

# HB3899



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3899

by Rep. David Reis

#### SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.2a

520 ILCS 5/2.36

520 ILCS 5/3.24

from Ch. 61, par. 2.36

from Ch. 61, par. 3.24

Amends the Wildlife Code. Provides that exotic wild animals, or any parts thereof, may be held, possessed, sold or otherwise dealt with by licensed meat processors or meat processing facilities. Makes conforming changes.

LRB099 09977 RJF 30196 b

A BILL FOR

1 AN ACT concerning wildlife.

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

4 Section 5. The Wildlife Code is amended by changing  
5 Sections 2.2a, 2.36, and 3.24 as follows:

6 (520 ILCS 5/2.2a)

7 Sec. 2.2a. Invasive and exotic wild animals. The Department  
8 may prohibit or limit the importation, possession, release into  
9 the wild, take, commercialization of take, sale, and  
10 propagation of wild mammals, wild birds, and feral livestock  
11 that are not defined as protected species in Section 2.2 of  
12 this Act, to reduce risks of communicable diseases, nuisances,  
13 and damages to wild or domestic species, agricultural crops,  
14 property, and environment. The Department shall set forth  
15 applicable regulations in an administrative rule. Nothing in  
16 this Act shall prohibit bona fide public or State scientific,  
17 educational, or zoological institutions from receiving,  
18 holding, and displaying unprotected species that were salvaged  
19 or legally obtained.

20 Nothing in this Section shall be construed to criminalize  
21 the accidental escape of domestic livestock.

22 Nothing in this Section shall prohibit the possession and  
23 processing of exotic wild animal meat by licensed meat

1 processors or meat processing facilities under Sections 2.36  
2 and 3.24 of this Code.

3 (Source: P.A. 97-431, eff. 8-16-11.)

4 (520 ILCS 5/2.36) (from Ch. 61, par. 2.36)

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

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

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

22 Exotic wild animals, or any parts thereof, may be held,  
23 possessed, sold or otherwise dealt with by licensed meat  
24 processors or meat processing facilities as provided in  
25 Sections 2.2a and 3.24 of this Act;

1 Deer, or any parts thereof, may be held, possessed, sold or  
2 otherwise dealt with as provided in this Section and Sections  
3 3.23 and 3.24 of this Act;

4 If a properly tagged deer is processed at a licensed meat  
5 processing facility, the meat processor at the facility is an  
6 active member of the Illinois Sportsmen Against Hunger program,  
7 and the owner of the deer (i) fails to claim the processed deer  
8 within a reasonable time or (ii) notifies the licensed meat  
9 processing facility that the owner no longer wants the  
10 processed deer, then the deer meat may be given away by the  
11 licensed meat processor to another person or donated to any  
12 other charitable organization or community food bank that  
13 receives wild game meat. The licensed meat processing facility  
14 may charge the person receiving the deer meat a reasonable and  
15 customary processing fee;

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

20 (1) the date the deer was received;

21 (2) the name, address, and telephone number of the  
22 person from whom the deer was received;

23 (3) whether the deer was received as a whole carcass or  
24 as deboned meat; if the deer was brought to the meat  
25 processor as deboned meat, the processor shall include the  
26 weight of the meat;

1           (4) the number and state of issuance of the permit of  
2           the person from whom the deer was received; in the absence  
3           of a permit number, the meat processor may rely on the  
4           written certification of the person from whom the deer was  
5           received that the deer was legally taken or obtained; and

6           (5) if the person who originally delivered the deer to  
7           the meat processor fails to collect or make arrangements  
8           for the packaged deer meat to be collected and the meat  
9           processor gives all or part of the unclaimed deer meat to  
10          another person, the meat processor shall maintain a record  
11          of the exchange; the meat processor's records shall include  
12          the customer's name, physical address, telephone number,  
13          as well as the quantity and type of deer meat given to the  
14          customer. The meat processor shall also include the amount  
15          of compensation received for the deer meat in his or her  
16          records.

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

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

26          All licensed meat processors who ship any deer or parts of

1 deer that have been held, possessed, or otherwise dealt with  
2 shall tag or label the shipment, and the tag or label shall  
3 state the name of the meat processor;

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

8 Fur-bearing mammals, or any parts thereof, may be held,  
9 possessed, sold or otherwise dealt with as provided in Sections  
10 3.16, 3.24, and 3.26 of this Act or when legally taken and  
11 possessed in Illinois or legally taken and possessed in and  
12 transported from other states or countries;

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

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

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

24 (520 ILCS 5/3.24) (from Ch. 61, par. 3.24)

25 Sec. 3.24. Before any person, except permittees under

1 Section 3.23 of this Act, shall engage in buying, selling or  
2 processing wild game, including exotic wild animals, for the  
3 purpose of buying, selling or shipping the same, including the  
4 carcasses of fur-bearing mammals, for public consumption, he  
5 shall first procure a license to do so from the Department.  
6 Dealers in deer, or any parts thereof, legally taken and  
7 possessed in and transported from, other states, shall also be  
8 licensed under the provisions of this Section. All such deer,  
9 or parts thereof, shall be marked with permanent irremovable  
10 tags, or similar devices, to establish and retain their origin  
11 and identity.

12 The terms "buying or selling" include buying or selling by  
13 hotel keepers, restaurant keepers and others engaged in buying  
14 or selling prepared foods for consumption.

15 A permit shall be procured for each separate market or  
16 place of business operated by any person who sells wild game  
17 for public consumption and for each vehicle from which game or  
18 fur-bearing mammals are sold. Such permits shall be  
19 conspicuously displayed at all times.

20 This permit shall be known as a processed wild game  
21 dealer's permit. It shall be issued by the Department for a fee  
22 of \$25.00 annually and shall expire on March 31st of each year.  
23 The Department may prescribe the necessary forms as may be  
24 desirable for the maintenance of records by the licensee, to  
25 record all transactions in wild game that may be marketed under  
26 the provisions of the laws of this State and game imported

1     legally from other states.

2             Nothing in this Section shall be construed to give the  
3     holder of a processed wild game dealer's permit authority to  
4     take game birds, game or fur-bearing mammals in their wild  
5     state contrary to other provisions of this Act. The person in  
6     possession of such game birds and mammals has the burden of  
7     proving the legality of his possession.

8     (Source: P.A. 84-150.)