

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 Herptiles-Herps Act is amended by changing
5 Sections 1-5, 1-15, 5-5, 5-10, 5-15, 5-20, 5-30, 5-35, 10-40,
6 15-5, 20-30, 25-5, 25-30, 30-10, 35-5, 40-5, 40-10, 45-5,
7 50-5, 50-10, 55-5, 55-10, 60-5, 65-5, 70-5, 80-5, 90-5, 95-5,
8 95-10, 100-5, 100-10, 100-15, 105-10, 105-30, 105-35, 105-40,
9 105-55, 105-60, 105-65, 105-75, 105-80, 105-90, 105-95, and
10 110-5 and by adding Sections 55-15 and 90-10 and Article 87 as
11 follows:

12 (510 ILCS 68/1-5)

13 Sec. 1-5. Purpose. The purpose of this Act is to regulate
14 the protection, control, possession, and propagation of
15 herptiles in this State. ~~For purposes of this Act, reptiles~~
16 ~~and amphibians shall be exempt from the definition of "aquatic~~
17 ~~life" under Section 1-20 of the Fish and Aquatic Life Code. All~~
18 ~~rules and enforcement actions under the Illinois Conservation~~
19 ~~Law and the dangerous animals provisions in Section 48-10 of~~
20 ~~the Criminal Code of 2012 related to reptiles and amphibians~~
21 ~~shall be covered exclusively by this Act.~~

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

1 (510 ILCS 68/1-15)

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

5 "Administrative rule" means a regulatory measure issued by
6 the Director under this Act.

7 "Authorized law enforcement officer" means all sworn
8 members of the Law Enforcement Division of the Department and
9 those persons specifically granted law enforcement
10 authorization by the Director.

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

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

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

3 "Department" means the Illinois Department of Natural
4 Resources.

5 "Director" means the Director of the Illinois Department
6 of Natural Resources.

7 "Educational program" means a program of organized
8 instruction or study for providing education intended to meet
9 a public need.

10 "Endangered or threatened species" means any reptile or
11 amphibian species listed as endangered or threatened to the
12 species level on either the Illinois List of Endangered and
13 Threatened Fauna or the federal U.S. Fish and Wildlife Service
14 List of Threatened and Endangered Species.

15 "Herpetoculture" means the breeding, hatching,
16 propagation, or raising of indigenous or native herptiles in
17 captivity.

18 "Herptile" means ~~collectively~~ any amphibian or reptile
19 taxon and includes any species, hybrid, or intergrade thereof
20 ~~, whether indigenous to this State or not.~~

21 "Hybrid" means the offspring of 2 herptiles of different
22 breeds, varieties, species, or genera.

23 "Indigenous or native taxa" means those amphibians and
24 reptiles to the subspecies level that can be found naturally
25 in this State.

26 "Individual" means a natural person.

1 "Intergrade" means the offspring of 2 herptiles of
2 different subspecies.

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

9 "Morphological variation" means the form and structure of
10 a herptile or any part of a herptile. "Morphological
11 variation" includes the outward appearance, structure, shape,
12 color, pattern, and size of a herptile.

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

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

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

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

25 "Propagation" means the act or process of maintaining any
26 herptile in its natural environment or in a controlled

1 environment that intentionally or unintentionally results in
2 the production of eggs or offspring from the parent stock.
3 "Propagation" includes the attempt to produce eggs or
4 offspring from the parent stock.

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

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

1 "Special use herptile" means any taxon of amphibian or
2 reptile set forth in administrative rule for which a Herptile
3 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
9 any description; by automobile, motorcycle, or other vehicle
10 of any kind; by water or aircraft of any kind; or by any other
11 means 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;~~
26 ~~and (6) does not breed animals in its possession.~~

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

2 (510 ILCS 68/5-5)

3 Sec. 5-5. Possession limits.

4 (a) The possession limit for herptiles ~~indigenous~~
5 ~~amphibian and reptile taxa~~ (excluding common snapping turtles
6 and bullfrogs) is ~~8 total collectively with~~ no more than 4
7 total per species. The possession of one or more parts of the
8 body of the same individual herptile shall equal one
9 individual herptile of a species. In no case shall a person
10 possess more than 8 indigenous amphibian or reptiles in total.
11 Young of gravid wild-collected amphibians and reptiles shall
12 be returned to the site of adult capture after birth. The
13 possession limit for common snapping turtles and bullfrogs
14 shall be set by administrative rule.

