMIT APPLICATION AND FEES

15 Section 45-5. Permit application and fees. An applicant for
16 a Herptile Scientific Collection permit must file an
17 application with the Department on a form provided by the
18 Department. The application must include all information and
19 requirements as set by administrative rule. The application for
20 these permits shall be reviewed by the Department to determine
21 if a permit should be issued.

22 Unless addressed or exempted by administrative rule,
23 annual permit renewal must be accompanied by non-refundable fee
24 as set by the Department. The annual fee for a Herptile

1 Scientific Collection permit shall be set by administrative
2 rule. The Department shall adopt, by administrative rule, any
3 additional procedures for the renewal of a Herptile Scientific
4 Collection permit. All fees shall be deposited into the Fish
5 and Wildlife Fund.

6 ARTICLE 50. HERPETOCULTURE PERMITS

7 Section 50-5. Permit issuance. Any person or business who
8 engages in the breeding, hatching, propagation, sale, or offer
9 for sale of any indigenous herptile, regardless of origin,
10 shall procure a permit from the Department. Herptiles
11 specified, which are bred, hatched, propagated, or legally
12 obtained by a person or business holding a permit as provided
13 for in this Article, may be transported and sold or offered for
14 sale within this State. Indigenous herp taxa collected from the
15 wild in this State shall not be bred unless otherwise
16 authorized by the Department for research or recovery purposes.

17 Section 50-10. Permit requirements. Herpetoculture permit
18 holders shall maintain written records of all herptiles
19 indigenous to this State bought, sold, hatched, propagated,
20 sold, or shipped for a minimum of 2 years after the date of the
21 transaction and shall be made immediately available to
22 authorized employees of the Department upon request. These
23 records shall include the name and address of the buyer and

1 seller, the appropriate permit number of the buyer and seller,
2 the date of the transaction, the species name (both common and
3 scientific), and the origin of herptile involved. Records of
4 the annual operations, as may be required by the Department,
5 shall be forwarded to the Department upon request.

6 The criteria and standards for a Herpetoculture permit
7 shall be provided by administrative rule. The Department shall
8 set forth applicable rules, including a list of herptiles
9 indigenous to this State.

10 ARTICLE 55. HERPETOCULTURE

11 PERMIT APPLICATION AND FEES

12 Section 55-5. Permit application and fees. An applicant
13 for a Herpetoculture permit must file an application with the
14 Department on a form provided by the Department. The
15 application must include all information and requirements as
16 set forth by administrative rule. The application for these
17 permits shall be reviewed by the Department to determine if a
18 permit should be issued.

19 Unless addressed or exempted by administrative rule,
20 annual permit renewal must be accompanied by a non-refundable
21 fee as set by the Department. The annual fee for a residential
22 Herpetoculture permit shall be set by administrative rule. The
23 Department shall adopt, by administrative rule, any additional
24 procedures for the renewal of a Herpetoculture permit. All fees

1 shall be deposited into the Wildlife and Fish Fund.

2 As determined by the Department, non-residents may apply
3 for a permit not to exceed 15 consecutive days to commercialize
4 herptiles indigenous to this State as outlined in this Article.
5 The fee for the permit shall be set by administrative rule, and
6 all fees shall be deposited into the Wildlife and Fish Fund.

7 The Department shall adopt, by administrative rule,
8 additional procedures for the renewal of annual Herpetoculture
9 permits.

10 Section 55-10. Additional regulations. Nothing in
11 Articles 50 and 55 shall be construed to give permittees
12 authority to breed, hatch, propagate, sell, offer for sale, or
13 otherwise commercialize any herptile or parts thereof from
14 herptiles indigenous to this State, either partially or in
15 whole, that originate from the wild in this State.

16 Any offspring resulting from the breeding of herptiles
17 where one parent has been taken from the wild in this State and
18 the other parent from non-Illinois stock or captive bred stock
19 may not be legally sold or otherwise commercialized and shall
20 be treated as indigenous or native Illinois herp taxa subject
21 to Article 5 of this Act.

22 Color or pattern variations (morphs) of any herptile
23 indigenous to this State are not exempt from this Article.

24 Due to the similarity of appearance (S/A) of certain
25 intergrade or hybrid specimens, the Department retains the

1 authority to enforce any and all provisions under this Act.
2 Specimens determined by the Department, or its agents, to fit
3 into this S/A category shall receive all benefits of this Act,
4 as well as the Illinois Endangered Species Protection Act if
5 applicable.

6 ARTICLE 60. HERPTILE SPECIAL

7 USE PERMIT REQUIREMENTS

8 Section 60-5. Permit requirements. Prior to any person
9 obtaining a Herptile Special Use permit, the following criteria
10 must be met:

11 (1) the person was in legal possession and is the legal
12 possessor of the herptile prior to the effective date of
13 this Act and the person applies for and is granted a
14 Personal Possession permit for each special use herptile in
15 the person's possession within 30 days after the enactment
16 of this Act; or

17 (2) prior to acquiring a Herptile Special Use permit,
18 the person must provide the name, address, date of birth,
19 permit number, telephone number of the possessor, type or
20 species, and the date the herptile is to be acquired.

21 The applicant must comply with all requirements of this Act
22 and the rules adopted by the Department to obtain a Herptile
23 Special Use permit. Prior to the issuance of the Herptile
24 Special Use permit, the applicant must provide proof of

1 liability insurance or surety bond, either individually, or in
2 the name of the entity giving the bona fide educational
3 programs, in the amount of \$100,000 for each special use
4 herptile up to a maximum of \$1,000,000 and the insurance or
5 surety bond is to be maintained during the term of the permit
6 for liability for any incident arising out of or relating to
7 the special use herptile.

8 ARTICLE 65. HERPTILE SPECIAL USE
9 PERMIT APPLICATION AND FEES

10 Section 65-5. Permit application and fees. An applicant for
11 a Herptile Special Use permit must file an application with the
12 Department on a form provided by the Department. The
13 application must include all information and requirements as
14 set forth by administrative rule.

