

1 AN ACT concerning animals.

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

4 Section 5. The Herptiles-Herps Act is amended by changing
5 Sections 1-5, 1-15, 5-5, 5-20, 5-30, 5-35, 10-40, 20-30, 25-30,
6 45-5, 55-5, 65-5, 90-5, 95-10, 100-5, 105-10, 105-35, 105-55,
7 105-75, 105-100, and 110-5, by adding Sections 5-2, and by
8 adding Article 37 as follows:

9 (510 ILCS 68/1-5)

10 Sec. 1-5. Purpose. For purposes of this Act, reptiles and
11 amphibians shall be exempt from the definition of "aquatic
12 life" under Section 1-20 of the Fish and Aquatic Life Code,
13 except for regulating fishing and consumptive take of herptile
14 species. All rules and enforcement actions under the Illinois
15 Conservation Law and the dangerous animals provisions in
16 Section 48-10 of the Criminal Code of 2012 related to reptiles
17 and amphibians shall be covered exclusively by this Act.

18 (Source: P.A. 98-752, eff. 1-1-15.)

19 (510 ILCS 68/1-15)

20 Sec. 1-15. Definitions. For the purposes of this Act,
21 unless the context clearly requires otherwise, the following
22 terms are defined as:

1 "Administrative rule" means a regulatory measure issued by
2 the Director under this Act.

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

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

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

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

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

26 "Director" means the Director of the Illinois Department of

1 Natural Resources.

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

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

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

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

15 "Individual" means a natural person.

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

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

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

26 "Possession limit" means the maximum number or amount of

1 herptiles that can be lawfully held or possessed by one person
2 at any time.

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

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

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

1 Armed Forces shall be considered a resident of Illinois during
2 his or her period of military duty.

3 "Special use herptile" means any taxon of amphibian or
4 reptile including, but not limited to, crocodilians, Komodo
5 dragons, crocodile monitor lizards, or venomous species for
6 which a Herptile Special Use permit is required to acquire and
7 possess.

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

11 "Transport" or "ship" means to convey by parcel post,
12 express, freight, baggage, or shipment by common carrier or any
13 description; by automobile, motorcycle, or other vehicle of any
14 kind; by water or aircraft of any kind; or by any other means
15 of transportation.

16 "Turtle farming" means the act of breeding, hatching,
17 raising, selling turtles, or any combination commercially for
18 the purpose of providing turtles, turtle eggs, or turtle parts
19 to pet suppliers, exporters, and food industries.

20 "Wildlife sanctuary" means any non-profit organization
21 that: (1) is exempt from taxation under the federal Internal
22 Revenue Code and is currently confirmed as tax exempt by the
23 federal Internal Revenue Service; (2) operates a place of
24 refuge where wild animals are provided care for their lifetime
25 or released back to their natural range; (3) does not conduct
26 activities on animals in its possession that are not inherent

1 to the animal's nature; (4) does not use animals in its
2 possession for entertainment; (5) does not sell, trade, or
3 barter animals in its possession or parts of those animals; and
4 (6) does not breed animals in its possession.

5 (Source: P.A. 98-752, eff. 1-1-15.)

6 (510 ILCS 68/5-2 new)

7 Sec. 5-2. Herptiles under this Act. It shall be unlawful
8 for any person at any time to take, harass, disturb, possess,
9 transport, cause to be shipped, commercialize, propagate,
10 move, relocate, or release into the wild, any herptile whether
11 dead or alive or the parts of herptiles, including, but not
12 limited to, their nests and eggs, contrary to provisions of
13 this Act or administrative rules. Any person who violates this
14 Section shall be guilty of a Class B misdemeanor.

15 (510 ILCS 68/5-5)

16 Sec. 5-5. Possession limits.

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

22 (b) Only residents may possess herptiles collected from the
23 wild within this State under a valid sport fishing license;
24 non-residents may not possess herptiles collected from the wild

1 within this State except for scientific purposes, with a
2 Herptile Scientific Collection permit or for personal
3 consumption as authorized by the Fish and Aquatic Life Code.