15 (b) Only residents may possess herptiles collected from
16 the wild within this State under a valid sport fishing
17 license; non-residents may not possess herptiles collected
18 from the wild within this State except for scientific purposes
19 after first obtaining, with a Herptile Scientific Collection
20 permit.

21 (c) All herptile species (other than bullfrogs and common
22 snapping turtles) shall ~~may~~ be captured by hand only, unless
23 otherwise authorized by this Act or administrative rule. This
24 shall not restrict the use of legally taken herptiles as bait
25 by anglers only, unless otherwise authorized by this Act or

1 administrative rule. Any captured herptiles that are not to be
2 retained in the possession of the captor shall be immediately
3 released at the site of capture, unless taken with a lethal
4 method such as bow and arrow, gig, spear, or pitchfork which
5 does not permit release without harm. All common snapping
6 turtles and bullfrogs taken from the wild ~~for personal~~
7 ~~consumption~~ must be kept and counted in the daily catch creel
8 or bag. No culling of species taken from the wild ~~of these 2~~
9 ~~species for personal consumption~~ is permitted.

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

15 (e) A resident of this State in possession of more than the
16 allowed possession limit set forth in subsection (a) must
17 obtain ~~Residents may possess a total of 8 native herp~~
18 ~~specimens collectively, with no more than 4 per species,~~
19 ~~without obtaining~~ and have in his or her possession ~~possessing~~
20 either a Herptile Scientific Collection permit or
21 Herpetoculture permit from the Department, regardless of the
22 origin of the species. Unless exempt under the provisions of
23 Section 20 of the Fish and Aquatic Life Code, a ~~A~~ sport fishing
24 license is required for residents to legally collect any
25 native herptile ~~herp~~ taxon on private land, with the
26 landowner's permission. Collecting herptiles on public lands

1 shall require the agency that manages the land to authorize
2 the collecting of herptiles on the public land under its
3 control ~~additional permits.~~

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

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

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

20 (510 ILCS 68/5-10)

21 Sec. 5-10. Commercialization; herpetoculture.

22 (a) It is unlawful to take, possess, buy, sell, offer to
23 buy or sell or barter any herptile ~~reptile, amphibian,~~ or
24 their eggs, any resulting offspring, or parts taken from the
25 wild in this State for commercial purposes unless otherwise

1 authorized by law.

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

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

16 (d) A valid, Department-issued Herpetoculture permit shall
17 apply only to indigenous herptile ~~herp~~ taxa. A Herpetoculture
18 permit shall not be required in order to commercialize
19 non-indigenous herptile ~~herp~~ taxa except as otherwise
20 prohibited or regulated under this Act or federal law.

21 (e) Indigenous herptile ~~herp~~ taxa collected from the wild
22 in this State may not be bred unless otherwise authorized by
23 the Department for research or recovery purposes unless
24 otherwise authorized by this Act or administrative rule.

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

1 (510 ILCS 68/5-15)

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

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

9 (510 ILCS 68/5-20)

10 Sec. 5-20. Propagation of ~~Taking of~~ endangered or
11 threatened species.

12 (a) No person shall take or possess for the purpose of
13 propagation any of the herptiles listed in the Illinois
14 Endangered Species Protection Act, the federal Endangered
15 Species Act of 1973, or ~~subsequent~~ administrative rules unless
16 authorized by a Herptile Endangered and Threatened Species
17 Propagation permit issued by the Department. For the purpose
18 of propagation only, a Herptile Endangered and Threatened
19 Species Propagation permit shall allow a resident of this
20 State to possess, propagate, or sell legally obtained
21 endangered and threatened herptiles. The Department shall
22 adopt rules relating to the acquisition, possession, and
23 propagation of legally obtained endangered and threatened
24 herptiles. The Department shall determine, by rule, the
25 application, fees, duration, and other requirements necessary

1 for the issuance or suspension or revocation of a Herptile
2 Endangered and Threatened Species Propagation permit. All fees
3 collected from the issuance of a Herptile Endangered and
4 Threatened Species Propagation permit shall be deposited into
5 the Wildlife Preservation Fund., ~~except as provided by that~~
6 ~~Act.~~