15 The annual fee for a residential Herptile Special Use
16 permit shall be set by administrative rule on a per person
17 basis. The Herptile Special Use permit shall not be based on
18 the number of special use herptile kept by an owner or
19 possessor. All fees shall be deposited into the Wildlife and
20 Fish Fund.

21 The Department shall adopt, by administrative rule,
22 procedures for the renewal of annual Herptile Special Use
23 permits.

24 Any person possessing and in legal possession of a special

1 use herptile as stipulated in this Article that no longer
2 wishes to keep the herptile may be assisted by the Department,
3 at no charge to them and without prosecution, to place the
4 special use herptile in a new home, within 30 days after the
5 effective date of this Act.

6 The Department may issue a Limited Entry permit to an
7 applicant who: (i) is not a resident of this State; (ii)
8 complies with the requirements of this Act and all rules
9 adopted by the Department under the authority of this Act;
10 (iii) provides proof to the Department that he or she shall,
11 during the permit term, maintain sufficient liability
12 insurance coverage; (iv) pays to the Department, along with
13 each application for a Limited Entry permit, a non-refundable
14 fee as set by administrative rule, which the Department shall
15 deposit into the Wildlife and Fish Fund; and (v) uses the
16 herptile for an activity authorized in the Limited Entry
17 permit. A Limited Entry permit shall be valid for not more than
18 30 consecutive days unless extended by the Department, however,
19 no extension shall be longer than 15 days.

20 ARTICLE 70. SUSPENSION OF
21 PRIVILEGES AND REVOCATION OF
22 HERPTILE SPECIAL USE PERMITS

23 Section 70-5. Suspension of privileges and revocation of
24 permits. A person who does not hold a Herptile Special Use

1 permit or Limited Entry permit and who violates a provision of
2 this Act or an administrative rule authorized under this Act
3 shall have his or her privileges under this Act suspended for
4 up to 5 years after the date that he or she is in violation of
5 an initial offense, for up to 10 years after the date that he
6 or she is in violation of a second offense, and for life for a
7 third or subsequent offense. Department suspensions and
8 revocations shall be addressed by administrative rule.

9 A person who holds a Herptile Special Use permit or Limited
10 Entry permit and who violates the provisions of this Act shall
11 have his or her permit revoked and permit privileges under this
12 Act suspended for a period of up to 2 years after the date that
13 he or she is found guilty of an initial offense, for up to 10
14 years after the date that he or she is found guilty of a second
15 offense, and for life for a third offense. Department
16 suspensions and revocations shall be addressed by
17 administrative rule.

18 A person whose privileges to possess a special use herptile
19 have been suspended or permit revoked may appeal that decision
20 in accordance with the provisions set forth in administrative
21 rule.

22 ARTICLE 75. RECORD KEEPING REQUIREMENTS
23 OF SPECIAL USE HERPTILES

24 Section 75-5. Record keeping requirements. A person who

1 possesses a special use herptile must maintain records
2 pertaining to the acquisition, possession, and disposition of
3 the special use herptile as provided by administrative rule.
4 These records shall be maintained for a minimum of 2 years
5 after the date the special use herptile is no longer in
6 possession of the permit holder. All records are subject to
7 inspection by authorized law enforcement officers. In addition
8 to maintaining records, all special use herptiles must be
9 either pit-tagged or microchipped to individually identify
10 them and the pit-tag or microchip numbers are also to be
11 maintained as other pertinent records, unless otherwise
12 provided by administrative rule.

13 ARTICLE 80. INJURY TO A
14 MEMBER OF PUBLIC BY
15 SPECIAL USE HERPTILES

16 Section 80-5. Injury to a member of public by special use
17 herptiles. A person who possesses a special use herptile
18 without complying with the requirements of this Act and the
19 rules adopted under the authority of this Act and whose special
20 use herptile harms a person when the possessor knew or should
21 have known that the herptile had a propensity, when provoked or
22 unprovoked, to harm, cause injury to, or otherwise
23 substantially endanger a member of the public is guilty of a
24 Class A misdemeanor. A person who fails to comply with the

1 provisions of this Act and the rules adopted under the
2 authority of this Act and who intentionally or knowingly allow
3 a special use herptile to cause great bodily harm to, or the
4 death of, a human is guilty of a Class 4 felony.

5 ARTICLE 85. PROHIBITED ACTS WITH
6 SPECIAL USE HERPTILES

7 Section 85-5. Prohibited acts. Except as otherwise
8 provided in this Act or by administrative rule, a person shall
9 not own, possess, keep, import, transfer, harbor, bring into
10 this State, breed, propagate, buy, sell, or offer to sell, or
11 have in his or her custody or control a special use herptile.

12 A person shall not release any special use herptile into
13 the wild at any time unless authorized by the Director in
14 writing. The possessor of a special use herptile must
15 immediately contact the animal control authority or law
16 enforcement agency of the municipality or county where the
17 possessor resides if a special use herptile escapes or is
18 released.

19 The possessor of a special use herptile shall not keep,
20 harbor, care for, transport, act as the custodian of, or
21 maintain in his or her possession the special use herptile in
22 anything other than an escape-proof enclosure.

23 The possessor of a special use herptile shall not transport
24 the special use herptile to or possess the special use herptile

1 at a public venue, commercial establishment, retail
2 establishment, or educational institution unless specifically
3 authorized by permit or required to render veterinary care to
4 the special use herptile.

5 The possessor of a special use herptile, at all reasonable
6 times, shall not deny the Department or its designated agents
7 and officers access to premises where the possessor keeps a
8 special use herptile to ensure compliance with this Act.

9 Except as otherwise provided in this Act or by
10 administrative rule, a person shall not buy, sell, or barter,
11 or offer to buy, sell, or barter a special use herptile.

12 ARTICLE 90. PENALTIES

13 Section 90-5. Penalties. A person who violates Article 85
14 of this Act is guilty of a Class A misdemeanor for a first
15 offense and a Class 4 felony for a second or subsequent offense
16 occurring within one year after a finding of guilt on a first
17 offense. A person who violates Article 75 of this Act is guilty
18 of a Class B misdemeanor. Each day of a violation constitutes a
19 separate offense. Any other violation of this Act is a Class A
20 misdemeanor unless otherwise stated.