4 (c) All herptile species (other than bullfrogs and common
5 snapping turtles) may be captured by hand only, unless
6 otherwise authorized. This shall not restrict the use of
7 legally taken herptiles as bait by anglers as authorized by the
8 Fish and Aquatic Life Code. Any captured herptiles that are not
9 to be retained in the possession of the captor shall be
10 immediately released at the site of capture, unless taken with
11 a lethal method such as bow and arrow, gig, spear, or pitchfork
12 which does not permit release without harm. All common snapping
13 turtles and bullfrogs taken for personal consumption must be
14 kept and counted in the daily catch creel or bag. No culling of
15 these 2 species for personal consumption is permitted.

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

21 (e) Residents may possess a total of 8 native herp
22 specimens collectively, with no more than 4 per species,
23 without obtaining and possessing either a Herptile Scientific
24 Collection permit or Herpetoculture permit from the
25 Department, regardless of the origin of the species. A sport
26 fishing license is required for residents, unless exempt from a

1 sport fishing license under Section 20-5 of the Fish and
2 Aquatic Life Code, to legally collect any native herp taxon on
3 private land, with the landowner's permission. Collecting
4 herptiles on public lands shall require additional permits.

5 (f) Any resident wishing to possess more than his or her
6 allowed possession limit shall first apply to the Department
7 for a Herptile Scientific Collection permit or Herpetoculture
8 permit to do so. Issuance, modification, or denial of any and
9 all of these permits shall be at the sole discretion of the
10 Department.

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

19 (Source: P.A. 98-752, eff. 1-1-15.)

20 (510 ILCS 68/5-20)

21 Sec. 5-20. Taking of endangered or threatened species.

22 (a) No person shall take or possess any of the herptiles
23 listed in the Illinois Endangered Species Protection Act or
24 subsequent administrative rules, except as provided by this
25 ~~that~~ Act and the Illinois Endangered Species Protection Act.

1 (b) Any Department-permitted threatened or endangered
2 (T/E) herptile species shall be exempt from an individual's
3 overall possession limit under the permitting system set forth
4 in this Act. However, any and all T/E specimens shall be
5 officially recorded ~~with the Department's Endangered Species~~
6 ~~Conservation Program~~. Any species occurring on the federal T/E
7 list also requires a Department permit for possession,
8 propagation, sale, or offer for sale unless otherwise permitted
9 through the Department.

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

18 (d) Federally licensed exhibits shall not be exempt from
19 the Illinois Endangered Species Protection Act or this Act.

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

26 (f) Annual reports are due by January 31 of each year for

1 the preceding year's activities. Failure to submit the annual
2 report by the due date shall result in a permit violation.

3 (g) An annual fee for herptile T/E species permits, per
4 permittee, shall be set by administrative rule. All fees for
5 herptile T/E species permits shall be deposited into the
6 Wildlife Preservation Fund.

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

9 (i) Record keeping requirements for T/E herptile species
10 shall be set forth in administrative rule.

11 (Source: P.A. 98-752, eff. 1-1-15.)

12 (510 ILCS 68/5-30)

13 Sec. 5-30. Taking of turtles or bullfrogs; illegal devices.

14 ~~(a) No person shall take turtles or bullfrogs by commercial~~
15 ~~fishing devices, including dip nets, hoop nets, traps, or~~
16 ~~seines, or by the use of firearms, airguns, or gas guns.~~
17 Turtles may be taken only by methods as provided in
18 administrative rule ~~hand or means of hook and line.~~

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

20 (1) All individuals taking bullfrogs shall possess a
21 valid sport fishing license, unless exempt from a sport
22 fishing license under Section 20-5 of the Fish and Aquatic
23 Life Code, and may take bullfrogs only during the open
24 season to be specified by administrative rule. ~~Bullfrogs~~
25 ~~may only be taken by hook and line, gig, pitchfork, spear,~~

1 ~~bow and arrow, hand, or landing net.~~

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

5 (3) All persons taking common snapping turtles shall
6 possess a valid sport fishing license, unless exempt from a
7 sport fishing license under Section 20-5 of the Fish and
8 Aquatic Life Code, and may take common snapping turtles
9 only during the open season to be specified by
10 administrative rule. Common snapping turtles (Chelydra
11 serpentina) may be taken only by methods as provided in
12 administrative rule ~~hand, hook and line, or bow and arrow,~~
13 except in the counties listed in administrative rule
14 ~~Section 5-35~~ where bowfishing for common snapping turtles
15 is not allowed.