7 (b) Any person issued a Herptile Endangered and Threatened
8 Species Propagation permit by the Department who is in
9 possession of a ~~permitted~~ threatened or endangered (T/E)
10 herptile species shall be exempt from an individual's overall
11 possession limit under the permitting system set forth in this
12 Act. However, the holder of a Herptile Endangered and
13 Threatened Species Propagation permit is not exempt from the
14 species limitations set forth in the administrative rules
15 regarding the Herptile Endangered and Threatened Species
16 Propagation permit. ~~However, any and all T/E specimens shall~~
17 ~~be officially recorded with the Department's Endangered~~
18 ~~Species Conservation Program.~~ Any species occurring on the
19 federal T/E list also requires a Department permit for
20 possession, propagation, sale, or offer for sale unless
21 otherwise permitted under this Act or administrative rule
22 ~~through the Department.~~

23 (c) (Blank). ~~Due to the similarity of appearance (S/A) of~~
24 ~~certain intergrade or hybrid specimens, the Department retains~~
25 ~~the authority to enforce any and all provisions under this~~
26 ~~Act. Specimens determined by the Department, or agents, to fit~~

1 ~~into this S/A category shall receive all benefits of this Act,~~
2 ~~as well as the Illinois Endangered Species Protection Act if~~
3 ~~applicable, and shall be included in an individual's overall~~
4 ~~possession limit.~~

5 (d) Federally licensed exhibits shall not be exempt from
6 the Illinois Endangered Species Protection Act, this Act, or
7 administrative rule.

8 (e) Any changes in threatened or endangered species
9 inventory ~~T/E permit numbers~~ for herptiles by current,
10 existing Herptile Endangered and Threatened Species
11 Propagation permit holders shall be reported to the Department
12 in writing no later than the first business day after that
13 change occurred. Applications for permits to possess and take
14 herptiles shall be reviewed by the Department as provided by
15 this Act or administrative rule. ~~Requests for permits by any~~
16 ~~resident acquiring a T/E species who is not permitted shall~~
17 ~~not be issued after the fact.~~

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

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

26 (h) (Blank). ~~Procedures for acquisition, breeding, and~~

1 ~~sales of T/E herptile species shall be set forth in~~
2 ~~administrative rule.~~

3 (i) (Blank). ~~Record keeping requirements for T/E herptile~~
4 ~~species shall be set forth in administrative rule.~~

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

6 (510 ILCS 68/5-30)

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

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

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

15 (1) All persons ~~individuals~~ taking bullfrogs shall
16 possess a valid sport fishing license issued under Article
17 20 of the Fish and Aquatic Life Code and may take bullfrogs
18 only during the open season to be specified by
19 administrative rule. ~~Bullfrogs may only be taken by hook~~
20 ~~and line, gig, pitchfork, spear, bow and arrow, hand, or~~
21 ~~landing net.~~

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

25 (3) All persons taking common snapping turtles shall

1 possess a valid sport fishing license issued under Article
2 20 of the Fish and Aquatic Life Code and may take common
3 snapping turtles only during the open season to be
4 specified by administrative rule. Common snapping turtles
5 (Chelydra serpentina) may be taken only by methods set
6 forth in administrative rule ~~hand, hook and line, or bow~~
7 ~~and arrow~~, except in the counties listed in administrative
8 rule ~~Section 5-35~~ where bowfishing for common snapping
9 turtles is not allowed.

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

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

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

17 (510 ILCS 68/5-35)

18 Sec. 5-35. Areas closed to the taking of reptiles and
19 amphibians.

20 (a) Unless otherwise allowed under the provisions of this
21 Act by law or administrative rule, the taking of herptiles
22 ~~reptiles and amphibians~~ at any time and by any method is
23 prohibited in the ~~following areas:~~

24 ~~The~~ LaRue-Pine Hills or Otter Pond Research Natural Area
25 in Union County. ~~The closed area shall include the~~

1 ~~Research Natural Area as designated by the U.S. Forest~~
2 ~~Service and the right-of-way of Forest Road 345 with~~
3 ~~Forest Road 236 to the intersection of Forest Road 345~~
4 ~~with the Missouri Pacific railroad tracks. Unless~~
5 otherwise authorized, possession of any collecting
6 equipment is prohibited within the ~~closed~~ area.