21 All fines and penalties collected under the authority of
22 this Act or its administrative rules shall be deposited into
23 the Wildlife and Fish Fund.

1 ARTICLE 95. CIVIL
2 LIABILITY AND IMMUNITY

3 Section 95-5. Assumption of risk. Each person who owns,
4 possesses, or keeps a herptile expressly assumes the risk of
5 and legal responsibility for injury, loss, or damage to the
6 person or the person's property that results from the
7 ownership, possession, or keeping, of the herptile. Each owner,
8 keeper, or possessor of a herptile shall be solely liable to
9 manage, care for, and control a particular species, and it
10 shall be the duty of each owner, keeper, or possessor, to
11 maintain reasonable control of the particular herptile at all
12 times, and to refrain from acting in a manner that may cause or
13 contribute to the injury of person, whether in public or on
14 private property.

15 Section 95-10. Civil liability and immunity. If any
16 herptile escapes or is released, the owner and possessor of the
17 herptile shall be strictly liable for all costs incurred in
18 apprehending and confining the herptile, including any
19 injuries incurred to humans or damage to property, both real
20 and personal, including pets and livestock, and the owner shall
21 indemnify any animal control officer, police officer, or
22 Department employee acting in his or her official capacity to
23 capture or control an escaped herptile.

24 The owner, keeper, or possessor of an escaped herptile

1 shall be solely responsible for any and all liabilities arising
2 out of or in connection with the escape or release of any
3 herptile including liability for any damage, injury, or death
4 caused by or to the herptile during or after the herptile's
5 escape or release or as a result of the apprehension or
6 confinement of the herptile after its escape or release. In
7 addition, the owner, keeper, or possessor of an escaped
8 herptile shall be solely responsible for any and all costs
9 incurred by an animal control officer, police officer, or
10 Department employee acting in his or her official capacity to
11 capture or control an escaped herptile.

12 A licensed veterinarian who may have cause to treat a
13 special use herptile that is in violation of this Act shall not
14 be held liable, except for willful and wanton misconduct, under
15 this Act provided that the veterinarian (i) promptly reports
16 violations of this Act of which he or she has knowledge to a
17 law enforcement agency within 24 hours after becoming aware of
18 the incident; (ii) provides the name, address, and phone number
19 of the person possessing the special use herptile at time of
20 incident or treatment; (iii) provides the name and address of
21 the owner of the special use herptile if known; (iv) identifies
22 the kind and number of special use herptiles being treated; and
23 (v) describes the reason for the treatment of the special use
24 herptile.

1 Section 100-5. Prima facie evidence; confiscation. The
2 possession of any reptile or amphibian life or any part of
3 reptile or amphibian life protected under this Act is prima
4 facie evidence that the reptile or amphibian life or any part
5 of reptile or amphibian life is subject to the provisions of
6 this Act, including administrative rules.

7 Whenever the contents of any box, barrel, package, or
8 receptacle consists partly of contraband and partly of legal
9 reptile or amphibian life or any part of reptile or amphibian
10 life, the entire contents of the box, barrel, or package, or
11 other receptacle are subject to confiscation.

12 Whenever a person has in his or her possession in excess of
13 the number of reptile or amphibian life or any parts of reptile
14 or amphibian life permitted under this Act, including
15 administrative rules, the entire number of reptile or amphibian
16 life or any parts of reptile or amphibian life in his or her
17 possession is subject to confiscation.

18 Section 100-10. Search and seizure. Whenever any
19 authorized employee of the Department, sheriff, deputy
20 sheriff, or other peace officer of the State has reason to
21 believe that any person, owner, possessor, commercial
22 institution, pet store, or reptile show vendor or attendee
23 possesses any reptile or amphibian life or any part of reptile
24 or amphibian life contrary to the provisions of this Act,

1 including administrative rules, he or she may file, or cause to
2 be filed, a sworn complaint to that effect before the circuit
3 court and procure and execute a search warrant. Upon execution
4 of the search warrant, the officer executing the search warrant
5 shall make due return of the search warrant to the court
6 issuing the search warrant, together with an inventory of all
7 the reptile or amphibian life or any part of reptile or
8 amphibian life taken under the search warrant. The court shall
9 then issue process against the party owning, controlling, or
10 transporting the reptile or amphibian life or any part of
11 reptile or amphibian life seized, and upon its return shall
12 proceed to determine whether or not the reptile or amphibian
13 life or any part of reptile or amphibian life was held,
14 possessed, or transported in violation of this Act, including
15 administrative rules. In case of a finding that the reptile or
16 amphibian life was illegally held, possessed, transported, or
17 sold, a judgment shall be entered against the owner or party
18 found in possession of the reptile or amphibian life or any
19 part of reptile or amphibian life for the costs of the
20 proceeding and providing for the disposition of the property
21 seized, as provided for by this Act.

22 Section 100-15. Seizure and forfeiture. If any person is
23 found to possess a special use herptile that is in violation of
24 this Act, including any administrative rules, then the special
25 use herptile and any equipment or items used contrary to this

1 Act shall be subject to seizure and forfeiture by the
2 Department. Any special use herptile seized in violation of
3 this Act may immediately be placed in a facility approved by
4 the Department.

5 If a person's special use herptile has been seized by the
6 Department, then the owner and possessor of the special use
7 herptile is liable for the reasonable costs associated with the
8 seizure, placement, testing, and care for the special use
9 herptile from the time of confiscation until the time the
10 special use herptile is relocated to an approved facility or
11 person holding a valid Herptile Special Use permit or is
12 otherwise disposed of by the Department.

13 Any special use herptile and related items found abandoned
14 shall become the property of the Department and disposed of
15 according to Department rule.

16 The circuit court, in addition to any other penalty, may
17 award any seized or confiscated special use herptiles or items
18 to the Department as provided for in Section 1-215 of the Fish
19 and Aquatic Life Code and Section 1.25 of the Wildlife Code.
20 Further, the court, in addition to any other penalty, may
21 assess a fee upon a person who pleads guilty to the provisions
22 of this Act equal to the amount established or determined to
23 maintain the special use herptile until it is permanently
24 placed in a facility approved by the Department or otherwise
25 disposed of.