16 (4) The daily catch limit and total possession limit
17 for all properly licensed persons shall be specified by
18 administrative rule.

19 (c) (Blank). ~~The alligator snapping turtle (Macrochelys~~
20 ~~temminckii) is protected and may not be taken by any method~~
21 ~~including, but not limited to, any sport fishing method.~~

22 (Source: P.A. 98-752, eff. 1-1-15.)

23 (510 ILCS 68/5-35)

24 Sec. 5-35. Areas closed to the taking of reptiles and
25 amphibians.

1 (a) Unless otherwise provided ~~allowed~~ by law or
2 administrative rule, the taking of reptiles and amphibians at
3 any time and by any method is prohibited in the following
4 areas:

5 The LaRue-Pine Hills or Otter Pond Research Natural Area in
6 Union County. The closed area shall include the Research
7 Natural Area as designated by the U.S. Forest Service and
8 the right-of-way of Forest Road 345 with Forest Road 236 to
9 the intersection of Forest Road 345 with the Missouri
10 Pacific railroad tracks. Unless otherwise authorized,
11 possession of any collecting equipment is prohibited
12 within the closed area.

13 Any area the Department may close for any reason
14 including biological significance or disease through
15 administrative rules.

16 (b) (Blank). ~~In the following counties bowfishing for~~
17 ~~common snapping turtles is not permitted: Randolph, Perry,~~
18 ~~Franklin, Hamilton, White, Callatin, Saline, Williamson,~~
19 ~~Jackson, Union, Johnson, Pope, Hardin, Massac, Pulaski, and~~
20 ~~Alexander, or in any additional counties added through~~
21 ~~administrative rule.~~

22 (c) (Blank). ~~Collection of wild turtles for races or other~~
23 ~~types of events involving congregating and gathering numbers of~~
24 ~~wild turtles is prohibited in counties where ranavirus has been~~
25 ~~documented. Inclusion on the county list shall be determined by~~
26 ~~rule.~~

1 (Source: P.A. 98-752, eff. 1-1-15.)

2 (510 ILCS 68/10-40)

3 Sec. 10-40. Additional regulations. Venomous reptiles
4 shall not be bred, sold, or offered for sale within this State.
5 The Department may approve limited transfers among existing
6 permittees at the sole discretion of the Department.

7 As determined by the Department, non-residents may apply
8 for a permit not to exceed 15 consecutive days to use venomous
9 reptiles in bona fide educational programs. The fee for the
10 permit shall be set by administrative rule, and all fees shall
11 be deposited into the Illinois Wildlife Preservation and Fish
12 Fund.

13 (Source: P.A. 98-752, eff. 1-1-15.)

14 (510 ILCS 68/20-30)

15 Sec. 20-30. Additional regulations. Crocodilians shall not
16 be bred, sold, or offered for sale within this State. The
17 Department may approve limited transfers among existing
18 permittees at the sole discretion of the Department.

19 As determined by the Department, non-residents may apply
20 for a permit not to exceed 15 consecutive days to use
21 crocodilians in bona fide educational programs. The fee for
22 this permit shall be set by administrative rule, and all fees
23 shall be deposited into the Illinois Wildlife Preservation and
24 Fish Fund.

1 (Source: P.A. 98-752, eff. 1-1-15.)

2 (510 ILCS 68/25-30)

3 Sec. 25-30. Additional regulations. Monitor lizards shall
4 not be bred, sold, or offered for sale within this State. The
5 Department may approve limited transfers among existing
6 permittees at the sole discretion of the Department.