7 (b) For the protection and preservation of any herptile
8 taxa, the Department may close any area to prevent the taking,
9 collecting, or killing of herptiles. The Department may close
10 an area for purposes that include the biological significance
11 or importance of a species or location or for the prevention,
12 containment, or treatment of disease. The Department shall
13 adopt procedures for the closure of an area by administrative
14 rule. In the following counties bowfishing for common snapping
15 turtles is not permitted: Randolph, Perry, Franklin, Hamilton,
16 White, Gallatin, Saline, Williamson, Jackson, Union, Johnson,
17 Pope, Hardin, Massac, Pulaski, and Alexander, or in any
18 additional counties added through administrative rule.

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

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

25 (510 ILCS 68/10-40)

1 Sec. 10-40. Additional regulations. Venomous reptiles
2 shall not be bred, sold, or offered for sale within this State.
3 The Department may approve limited transfers among existing
4 permittees as set forth in administrative rule ~~at the sole~~
5 ~~discretion of the Department.~~

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

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

12 (510 ILCS 68/15-5)

13 Sec. 15-5. Boas, pythons, and anacondas. Unless contrary
14 to any other law or rule, nothing ~~Nothing~~ shall prohibit
15 lawfully acquired possession of any of the Boidae family, such
16 as boas, pythons, and anacondas, provided captive maintenance
17 requirements from the Department as set forth in this Act are
18 met. All boas, pythons, and anacondas referenced in this Act
19 are exempt from the permit process, associated annual fee, and
20 liability insurance coverage.

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

22 (510 ILCS 68/20-30)

23 Sec. 20-30. Additional regulations. Crocodylians shall not
24 be bred, sold, or offered for sale within this State. However,

1 the Department may approve, by rule, limited transfers among
2 existing permittees.

3 As determined by the Department through administrative
4 rule, non-residents may apply for a permit not to exceed 15
5 consecutive days to use crocodylians in bona fide educational
6 programs. The fee for this permit shall be set by
7 administrative rule, and all fees shall be deposited into the
8 Wildlife Preservation ~~and Fish~~ Fund.

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

10 (510 ILCS 68/25-5)

11 Sec. 25-5. Monitor lizards. "Monitor lizards" means the
12 following members of the Varanidae family, specifically
13 crocodile monitors and ~~as well as~~ Komodo dragons.

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

15 (510 ILCS 68/25-30)

16 Sec. 25-30. Additional regulations. Monitor lizards shall
17 not be bred, sold, or offered for sale within this State.
18 However, the Department may approve, by rule, limited
19 transfers among existing permittees.

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

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

2 (510 ILCS 68/30-10)

3 Sec. 30-10. Turtle collection. Collection of wild turtles
4 for races or other types of events involving congregating and
5 gathering numbers of wild turtles is prohibited in counties
6 where ranavirus has been documented. Inclusion on the county
7 list shall be determined by administrative rule.

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

9 (510 ILCS 68/35-5)

10 Sec. 35-5. Amphibians. For the purposes of this Section,
11 "amphibians" means those medically significant poisonous
12 amphibians capable of causing bodily harm to humans or
13 animals, including, but not limited to, cane or marine toads
14 (Bufo marinus) and Colorado river toads (Bufo alvarius), or
15 any other amphibian found to be medically significant and
16 listed in administrative rule. Amphibians defined in this
17 Section shall only be allowed for bona fide educational
18 purposes or research purposes by bona fide scientific or
19 educational ~~exempted~~ institutions.

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

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

23 (510 ILCS 68/40-5)

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

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

18 (510 ILCS 68/40-10)

19 Sec. 40-10. Permit requirements. The criteria and
20 standards for a Herptile Scientific Collection permit shall be
21 provided by administrative rule. The Department shall set
22 forth applicable rules covering qualifications and facilities
23 needed to obtain a permit. Disposition of herptiles taken
24 under the authority of this Article shall be specified by the
25 Department. The holder of each permit shall make to the

1 Department a report in writing upon forms furnished by the
2 Department as provided by administrative rule. These reports
3 shall be made (i) annually if the permit is granted for a
4 period of one year or (ii) within 30 days after the expiration
5 of the permit if the permit is granted for a period of less
6 than one year. These reports shall include all information
7 that is required by the Department ~~considers necessary~~.