1 ARTICLE 105. GENERAL PROVISIONS

2 Section 105-5. Administrative rules. The Department is
3 authorized to adopt administrative rules for carrying out,
4 administering, and enforcing the provisions of this Act. The
5 administrative rules shall be adopted in accordance with the
6 Illinois Administrative Procedure Act.

7 Rules, after becoming effective, shall be enforced in the
8 same manner as other provisions of this Act. It is unlawful for
9 any person to violate any provision of any administrative rule
10 adopted by the Department. Violators of administrative rules
11 are subject to the penalties in this Act.

12 Section 105-10. Conservation of reptiles and amphibians.
13 The Department shall take all measures necessary for the
14 conservation, distribution, introduction, and restoration of
15 reptiles and amphibians. The Department shall also bring or
16 cause to be brought actions and proceedings, in the name and by
17 the authority of the People of the State of Illinois, to
18 enforce this Act, including administrative rules, and to
19 recover any and all fines and penalties provided for in this
20 Act. Nothing in this Act shall be construed to authorize the
21 Department to change any penalty prescribed by law or to change
22 the amount of license fees or the authority conferred by
23 licenses prescribed by law. The Department is authorized to
24 cooperate with the appropriate Departments of the federal

1 government and other Departments or agencies of State
2 government and educational institutions in conducting surveys,
3 experiments, or work of joint interest or benefit.

4 Section 105-15. Peace officers. All employees of the
5 Department authorized by the Director shall have the power of,
6 and shall be, peace officers in the enforcement of this Act,
7 including administrative rules, and may carry weapons as may be
8 necessary in the performance of his or her duties.

9 Section 105-20. Arrests; warrants. All authorized
10 employees of the Department and all sheriffs, deputy sheriffs,
11 and other police officers shall arrest any person detected in
12 violation of any of the provisions of this Act, including
13 administrative rules. Any duly accredited officer of the
14 federal Fish and Wildlife Service and U.S. Forest Service may
15 arrest any person detected in violation of any of the
16 provisions of this Act, including administrative rules.

17 All officers shall make prompt investigation of any
18 violation of this Act, including administrative rules,
19 reported by any other persons and shall cause a complaint to be
20 filed when there seems just ground for a complaint and evidence
21 procurable to support the complaint.

22 Upon the filing of a complaint, the officers shall render
23 assistance in the prosecution of the party against whom the
24 complaint is made.

1 Peace officers, other than employees of the Department,
2 making arrests and serving warrants provided for by this Act
3 shall receive the fees and mileage as provided for by law for
4 sheriffs.

5 Each duly accredited officer and authorized employee of the
6 Department is empowered to execute and serve all warrants and
7 processes issued by the circuit court.

8 Section 105-25. Prosecutions; State's Attorneys. All
9 prosecutions shall be brought in the name and by the authority
10 of the People of the State of Illinois before the circuit court
11 for the county where the offense was committed.

12 All State's Attorneys shall enforce the provisions of this
13 Act, including administrative rules, in his or her respective
14 county and shall prosecute all persons charged with violating
15 its provisions when requested by the Department.

16 Section 105-30. Statute of limitations. All prosecutions
17 under this Act shall be commenced within 2 years after the time
18 the offense charged was committed.

19 Section 105-35. Collection of fines. All fines provided for
20 by this Act shall be collected and remitted to the Department's
21 Wildlife and Fish Fund, within 30 days after the collection of
22 the fine, by the clerk of the circuit court collecting the
23 fines who shall submit at the same time to the Department a

1 statement of the names of the persons so fined and the name of
2 the arresting officer, the offense committed, the amount of the
3 fine, and the date of the conviction.

4 Section 105-40. Power of entry and examination; access to
5 lands and waters. Authorized employees of the Department are
6 empowered, under law, to enter all lands and waters to enforce
7 this Act. Authorized employees are further empowered to examine
8 all buildings, private or public clubs (except dwellings), fish
9 markets, reptile shows, pet stores, camps, vessels, cars
10 (except sealed railroad cars or other sealed common carriers),
11 conveyances, vehicles, watercraft, or any other means of
12 transportation or shipping, tents, bags, pillowcases, coats,
13 jackets, or other receptacles and to open any box, barrel,
14 package, or other receptacle in the possession of a common
15 carrier, that they have reason to believe contains reptile or
16 amphibian life or any part of reptile or amphibian life taken,
17 bought, sold or bartered, shipped, or had in possession
18 contrary to this Act, including administrative rules, or that
19 the receptacle containing the reptile or amphibian is falsely
20 labeled.

21 Authorized employees of the Department shall be given free
22 access to and shall not be hindered or interfered with in
23 making an entry and examination. Any permit or license held by
24 a person preventing free access or interfering with or
25 hindering an employee shall not be issued to that person for

1 the period of one year after his or her action.

2 Employees of the Department, as specifically authorized by
3 the Director, are empowered to enter all lands and waters for
4 the purpose of reptile or amphibian investigations, State and
5 federal permit inspections, as well as reptile or amphibian
6 censuses or inventories, and are further empowered to conduct
7 examination of equipment and devices in the field, under law,
8 to ensure compliance with this Act.

9 Section 105-45. Obstructing an officer. It shall be
10 unlawful for any person to resist or obstruct any officer or
11 employee of the Department in the discharge of his or her
12 duties under this Act. Any person who violates this provision
13 is guilty of a Class A misdemeanor.

14 Section 105-50. Posing as an officer or employee. It shall
15 be unlawful for any person to represent himself or herself
16 falsely to be an officer or employee of the Department or to
17 assume to act as an officer or employee of the Department
18 without having been duly appointed and employed. Any person who
19 violates this provision is guilty of a Class A misdemeanor.