7 As determined by the Department, non-residents may apply
8 for a permit not to exceed 15 consecutive days to use monitor
9 lizards in bona fide educational programs. The fee for the
10 permit shall be set by administrative rule, and all fees shall
11 be deposited into the Illinois Wildlife Preservation and Fish
12 Fund.

13 (Source: P.A. 98-752, eff. 1-1-15.)

14 (510 ILCS 68/Art. 37 heading new)

15 ARTICLE 37. HERPTILE DISEASES.

16 (510 ILCS 68/37-5 new)

17 Sec. 37-5. Herptile diseases. The Department may
18 investigate, in conjunction with a licensed veterinarian, any
19 disease transmissions in any amphibian or reptile species that
20 could be transmitted or spread, including any natural or
21 captive populations. The Department may adopt administrative
22 rules to identify specific herptile diseases, pathogens, or
23 fungi, as well as treatment and caretaking requirements. Any

1 herptile harboring a disease, pathogen, or fungus specified in
2 administrative rule may be subject to confiscation and
3 forfeiture.

4 (510 ILCS 68/45-5)

5 Sec. 45-5. Permit application and fees. An applicant for a
6 Herptile Scientific Collection permit must file an application
7 with the Department on a form provided by the Department. The
8 application must include all information and requirements as
9 set by administrative rule. The application for these permits
10 shall be reviewed by the Department to determine if a permit
11 should be issued.

12 Unless addressed or exempted by administrative rule,
13 annual permit renewal must be accompanied by non-refundable fee
14 as set by the Department. The annual fee for a Herptile
15 Scientific Collection permit shall be set by administrative
16 rule. The Department shall adopt, by administrative rule, any
17 additional procedures for the renewal of a Herptile Scientific
18 Collection permit. All fees shall be deposited into the
19 Illinois Fish and Wildlife Preservation Fund.

20 (Source: P.A. 98-752, eff. 1-1-15.)

21 (510 ILCS 68/55-5)

22 Sec. 55-5. Permit application and fees. An applicant for a
23 Herpetoculture permit must file an application with the
24 Department on a form provided by the Department. The

1 application must include all information and requirements as
2 set forth by administrative rule. The application for these
3 permits shall be reviewed by the Department to determine if a
4 permit should be issued.

5 Unless addressed or exempted by administrative rule,
6 annual permit renewal must be accompanied by a non-refundable
7 fee as set by the Department. The annual fee for a residential
8 Herpetoculture permit shall be set by administrative rule. The
9 Department shall adopt, by administrative rule, any additional
10 procedures for the renewal of a Herpetoculture permit. All fees
11 shall be deposited into the Illinois Wildlife Preservation ~~and~~
12 ~~Fish~~ Fund.

13 As determined by the Department, non-residents may apply
14 for a permit not to exceed 15 consecutive days to commercialize
15 herptiles indigenous to this State as outlined in this Article.
16 The fee for the permit shall be set by administrative rule, and
17 all fees shall be deposited into the Illinois Wildlife
18 Preservation ~~and Fish~~ Fund.

19 The Department shall adopt, by administrative rule,
20 additional procedures for the renewal of annual Herpetoculture
21 permits.

22 (Source: P.A. 98-752, eff. 1-1-15.)

23 (510 ILCS 68/65-5)

24 Sec. 65-5. Permit application and fees. An applicant for a
25 Herptile Special Use permit must file an application with the

1 Department on a form provided by the Department. The
2 application must include all information and requirements as
3 set forth by administrative rule.

4 The annual fee for a residential Herptile Special Use
5 permit shall be set by administrative rule on a per person
6 basis. The Herptile Special Use permit shall not be based on
7 the number of special use herptile kept by an owner or
8 possessor. All fees shall be deposited into the Illinois
9 Wildlife Preservation and Fish Fund.

10 The Department shall adopt, by administrative rule,
11 procedures for the renewal of annual Herptile Special Use
12 permits.