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

9 (510 ILCS 68/45-5)

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

17 Unless addressed or exempted by administrative rule,
18 annual permit renewal must be accompanied by non-refundable
19 fee as set by the Department. The annual fee for a Herptile
20 Scientific Collection permit shall be set by administrative
21 rule. The Department shall adopt, by administrative rule, any
22 additional procedures for the renewal of a Herptile Scientific
23 Collection permit. All fees shall be deposited into the Fish
24 and Preservation ~~Wildlife~~ Fund.

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

1 (510 ILCS 68/50-5)

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

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

16 (510 ILCS 68/50-10)

17 Sec. 50-10. Permit requirements. Herpetoculture permit
18 holders shall maintain written records of all herptiles
19 possessed, ~~indigenous to this State~~ bought, sold, hatched,
20 propagated, ~~sold,~~ or shipped and that are indigenous to this
21 State for a minimum of 2 years after the date of the
22 transaction and shall be made immediately available to
23 authorized employees of the Department upon request. These
24 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 (Source: P.A. 98-752, eff. 1-1-15.)

11 (510 ILCS 68/55-5)

12 Sec. 55-5. Permit application and fees. An applicant for
13 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 will ~~should~~ be issued.

19 ~~An 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
25 fees shall be deposited into the Wildlife Preservation Fund

1 ~~and Fish Fund.~~

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

9 ~~The Department shall adopt, by administrative rule,~~
10 ~~additional procedures for the renewal of annual Herpetoculture~~
11 ~~permits.~~

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

13 (510 ILCS 68/55-10)

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

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

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

3 ~~Due to the similarity of appearance (S/A) of certain~~
4 ~~intergrade or hybrid specimens, the Department retains the~~
5 ~~authority to enforce any and all provisions under this Act.~~
6 ~~Specimens determined by the Department, or its agents, to fit~~
7 ~~into this S/A category shall receive all benefits of this Act,~~
8 ~~as well as the Illinois Endangered Species Protection Act if~~
9 ~~applicable.~~

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

11 (510 ILCS 68/55-15 new)

12 Sec. 55-15. Intergrade, hybrid, or morphological
13 variation. The Department shall have the authority to enforce
14 any and all provisions under this Act with respect to an
15 intergrade, hybrid, or morphological variation of a species
16 protected under this Act or administrative rule. Any
17 intergrade or hybrid specimen of a species protected under
18 this Act shall have the same protections that any herptile
19 parent of the intergrade or hybrid specimen has under this Act
20 or administrative rule. The Department may adopt
21 administrative rules for the regulation and administration of
22 intergrade, hybrid, or morphological variations of herptiles.

23 Any offspring resulting from the breeding of herptiles in
24 which one herptile parent has been taken from the wild in this
25 State and the other parent is from non-Illinois stock or

1 captive bred stock may not be legally sold or otherwise
2 commercialized and shall be treated as indigenous or native
3 Illinois herptile taxa subject to Article 5 of this Act.

4 Morphological variety relating to color or pattern
5 variations that are different from the normal, wild-type
6 coloration or pattern of any herptile indigenous to this State
7 or listed as a threatened or endangered species in the
8 Illinois Endangered Species Protection Act shall be treated as
9 indigenous or native Illinois herptile taxa subject to this
10 Act.

11 (510 ILCS 68/60-5)

12 Sec. 60-5. Permit requirements. Prior to any person
13 obtaining a Herptile Special Use permit, the following
14 criteria must be met:

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

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

25 The applicant must comply with all requirements of this

1 Act and the rules adopted by the Department to obtain a
2 Herptile Special Use permit. Prior to the issuance of the
3 Herptile Special Use permit, the applicant must provide proof
4 of liability insurance or surety bond, either individually, or
5 in the name of the entity engaged in ~~giving the~~ bona fide
6 educational programs, in the amount of \$100,000 for each
7 special use herptile up to a maximum of \$1,000,000 and the
8 insurance or surety bond is to be maintained during the term of
9 the permit for liability for any incident arising out of or
10 relating to the special use herptile.

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

12 (510 ILCS 68/65-5)

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

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

24 The Department shall adopt, by administrative rule,
25 procedures for the renewal of annual Herptile Special Use

1 permits.

