

1 AN ACT concerning wildlife.

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

4 Section 5. The Wildlife Code is amended by changing Section  
5 2.36a as follows:

6 (520 ILCS 5/2.36a) (from Ch. 61, par. 2.36a)

7 Sec. 2.36a. Value of protected species; violations.

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

20 A person shall be guilty of a Class 4 felony if convicted  
21 under this Section for more than one violation within a 90-day  
22 period where the animals of each violation are not valued at or  
23 in excess of \$300, but the total value of the animals from the

1 multiple violations is at or in excess of \$300. The prosecution  
2 for a Class 4 felony for these multiple violations must be  
3 alleged in a single charge or indictment and brought in a  
4 single prosecution.

5 (b) Possession of animals, in whole or in part, captured or  
6 killed in violation of this Act, valued at or in excess of  
7 \$600, as per specie value specified in subsection (c) of this  
8 Section, shall be considered prima facie evidence of possession  
9 for profit or commercial purposes.

10 (c) For purposes of this Section, the fair market value or  
11 replacement cost, whichever is greater, shall be used to  
12 determine the value of the species protected by this Act, but  
13 in no case shall the minimum value of all species protected by  
14 this Act be less than as follows:

- 15 (1) Eagle, \$1,000 ~~\$500~~;
- 16 (2) Whitetail deer, \$1,000 and wild turkey, \$500 ~~\$250~~;
- 17 (3) Fur-bearing mammals, \$50 ~~\$25~~;
- 18 (4) Game birds (except the wild turkey) and migratory  
19 game birds (except Trumpeter swans), \$50 ~~\$25~~;
- 20 (5) Owls, hawks, falcons, kites, harriers, and  
21 ospreys, and other birds of prey \$250 ~~\$125~~;
- 22 (6) Game mammals (except whitetail deer), \$50 ~~\$25~~;
- 23 (7) Other mammals, \$100 ~~\$50~~;
- 24 (8) Resident and migratory non-game birds (except  
25 birds of prey), \$100 ~~\$50~~;
- 26 (9) Trumpeter swans, \$1,000 ~~\$250~~.

1       (d) In this subsection (d), "point" means a projection on  
2 the antler of a whitetail antlered deer that is at least  
3 one-inch long as measured from the tip to the nearest edge of  
4 antler beam and the length of which exceeds the length of its  
5 base. A person who possesses whitetail antlered deer, in whole  
6 or in part, captured or killed in violation of this Act, shall  
7 pay restitution to the Department in the amount of \$1,000 per  
8 whitetail antlered deer and an additional \$500 per antler  
9 point, for each whitetail antlered deer with at least 8 but not  
10 more than 10 antler points. For whitetail antlered deer with 11  
11 or more antler points, restitution of \$1,000 shall be paid to  
12 the Department per whitetail antlered deer plus \$750 per antler  
13 point.

14       (Source: P.A. 90-743, eff. 1-1-99.)

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