20 Section 105-55. Illegal collecting devices; public
21 nuisance. Every collecting device, including seines, nets,
22 traps, pillowcases, bags, snake hooks or tongs, or any
23 electrical device or any other devices including vehicles or

1 conveyance, watercraft, or aircraft used or operated illegally
2 or attempted to be used or operated illegally by any person in
3 taking, transporting, holding, or conveying any reptile or
4 amphibian life or any part of reptile or amphibian life,
5 contrary to this Act, including administrative rules, shall be
6 deemed a public nuisance and therefore illegal and subject to
7 seizure and confiscation by any authorized employee of the
8 Department. Upon the seizure of this item, the Department shall
9 take and hold the item until disposed of as provided in this
10 Act.

11 Upon the seizure of any device because of its illegal use,
12 the officer or authorized employee of the Department making the
13 seizure shall, as soon as reasonably possible, cause a
14 complaint to be filed before the circuit court and a summons to
15 be issued requiring the owner or person in possession of the
16 property to appear in court and show cause why the device
17 seized should not be forfeited to the State. Upon the return of
18 the summons duly served or upon posting or publication of
19 notice as provided in this Act, the court shall proceed to
20 determine the question of the illegality of the use of the
21 seized property. Upon judgment being entered that the property
22 was illegally used, an order shall be entered providing for the
23 forfeiture of the seized property to the State. The owner of
24 the property may have a jury determine the illegality of its
25 use and shall have the right of an appeal as in other civil
26 cases. Confiscation or forfeiture shall not preclude or

1 mitigate against prosecution and assessment of penalties
2 provided in Article 90 of this Act.

3 Upon seizure of any property under circumstances
4 supporting a reasonable belief that the property was abandoned,
5 lost, stolen, or otherwise illegally possessed or used contrary
6 to this Act, except property seized during a search or arrest,
7 and ultimately returned, destroyed, or otherwise disposed of
8 under order of a court in accordance with this Act, the
9 authorized employee of the Department shall make reasonable
10 inquiry and efforts to identify and notify the owner or other
11 person entitled to possession of the property and shall return
12 the property after the person provides reasonable and
13 satisfactory proof of his or her ownership or right to
14 possession and reimburses the Department for all reasonable
15 expenses of custody. If the identity or location of the owner
16 or other person entitled to possession of the property has not
17 been ascertained within 6 months after the Department obtains
18 possession, the Department shall effectuate the sale of the
19 property for cash to the highest bidder at a public auction.
20 The owner or other person entitled to possession of the
21 property may claim and recover possession of the property at
22 any time before its sale at public auction upon providing
23 reasonable and satisfactory proof of ownership or right of
24 possession and reimbursing the Department for all reasonable
25 expenses of custody.

26 Any property forfeited to the State by court order under

1 this Section may be disposed of by public auction, except that
2 any property that is the subject of a court order shall not be
3 disposed of pending appeal of the order. The proceeds of the
4 sales at auction shall be deposited in the Wildlife and Fish
5 Fund.

6 The Department shall pay all costs of posting or
7 publication of notices required by this Section.

8 Section 105-60. Violations; separate offenses. Each act of
9 pursuing, taking, shipping, offered or received for shipping,
10 offering or receiving for shipment, transporting, buying,
11 selling or bartering, or having in one's possession any
12 protected reptile or amphibian life or any part of reptile or
13 amphibian life, seines, nets, bags, snake hooks or tongs, or
14 other devices used or to be used in violation of this Act,
15 including administrative rules, constitutes a separate
16 offense.

17 Section 105-65. Accessory to violation. Any person who aids
18 in or contributes in any way to a violation of this Act,
19 including administrative rules, is individually liable, as a
20 separate offense under this Act, for the penalties imposed
21 against the person who committed the violation.

22 Section 105-70. Permit fraudulently obtained. No person
23 shall at any time:

1 (1) falsify, alter, or change in any manner, or provide
2 deceptive or false information required for any permit issued
3 under the provisions of this Act;

4 (2) falsify any record required by this Act;

5 (3) counterfeit any form of permit provided for by this
6 Act;

7 (4) loan or transfer to another person any permit issued
8 under this Act; or

9 (5) use any permit issued to another person under this Act.

10 It is unlawful to possess any permit issued under the
11 provisions of this Act that was fraudulently obtained or which
12 the person or permittee knew, or should have known, was
13 falsified, altered, changed in any manner, or fraudulently
14 obtained.

15 The Department shall revoke all permits and suspend all
16 privileges under this Act of any person violating this Section
17 for a period of not less than 3 years. The procedures for
18 suspension under this Section shall be as provided for in
19 administrative rule. Anyone who violates a provision of this
20 Section shall be guilty of a Class A misdemeanor.

21 Section 105-75. Wildlife and Fish Fund; disposition of
22 money received. All fees, fines, income of whatever kind or
23 nature derived from reptile and amphibian activities regulated
24 by this Act on lands, waters, or both under the jurisdiction or
25 control of the Department and all penalties collected under

1 this Act shall be deposited into the State treasury and shall
2 be set apart in a special fund known as the Wildlife and Fish
3 Fund.

4 Section 105-80. Ownership and title of wild indigenous
5 reptiles and amphibians. The ownership of and title to all wild
6 indigenous reptile and amphibian life within the boundaries of
7 the State are hereby declared to be in the State and no wild
8 indigenous reptile and amphibian life shall be taken or killed,
9 in any manner or at any time, unless the person or persons
10 taking or killing the wild indigenous reptile and amphibian
11 life shall consent that the title to the wild indigenous
12 reptile and amphibian life shall be and remain in the State for
13 the purpose of regulating the taking, killing, possession, use,
14 sale, and transportation of wild indigenous reptile and
15 amphibian life after taking or killing, as set forth in this
16 Act.

17 Section 105-85. Application. This Act shall apply to
18 reptile and amphibian life or any part of reptile and amphibian
19 life (i) in or from any of the waters or lands wholly within
20 the boundaries of the State or over which the State has
21 concurrent jurisdiction with any other state or (ii) which may
22 be possessed in or brought into the State.