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

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

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

1 (510 ILCS 68/70-5)

2 Sec. 70-5. Suspension of privileges and revocation of
3 permits. A person who does not hold a Herptile Special Use
4 permit or Limited Entry permit and who violates a provision of
5 this Act or an administrative rule authorized under this Act
6 shall have his or her privileges under this Act suspended for a
7 period to be set by administrative rule. ~~up to 5 years after~~
8 ~~the date that he or she is in violation of an initial offense,~~
9 ~~for up to 10 years after the date that he or she is in~~
10 ~~violation of a second offense, and for life for a third or~~
11 ~~subsequent offense.~~ Department suspensions and revocations
12 shall be addressed by administrative rule.

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

23 A person whose privileges or permit to possess a special
24 use herptile have been suspended or ~~permit~~ revoked may appeal
25 that decision in accordance with the provisions set forth in
26 administrative rule.

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

2 (510 ILCS 68/80-5)

3 Sec. 80-5. Injury to a member of public by special use
4 herptiles. A person who possesses a special use herptile
5 without complying with the requirements of this Act and the
6 rules adopted under the authority of this Act and whose
7 special use herptile causes bodily harm to ~~harms~~ a person when
8 the possessor knew or should have known that the herptile had a
9 propensity, when provoked or unprovoked, to harm, cause injury
10 to, or otherwise substantially endanger a member of the public
11 is guilty of a Class A misdemeanor. A person who possesses a
12 special use herptile without complying with the requirements
13 of this Act and the rules adopted under the authority of this
14 Act and whose special use herptile causes great bodily harm or
15 death to a person when the possessor knew or should have known
16 that the herptile had a propensity, when provoked or
17 unprovoked, to harm, cause injury to, or otherwise
18 substantially endanger a member of the public ~~A person who~~
19 ~~fails to comply with the provisions of this Act and the rules~~
20 ~~adopted under the authority of this Act and who intentionally~~
21 ~~or knowingly allows a special use herptile to cause great~~
22 ~~bodily harm to, or the death of, a human~~ is guilty of a Class 4
23 felony.

24 (Source: P.A. 98-752, eff. 1-1-15; 99-642, eff. 7-28-16.)

1 (510 ILCS 68/Art. 87 heading new)

2 ARTICLE 87. HERPTILE DISEASES

3 (510 ILCS 68/87-5 new)

4 Sec. 87-5. Herptile diseases. The Department may
5 investigate, in conjunction with a licensed veterinarian, the
6 transmission or potential transmission of any disease in a
7 natural or captive population of an amphibian or reptile
8 species. The Department may promulgate administrative rules to
9 identify specific herptile diseases, pathogens, or fungi, as
10 well as treatment and caretaking requirements. Any herptile
11 harboring a disease, pathogen, or fungus specified in
12 administrative rule may be subject to confiscation and
13 forfeiture. A licensed veterinarian shall notify the
14 Department under administrative rule after the discovery of a
15 herptile that is harboring a disease, pathogen, or fungus
16 specified in administrative rule.

17 (510 ILCS 68/87-10 new)

18 Sec. 87-10. Possession of a disease carrying herptile.

19 (a) Upon discovery that a herptile is harboring a disease,
20 pathogen, or fungus specified in administrative rule, the
21 owner or person in possession of the herptile shall notify the
22 Department under administrative rule.

23 (b) An owner or person in possession of a herptile that he
24 or she knows or reasonably should know is harboring a disease,

1 pathogen, or fungus specified in administrative rule shall
2 comply with all administrative rules regarding the treatment
3 and caretaking requirements.

4 (c) A violation of this Section is a Class C misdemeanor.

5 (510 ILCS 68/90-5)

6 Sec. 90-5. Penalties.

7 (a) Unless otherwise stated in this Act, a violation of
8 this Act is a Class A misdemeanor.

9 (b) A person who violates Article 85 of this Act is guilty
10 of a Class A misdemeanor for a first offense and a Class 4
11 felony for a second or subsequent offense ~~occurring within one~~
12 ~~year after a finding of guilt on a first offense.~~

13 (c) A person who violates Article 75 of this Act is guilty
14 of a Class B misdemeanor. A violation of the record keeping
15 requirement for each individual special use herptile ~~Each day~~
16 ~~of a violation~~ constitutes a separate offense. ~~Any other~~
17 ~~violation of this Act is a Class A misdemeanor unless~~
18 ~~otherwise stated.~~

19 (d) Any person who takes, possesses, captures, kills, or
20 disposes of any herptile protected under this Act in violation
21 of this Act is guilty of a Class B misdemeanor unless otherwise
22 stated in this Act.