13 Any person possessing and in legal possession of a special
14 use herptile as stipulated in this Article that no longer
15 wishes to keep the herptile may be assisted by the Department,
16 at no charge to them and without prosecution, to place the
17 special use herptile in a new home, within 30 days after the
18 effective date of this Act.

19 The Department may issue a Limited Entry permit to an
20 applicant who: (i) is not a resident of this State; (ii)
21 complies with the requirements of this Act and all rules
22 adopted by the Department under the authority of this Act;
23 (iii) provides proof to the Department that he or she shall,
24 during the permit term, maintain sufficient liability
25 insurance coverage; (iv) pays to the Department, along with
26 each application for a Limited Entry permit, a non-refundable

1 fee as set by administrative rule, which the Department shall
2 deposit into the Wildlife and Fish Fund; and (v) uses the
3 herptile for an activity authorized in the Limited Entry
4 permit. A Limited Entry permit shall be valid for not more than
5 15 ~~30~~ consecutive days ~~unless extended by the Department,~~
6 ~~however, no extension shall be longer than 15 days.~~

7 (Source: P.A. 98-752, eff. 1-1-15.)

8 (510 ILCS 68/90-5)

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

17 In addition to any fines imposed under this Section or as
18 otherwise provided in this Act, any person found guilty of
19 unlawfully taking or possessing any species protected by this
20 Act, shall be assessed a civil penalty for such species in
21 accordance with the values prescribed in Section 105-95.

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

25 (Source: P.A. 98-752, eff. 1-1-15.)

1 (510 ILCS 68/95-10)

2 Sec. 95-10. Civil liability and immunity. If any herptile
3 escapes or is released, the owner and possessor of the herptile
4 shall be strictly liable for all costs incurred in apprehending
5 and confining the herptile, including any injuries incurred to
6 humans or damage to property, both real and personal, including
7 pets and livestock, and the owner shall indemnify any animal
8 control officer, police officer, or Department employee acting
9 in his or her official capacity to capture or control an
10 escaped herptile.

11 The owner, keeper, or possessor of an escaped herptile
12 shall be solely responsible for any and all liabilities arising
13 out of or in connection with the escape or release of any
14 herptile including liability for any damage, injury, or death
15 caused by or to the herptile during or after the herptile's
16 escape or release or as a result of the apprehension or
17 confinement of the herptile after its escape or release. In
18 addition, the owner, keeper, or possessor of an escaped
19 herptile shall be solely responsible for any and all costs
20 incurred by an animal control officer, police officer, or
21 Department employee acting in his or her official capacity to
22 capture or control an escaped herptile.

23 ~~A licensed veterinarian who may have cause to treat a~~
24 ~~special use herptile that is in violation of this Act shall not~~
25 ~~be held liable, except for willful and wanton misconduct, under~~

1 ~~this Act provided that the veterinarian (i) promptly reports~~
2 ~~violations of this Act of which he or she has knowledge to a~~
3 ~~law enforcement agency within 24 hours after becoming aware of~~
4 ~~the incident; (ii) provides the name, address, and phone number~~
5 ~~of the person possessing the special use herptile at time of~~
6 ~~incident or treatment; (iii) provides the name and address of~~
7 ~~the owner of the special use herptile if known; (iv) identifies~~
8 ~~the kind and number of special use herptiles being treated; and~~
9 ~~(v) describes the reason for the treatment of the special use~~
10 ~~herptile.~~

11 (Source: P.A. 98-752, eff. 1-1-15.)

12 (510 ILCS 68/100-5)

13 Sec. 100-5. Prima facie evidence; confiscation. The
14 possession of any reptile or amphibian life or any part of
15 reptile or amphibian life protected under this Act is prima
16 facie evidence that the reptile or amphibian life or any part
17 of reptile or amphibian life is subject to the provisions of
18 this Act, including administrative rules.