23 Section 105-90. Taking on private property. It is unlawful

1 for any person to take or attempt to take any species of
2 reptile or amphibian, or parts thereof, within or upon the land
3 of another, or upon waters flowing over or standing on the land
4 of another, without first obtaining permission from the owner
5 or the owner's designee. For the purposes of this Section, the
6 owner's designee means anyone who the owner designates in a
7 written authorization and the authorization must contain (i)
8 the legal or common description of property for which the
9 authority is given, (ii) the extent that the owner's designee
10 is authorized to make decisions regarding who is allowed to
11 take or attempt to take any species of reptiles or amphibians,
12 or parts thereof, and (iii) the owner's notarized signature.
13 Before enforcing this Section, the law enforcement officer must
14 have received notice from the owner or the owner's designee of
15 a violation of this Section. Statements made to a law
16 enforcement officer regarding this notice shall not be rendered
17 inadmissible by the hearsay rule when offered for the purpose
18 of showing the required notice. Any person who violates this
19 Section shall be guilty of a Class B misdemeanor.

20 Section 105-95. Financial value of herptiles.

21 (a) For purposes of this Section, the financial value of
22 all reptiles and amphibians described under this Act taken,
23 possessed, or used in violation of this Act, whether in whole
24 or in part, is as follows:

25 (1) for processed turtle parts, \$8 for each pound or

1 fraction of a pound; for each non-processed turtle, \$15 per
2 whole turtle or fair market value, whichever is greater;

3 (2) for frogs, toads, salamanders, lizards, and
4 snakes, \$5 per herptile or fair market value, whichever is
5 greater, in whole or in part, unless specified as a special
6 use herptile;

7 (3) for any special use herptile, the value shall be no
8 less than \$250 per special use herptile or fair market
9 value, whichever is greater;

10 (4) for any endangered or threatened herptile, the
11 value shall be no less than \$150 per endangered or
12 threatend herptile or fair market value, whichever is
13 greater; and

14 (5) any person who, for profit or commercial purposes,
15 knowingly captures or kills, possesses, offers for sale,
16 sells, offers to barter, barters, offers to purchase,
17 purchases, delivers for shipment, ships, exports, imports,
18 causes to be shipped, exported, or imported, delivers for
19 transportation, transports, or causes to be transported,
20 carries or causes to be carried, or receives for shipment,
21 transportation, carriage, or export any reptile or
22 amphibian life, in part or in whole, of any of the reptiles
23 and amphibians protected by this Act, and that reptile or
24 amphibian life, in whole or in part, is valued at or in
25 excess of a total of \$300 or fair market value, whichever
26 is greater, as per value specified in paragraphs (1), (2),

1 (3), and (4) of this subsection commits a Class 3 felony.

2 (b) The trier of fact may infer that a person "knowingly
3 possesses" a reptile or amphibian, in whole or in part,
4 captured or killed in violation of this Act, valued at or in
5 excess of \$600, as per value specified in paragraphs (1), (2),
6 (3), and (4) of subsection (a) of this Section.

7 Section 105-100. Home rule. A municipality or county may
8 adopt an ordinance governing amphibian and reptile species that
9 is more restrictive than this Act.

10 ARTICLE 110. EXEMPTIONS

11 Section 110-5. Exemptions. When acting in their official
12 capacity, the following entities and their agents are exempt
13 from Articles 75 and 85 of this Act:

14 (1) public zoos or aquaria accredited by the
15 Association of Zoos and Aquariums;

16 (2) licensed veterinarians or anyone operating under
17 the authority of a licensed veterinarian;

18 (3) wildlife sanctuaries;

19 (4) accredited research or medical institutions;

20 (5) licensed or accredited educational institutions;

21 (6) circuses licensed and in compliance with the Animal
22 Welfare Act and all rules adopted by the Department of
23 Agriculture;

1 (7) federal, State, and local law enforcement
2 officers, including animal control officers acting under
3 the authority of this Act;

4 (8) members of federal, State, or local agencies
5 approved by the Department;

6 (9) any bona fide wildlife rehabilitation facility
7 licensed or otherwise authorized by the Department; and

8 (10) any motion picture or television production
9 company that uses licensed dealers, exhibitors, and
10 transporters under the federal Animal Welfare Act, 7 U.S.C.
11 2132.

12 Section 900-5. The Fish and Aquatic Life Code is amended by
13 changing Sections 1-20, 5-25, 10-30, 10-35, 10-60, 10-65, and
14 10-115 as follows:

15 (515 ILCS 5/1-20) (from Ch. 56, par. 1-20)

16 Sec. 1-20. Aquatic life. "Aquatic life" means all fish,
17 ~~reptiles, amphibians,~~ crayfish, and mussels. For the purposes
18 of Section 20-90, the definition of "aquatic life" shall
19 include, but is not limited to, all fish, ~~reptiles, amphibians,~~
20 mollusks, crustaceans, algae or other aquatic plants, and
21 invertebrates. Aquatic life does not mean any herptiles that
22 are found in the Herptiles-Herps Act.

23 (Source: P.A. 89-66, eff. 1-1-96.)

1 (515 ILCS 5/5-25) (from Ch. 56, par. 5-25)

2 Sec. 5-25. Value of protected species; violations.

3 (a) Any person who, for profit or commercial purposes,
4 knowingly captures or kills, possesses, offers for sale, sells,
5 offers to barter, barter, offers to purchase, purchases,
6 delivers for shipment, ships, exports, imports, causes to be
7 shipped, exported, or imported, delivers for transportation,
8 transports or causes to be transported, carries or causes to be
9 carried, or receives for shipment, transportation, carriage,
10 or export any aquatic life, in part or in whole of any of the
11 species protected by this Code, contrary to the provisions of
12 the Code, and that aquatic life, in whole or in part, is valued
13 at or in excess of a total of \$300, as per species value
14 specified in subsection (c) of this Section, commits a Class 3
15 felony.

16 A person is guilty of a Class 4 felony if convicted under
17 this Section for more than one violation within a 90-day period
18 if the aquatic life involved in each violation are not valued
19 at or in excess of \$300 but the total value of the aquatic life
20 involved with the multiple violations is at or in excess of
21 \$300. The prosecution for a Class 4 felony for these multiple
22 violations must be alleged in a single charge or indictment and
23 brought in a single prosecution.

24 Any person who violates this subsection (a) when the total
25 value of species is less than \$300 commits a Class A
26 misdemeanor except as otherwise provided.

