

SB3319



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3319

Introduced 2/14/2020, by Sen. Andy Manar

SYNOPSIS AS INTRODUCED:

510 ILCS 68/1-15

Amends the Herptiles-Herps Act. Modifies the definition of "Special use herptile" and adds "Consumptive use" and "Herptoculture" to the definitions in the Act.

LRB101 19254 CMG 68718 b

A BILL FOR

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 Section 1-15 as follows:

6 (510 ILCS 68/1-15)

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

10 "Administrative rule" means a regulatory measure issued by
11 the Director under this Act.

12 "Authorized law enforcement officer" means all sworn
13 members of the Law Enforcement Division of the Department and
14 those persons specifically granted law enforcement
15 authorization by the Director.

16 "Bona fide scientific or educational institution" means
17 confirming educational or scientific tax-exemption, from the
18 federal Internal Revenue Service or the applicant's national,
19 state, or local tax authority, or a statement of accreditation
20 or recognition as an educational institution.

21 "Consumptive use" means the removal of a herptile from the
22 wild for personal use, including, but not limited to, as a pet
23 or hobby.

1 "Contraband" means all reptile or amphibian life or any
2 part of reptile or amphibian life taken, bought, sold or
3 bartered, shipped, or held in possession or any conveyance,
4 vehicle, watercraft, or other means of transportation
5 whatsoever, except sealed railroad cars or other sealed common
6 carriers, used to transport or ship any reptile or amphibian
7 life or any part of reptile or amphibian life taken, contrary
8 to this Act, including administrative rules, or used to
9 transport, contrary to this Act, including administrative
10 rules, any of the specified species when taken illegally.

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

13 "Department" means the Illinois Department of Natural
14 Resources.

15 "Director" means the Director of the Illinois Department of
16 Natural Resources.

17 "Educational program" means a program of organized
18 instruction or study for providing education intended to meet a
19 public need.

20 "Endangered or threatened species" means any species
21 listed as endangered or threatened to the species level on
22 either the Illinois List of Endangered and Threatened Fauna or
23 the federal U.S. Fish and Wildlife Service List of Threatened
24 and Endangered Species.

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

1 "Herptoculture" means the breeding, hatching, propagation,
2 or raising of indigenous or native herptiles in captivity.

3 "Indigenous or native taxa" means those amphibians and
4 reptiles to the subspecies level that can be found naturally in
5 this State.

6 "Individual" means a natural person.

7 "Medically significant" means a venomous or poisonous
8 species whose venom or toxin can cause death or serious illness
9 or injury in humans that may require emergency room care or the
10 immediate care of a physician. These species are categorized as
11 being "medically significant" or "medically important".

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

14 "Person" means any individual, partnership, corporation,
15 organization, trade or professional association, firm, limited
16 liability company, joint venture, or group.

17 "Possession limit" means the maximum number or amount of
18 herptiles that can be lawfully held or possessed by one person
19 at any time.

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

24 "Reptile show" means any event open to the public, for a
25 fee or without a fee, that is not a licensed pet store, where
26 herptiles or herptiles together with other animals are

1 exhibited, displayed, sold, bought, traded, or otherwise made
2 available for public display.

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

20 "Special use herptile" means any taxon of amphibian or
21 reptile for which a Herptile Special Use permit is required for
22 acquisition and possession.

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

26 "Transport" or "ship" means to convey by parcel post,

1 express, freight, baggage, or shipment by common carrier or any
2 description; by automobile, motorcycle, or other vehicle of any
3 kind; by water or aircraft of any kind; or by any other means
4 of transportation.

5 "Turtle farming" means the act of breeding, hatching,
6 raising, selling turtles, or any combination commercially for
7 the purpose of providing turtles, turtle eggs, or turtle parts
8 to pet suppliers, exporters, and food industries.

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

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