19 Whenever the contents of any box, barrel, package, or
20 receptacle consists partly of contraband and partly of legal
21 reptile or amphibian life or any part of reptile or amphibian
22 life, the entire contents of the box, barrel, or package, or
23 other receptacle are subject to seizure and forfeiture
24 confiscation.

25 Whenever a person has in his or her possession in excess of

1 the number of reptile or amphibian life or any parts of reptile
2 or amphibian life permitted under this Act, including
3 administrative rules, the entire number of reptile or amphibian
4 life or any parts of reptile or amphibian life in his or her
5 possession is subject to seizure and forfeiture ~~confiscation~~.

6 (Source: P.A. 98-752, eff. 1-1-15.)

7 (510 ILCS 68/105-10)

8 Sec. 105-10. Conservation of reptiles and amphibians. The
9 Department shall take all measures necessary for the
10 conservation, distribution, introduction, and restoration of
11 reptiles and amphibians. After any investigation when it is
12 found by the Department that there is imminent danger of loss
13 of native reptiles and amphibians, the Director may authorize
14 the taking of native reptiles and amphibians from any area and
15 specify other reasonable limits, methods, and devices as the
16 Director may deem advisable to salvage imperiled species. The
17 Department shall also bring or cause to be brought actions and
18 proceedings, in the name and by the authority of the People of
19 the State of Illinois, to enforce this Act, including
20 administrative rules, and to recover any and all fines and
21 penalties provided for in this Act. Nothing in this Act shall
22 be construed to authorize the Department to change any penalty
23 prescribed by law or to change the amount of license fees or
24 the authority conferred by licenses prescribed by law. The
25 Department is authorized to cooperate with the appropriate

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

5 (Source: P.A. 98-752, eff. 1-1-15.)

6 (510 ILCS 68/105-35)

7 Sec. 105-35. Collection of fines. All fines provided for by
8 this Act shall be collected and remitted to the Illinois
9 ~~Department's~~ Wildlife Preservation and Fish Fund, within 30
10 days after the collection of the fine, by the clerk of the
11 circuit court collecting the fines who shall submit at the same
12 time to the Department a statement of the names of the persons
13 so fined and the name of the arresting officer, the offense
14 committed, the amount of the fine, and the date of the
15 conviction.

16 (Source: P.A. 98-752, eff. 1-1-15.)

17 (510 ILCS 68/105-55)

18 Sec. 105-55. Illegal collecting devices; public nuisance.
19 Every collecting device, including seines, nets, traps,
20 pillowcases, bags, snake hooks or tongs, or any electrical
21 device or any other devices including vehicles or conveyance,
22 watercraft, or aircraft used or operated illegally or attempted
23 to be used or operated illegally by any person in taking,
24 transporting, holding, or conveying any reptile or amphibian

1 life or any part of reptile or amphibian life, contrary to this
2 Act, including administrative rules, shall be deemed a public
3 nuisance and therefore illegal and subject to seizure and
4 confiscation by any authorized employee of the Department. Upon
5 the seizure of this item, the Department shall take and hold
6 the item until disposed of as provided in this Act.

7 Upon the seizure of any device because of its illegal use,
8 the officer or authorized employee of the Department making the
9 seizure shall, as soon as reasonably possible, cause a
10 complaint to be filed before the circuit court and a summons to
11 be issued requiring the owner or person in possession of the
12 property to appear in court and show cause why the device
13 seized should not be forfeited to the State. Upon the return of
14 the summons duly served or upon posting or publication of
15 notice as provided in this Act, the court shall proceed to
16 determine the question of the illegality of the use of the
17 seized property. Upon judgment being entered that the property
18 was illegally used, an order shall be entered providing for the
19 forfeiture of the seized property to the State. The owner of
20 the property may have a jury determine the illegality of its
21 use and shall have the right of an appeal as in other civil
22 cases. Confiscation or forfeiture shall not preclude or
23 mitigate against prosecution and assessment of penalties
24 provided in Article 90 of this Act.