1 (b) Possession of aquatic life, in whole or in part,
2 captured or killed in violation of this Code, valued at or in
3 excess of \$600, as per species value specified in subsection
4 (c) of this Section, shall be considered prima facie evidence
5 of possession for profit or commercial purposes.

6 (c) For purposes of this Section, the fair market value or
7 replacement cost, whichever is greater, must be used to
8 determine the value of the species protected by this Code, but
9 in no case shall the minimum value of all aquatic life and
10 their hybrids protected by this Code, whether dressed or not
11 dressed, be less than the following:

12 (1) For each muskellunge, northern pike, walleye,
13 striped bass, sauger, largemouth bass, smallmouth bass,
14 spotted bass, trout (all species), salmon (all species
15 other than chinook caught from August 1 through December
16 31), and sturgeon (other than pallid or lake sturgeon) of a
17 weight, dressed or not dressed, of one pound or more, \$4
18 for each pound or fraction of a pound. For each individual
19 fish with a dressed or not dressed weight of less than one
20 pound, \$4. For parts of fish processed past the dressed
21 state, \$8 per pound.

22 (2) For each warmouth, rock bass, white bass, yellow
23 bass, sunfish (all species except largemouth, smallmouth,
24 and spotted bass), bluegill, crappie, bullheads,
25 pickerels, yellow perch, catfish (all species), and
26 mussels of a weight, dressed or not dressed, of one pound

1 or more, \$4 for each pound or fraction of a pound of
2 aquatic life. For each individual aquatic life with a
3 dressed or not dressed weight of less than one pound, \$4.
4 For aquatic life parts processed past the dressed state, \$8
5 per pound.

6 (3) (Blank). ~~For processed turtle parts, \$6 for each~~
7 ~~pound or fraction of a pound. For each non processed~~
8 ~~turtle, \$8 per turtle.~~

9 (4) (Blank). ~~For frogs, toads, salamanders, lizards,~~
10 ~~and snakes, \$8 per animal in whole or in part.~~

11 (5) For goldeye, mooneye, carp, carpsuckers (all
12 species), suckers (all species), redhorse (all species),
13 buffalo (all species), freshwater drum, skipjack, shad
14 (all species), alewife, smelt, gar, bowfin, chinook salmon
15 caught from August 1 through December 31, and all other
16 aquatic life protected by this Code, not listed in
17 paragraphs (1), (2), or (5) ~~(3), or (4)~~ of subsection (c)
18 of this Section, \$1 per pound, in part or in whole.

19 (6) For each species listed on the federal or State
20 endangered and threatened species list, and for lake and
21 pallid sturgeon, \$150 per animal in whole or in part.

22 (Source: P.A. 95-147, eff. 8-14-07.)

23 (515 ILCS 5/10-30) (from Ch. 56, par. 10-30)

24 Sec. 10-30. Bullfrog; open season. Bullfrog open season is
25 found in Section 5-30 of the Herptiles-Herps Act. All

1 ~~individuals taking bullfrogs shall possess a valid sport~~
2 ~~fishing license and may take bullfrogs only during the~~
3 ~~following open season of June 15 through August 31, both~~
4 ~~inclusive.~~

5 (Source: P.A. 87-833.)

6 (515 ILCS 5/10-35) (from Ch. 56, par. 10-35)

7 Sec. 10-35. Daily limit; bullfrogs. Bullfrog daily limit is
8 found in Section 5-30 of the Herptiles-Herps Act. ~~The daily~~
9 ~~limit for all properly licensed individuals is 8 bullfrogs. The~~
10 ~~possession limit total is 16 bullfrogs.~~

11 (Source: P.A. 87-833.)

12 (515 ILCS 5/10-60) (from Ch. 56, par. 10-60)

13 Sec. 10-60. Taking of turtles or bullfrogs; illegal
14 devices. Taking of turtles or bullfrogs is found in Section
15 5-30 of the Herptiles-Herps Act. ~~No person shall take turtles~~
16 ~~or bullfrogs by commercial fishing devices, including hoop~~
17 ~~nets, traps, or seines, or by the use of firearms, airguns, or~~
18 ~~gas guns.~~

19 (Source: P.A. 87-833.)

20 (515 ILCS 5/10-65) (from Ch. 56, par. 10-65)

21 Sec. 10-65. Taking of snakes. Taking of snakes is found in
22 Section 5-25 of the Herptiles-Herps Act. ~~Unless otherwise~~
23 ~~provided in this Code, snakes may be taken by the owners or~~

1 ~~bonafide tenants of lands actually residing on the lands and~~
2 ~~their children, parents, brothers, and sisters actually~~
3 ~~permanently residing with them.~~

4 (Source: P.A. 87-833.)

5 (515 ILCS 5/10-115) (from Ch. 56, par. 10-115)

6 Sec. 10-115. Taking of turtles. Taking of turtles is found
7 in Section 5-30 of the Herptiles-Herps Act. ~~Turtles may be~~
8 ~~taken only by hand or means of hook and line. The provisions of~~
9 ~~this Section are subject to modification by administrative~~
10 ~~rule.~~

11 (Source: P.A. 87-833.)

12 Section 900-10. The Illinois Endangered Species Protection
13 Act is amended by changing Sections 4 and 5 as follows:

14 (520 ILCS 10/4) (from Ch. 8, par. 334)

15 Sec. 4. Upon receipt of proper application and approval of
16 the same, the Department may issue to any qualified person a
17 permit which allows the taking, possession, transport,
18 purchase, or disposal of specimens or products of an endangered
19 or threatened species of animal or federal endangered plant
20 after the effective date of this Act for justified purposes,
21 that will enhance the survival of the affected species by
22 zoological, botanical or educational or for scientific
23 purposes only. Section 5-20 of the Herptiles-Herps Act has

1 provisions for permits to acquire, breed, and sell captive,
2 legally obtained endangered and threatened amphibians and
3 reptiles. Rules for the issuance and maintenance of permits
4 shall be promulgated by the Department after consultation with
5 and written approval of the Board. The Department shall, upon
6 notice and hearing, revoke the permit of any holder thereof
7 upon finding that the person is not complying with the terms of
8 the permit, the person is knowingly providing incorrect or
9 inadequate information, the activity covered by the permit is
10 placing the species in undue jeopardy, or for other cause.

11 (Source: P.A. 84-1065.)

12 (520 ILCS 10/5) (from Ch. 8, par. 335)

13 Sec. 5. (a) Upon receipt of proper application and approval
14 of same, the Department may issue a limited permit authorizing
15 the possession, purchase or disposition of animals or animal
16 products of an endangered or threatened species, or federal
17 endangered plants to any person which had in its possession
18 prior to the effective date of this Act such an item or which
19 obtained such an item legally out-of-state. Such permit shall
20 specifically name and describe each pertinent item possessed by
21 the permit holder and shall be valid only for possession,
22 purchase or disposition of the items so named. The Department
23 may require proof that acquisition of such items was made
24 before the effective date of this Act. The Department may also
25 issue a limited permit authorizing the possession, purchase or

1 disposition of live animals or such item to any person to whom
2 a holder of a valid permit issued pursuant to this section
3 gives, sells, or otherwise transfers the item named in the
4 permit. Section 5-20 of the Herptiles-Herps Act has provisions
5 for permits to acquire, breed, and sell captive, legally
6 obtained endangered and threatened amphibians and reptiles.
7 Limited permits issued pursuant to this section shall be valid
8 only as long as the item remains in the possession of the
9 person to whom the permit was issued.

10 (b) The limited permit shall be revoked by the Department
11 if it finds that the holder has received it on the basis of
12 false information, is not complying with its terms, or for
13 other cause.

14 (Source: P.A. 84-1065.)

15 Section 900-15. The Criminal Code of 2012 is amended by
16 changing Section 48-10 as follows:

17 (720 ILCS 5/48-10)

18 Sec. 48-10. Dangerous animals.

19 (a) Definitions. As used in this Section, unless the
20 context otherwise requires:

21 "Dangerous animal" means a lion, tiger, leopard,
22 ocelot, jaguar, cheetah, margay, mountain lion, lynx,
23 bobcat, jaguarundi, bear, hyena, wolf or coyote, ~~or any~~
24 ~~poisonous or life threatening reptile.~~ Dangerous animal

1 does not mean any herptiles included in the Herptiles-Herps
2 Act.

3 "Owner" means any person who (1) has a right of
4 property in a dangerous animal or primate, (2) keeps or
5 harbors a dangerous animal or primate, (3) has a dangerous
6 animal or primate in his or her care, or (4) acts as
7 custodian of a dangerous animal or primate.

8 "Person" means any individual, firm, association,
9 partnership, corporation, or other legal entity, any
10 public or private institution, the State, or any municipal
11 corporation or political subdivision of the State.

12 "Primate" means a nonhuman member of the order primate,
13 including but not limited to chimpanzee, gorilla,
14 orangutan, bonobo, gibbon, monkey, lemur, loris, aye-aye,
15 and tarsier.

16 (b) Dangerous animal or primate offense. No person shall
17 have a right of property in, keep, harbor, care for, act as
18 custodian of or maintain in his or her possession any dangerous
19 animal or primate except at a properly maintained zoological
20 park, federally licensed exhibit, circus, college or
21 university, scientific institution, research laboratory,
22 veterinary hospital, hound running area, or animal refuge in an
23 escape-proof enclosure.

24 (c) Exemptions.

25 (1) This Section does not prohibit a person who had
26 lawful possession of a primate before January 1, 2011, from

1 continuing to possess that primate if the person registers
2 the animal by providing written notification to the local
3 animal control administrator on or before April 1, 2011.
4 The notification shall include:

5 (A) the person's name, address, and telephone
6 number; and

7 (B) the type of primate, the age, a photograph, a
8 description of any tattoo, microchip, or other
9 identifying information, and a list of current
10 inoculations.

11 (2) This Section does not prohibit a person who is
12 permanently disabled with a severe mobility impairment
13 from possessing a single capuchin monkey to assist the
14 person in performing daily tasks if:

15 (A) the capuchin monkey was obtained from and
16 trained at a licensed nonprofit organization described
17 in Section 501(c)(3) of the Internal Revenue Code of
18 1986, the nonprofit tax status of which was obtained on
19 the basis of a mission to improve the quality of life
20 of severely mobility-impaired individuals; and

21 (B) the person complies with the notification
22 requirements as described in paragraph (1) of this
23 subsection (c).

24 (d) A person who registers a primate shall notify the local
25 animal control administrator within 30 days of a change of
26 address. If the person moves to another locality within the

1 State, the person shall register the primate with the new local
2 animal control administrator within 30 days of moving by
3 providing written notification as provided in paragraph (1) of
4 subsection (c) and shall include proof of the prior
5 registration.

6 (e) A person who registers a primate shall notify the local
7 animal control administrator immediately if the primate dies,
8 escapes, or bites, scratches, or injures a person.

9 (f) It is no defense to a violation of subsection (b) that
10 the person violating subsection (b) has attempted to
11 domesticate the dangerous animal. If there appears to be
12 imminent danger to the public, any dangerous animal found not
13 in compliance with the provisions of this Section shall be
14 subject to seizure and may immediately be placed in an approved
15 facility. Upon the conviction of a person for a violation of
16 subsection (b), the animal with regard to which the conviction
17 was obtained shall be confiscated and placed in an approved
18 facility, with the owner responsible for all costs connected
19 with the seizure and confiscation of the animal. Approved
20 facilities include, but are not limited to, a zoological park,
21 federally licensed exhibit, humane society, veterinary
22 hospital or animal refuge.

23 (g) Sentence. Any person violating this Section is guilty
24 of a Class C misdemeanor. Any corporation or partnership, any
25 officer, director, manager or managerial agent of the
26 partnership or corporation who violates this Section or causes

1 the partnership or corporation to violate this Section is
2 guilty of a Class C misdemeanor. Each day of violation
3 constitutes a separate offense.

4 (Source: P.A. 97-1108, eff. 1-1-13.)