25 Upon seizure of any property under circumstances
26 supporting a reasonable belief that the property was abandoned,

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

22 Any property forfeited to the State by court order under
23 this Section may be disposed of by public auction, except that
24 any property that is the subject of a court order shall not be
25 disposed of pending appeal of the order. The proceeds of the
26 sales at auction shall be deposited in the Illinois Wildlife

1 Preservation and Fish Fund.

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

4 Property seized or forfeited under this Section is subject
5 to reporting under the Seizure and Forfeiture Reporting Act.

6 (Source: P.A. 100-512, eff. 7-1-18.)

7 (510 ILCS 68/105-75)

8 Sec. 105-75. Illinois Wildlife Preservation and Fish Fund;
9 disposition of money received. All fees, fines, income of
10 whatever kind or nature derived from reptile and amphibian
11 activities regulated by this Act on lands, waters, or both
12 under the jurisdiction or control of the Department and all
13 penalties collected under this Act shall be deposited into the
14 State treasury and shall be set apart in a special fund known
15 as the Illinois Wildlife Preservation and Fish Fund.

16 (Source: P.A. 98-752, eff. 1-1-15.)

17 (510 ILCS 68/105-100)

18 Sec. 105-100. Home rule. A municipality or county may adopt
19 an ordinance governing amphibian and reptile species captive
20 ownership that is more restrictive than this Act.

21 (Source: P.A. 98-752, eff. 1-1-15.)

22 (510 ILCS 68/110-5)

23 Sec. 110-5. Exemptions. When acting in their official

1 capacity, the following entities and their agents are exempt
2 from Articles 75 and 85 of this Act:

3 (1) public zoos or aquaria accredited by the
4 Association of Zoos and Aquariums or the Zoological
5 Association of America;

6 (2) licensed veterinarians or anyone operating under
7 the authority of a licensed veterinarian that is actively
8 treating a Special Use Herptile in his or her care and is
9 being maintained in the veterinarian facility under
10 Section 10-25, 20-15, or 25-15 in order to prevent escape
11 and protect public health and safety;

12 (3) (blank) ~~wildlife sanctuaries;~~

13 (4) accredited research or medical institutions;

14 (5) licensed or accredited educational institutions;

15 (6) circuses licensed and in compliance with the Animal
16 Welfare Act and all rules adopted by the Department of
17 Agriculture;

18 (7) federal, State, and local law enforcement
19 officers, including animal control officers acting under
20 the authority of this Act;

21 (8) members of federal, State, or local agencies or as
22 otherwise authorized ~~approved~~ by the Department;

23 (9) (blank) ~~any bona fide wildlife rehabilitation~~
24 ~~facility licensed or otherwise authorized by the~~
25 ~~Department;~~ and

26 (10) any non-resident motion picture or television

1 production company that uses licensed dealers, exhibitors,
2 and transporters under the federal Animal Welfare Act, 7
3 U.S.C. 2132.

4 (Source: P.A. 98-752, eff. 1-1-15.)

5 Section 10. The Fish and Aquatic Life Code is amended by
6 changing Section 1-20 as follows:

7 (515 ILCS 5/1-20) (from Ch. 56, par. 1-20)

8 Sec. 1-20. Aquatic life. "Aquatic life" means all fish,
9 reptiles, amphibians, aquatic mollusks, crustaceans, algae,
10 aquatic plants, and aquatic invertebrates and any other aquatic
11 animal or plant that the Department identifies in
12 administrative rules. Reptiles and amphibians are defined as
13 "aquatic life" only for regulating fishing and consumptive take
14 of herptile species in administrative rules. mollusks,
15 crustaceans, algae, aquatic plants, aquatic invertebrates, and
16 any other aquatic animals or plants that the Department
17 identifies in rules adopted after consultation with
18 biologists, zoologists, or other wildlife experts. "Aquatic
19 life" does not mean any herptiles that are found in the
20 Herptiles Herps Act.

21 (Source: P.A. 98-752, eff. 1-1-15; 98-771, eff. 1-1-15; 99-78,
22 eff. 7-20-15.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.