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

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

2 (510 ILCS 68/90-10 new)

3 Sec. 90-10. Commercial purposes; offenses.

4 (a) Unless otherwise provided in this Act, any person who
5 for profit or commercial purposes knowingly captures, kills,
6 possesses, offers for sale, sells, offers to barter, barter,
7 offers to purchase, purchases, delivers for shipment, ships,
8 exports, imports, causes to be shipped, exported, or imported,
9 delivers for transportation, transports, or causes to be
10 transported, carries or causes to be carried, or receives for
11 shipment, transportation, carriage, or export any herptile
12 taxa, in whole or in part, protected under this Act and the
13 financial value of that herptile, in whole or in part, is
14 valued:

15 (1) at or in excess of a total of \$300 as calculated
16 according to the applicable provisions under paragraphs
17 (1), (2), (3), and (4) of subsection (a) in Section 105-95
18 of this Act is guilty of a Class 3 felony; or

19 (2) less than the total of \$300 as calculated
20 according to the applicable provisions under paragraphs
21 (1), (2), (3), and (4) of subsection (a) in Section 105-95
22 of this Act is guilty of a Class A misdemeanor. A second or
23 subsequent violation is a Class 4 felony.

24 (b) The possession of any herptile, in whole or in part,
25 captured or killed in violation of this Act that is valued at

1 or in excess of \$600 under the provisions in subsection (b) of
2 Section 105-95 of this Act shall be considered prima facie
3 evidence of possession for profit or commercial purposes.

4 (510 ILCS 68/95-5)

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

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

18 (510 ILCS 68/95-10)

19 Sec. 95-10. Civil liability and immunity. ~~If any herptile~~
20 ~~escapes or is released, the owner and possessor of the~~
21 ~~herptile shall be strictly liable for all costs incurred in~~
22 ~~apprehending and confining the herptile, including any~~
23 ~~injuries incurred to humans or damage to property, both real~~
24 ~~and personal, including pets and livestock, and the owner~~

1 ~~shall indemnify any animal control officer, police officer, or~~
2 ~~Department employee acting in his or her official capacity to~~
3 ~~capture or control an escaped herptile.~~

4 The owner, keeper, or possessor of a herptile that escapes
5 captivity or is released ~~an escaped herptile~~ shall be liable
6 ~~solely responsible~~ for any and all damages and costs to any
7 person or property ~~liabilities~~ arising out of or in connection
8 with the escape or release of any herptile. Liability
9 includes, but is not limited to, ~~including liability for~~ any
10 damage, injury, or death caused by or to the herptile during or
11 after the herptile's escape or release or as a result of the
12 apprehension or confinement of the herptile after its escape
13 or release. In addition, the owner, keeper, or possessor of an
14 escaped herptile shall be solely responsible and shall
15 indemnify for any and all costs, damages, or medical expenses
16 incurred by an animal control officer, police officer, or
17 Department employee acting in his or her official capacity to
18 capture or control an escaped herptile.

19 ~~A licensed veterinarian who may have cause to treat a~~
20 ~~special use herptile that is in violation of this Act shall not~~
21 ~~be held liable, except for willful and wanton misconduct,~~
22 ~~under this Act provided that the veterinarian (i) promptly~~
23 ~~reports violations of this Act of which he or she has knowledge~~
24 ~~to a law enforcement agency within 24 hours after becoming~~
25 ~~aware of the incident; (ii) provides the name, address, and~~
26 ~~phone number of the person possessing the special use herptile~~

1 ~~at time of incident or treatment; (iii) provides the name and~~
2 ~~address of the owner of the special use herptile if known; (iv)~~
3 ~~identifies the kind and number of special use herptiles being~~
4 ~~treated; and (v) describes the reason for the treatment of the~~
5 ~~special use herptile.~~

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

7 (510 ILCS 68/100-5)

8 Sec. 100-5. Prima facie evidence; confiscation. The
9 possession of ~~any reptile or amphibian life or any~~ herptile,
10 special use herptile, or part of any herptile or special use
11 herptile ~~reptile or amphibian life~~ protected under this Act is
12 prima facie evidence that the herptile or special use herptile
13 ~~reptile or amphibian life~~ or any part of ~~reptile or amphibian~~
14 ~~life~~ is subject to the provisions of this Act, including
15 administrative rules.

16 Whenever the contents of any box, barrel, package, or
17 receptacle consists partly of contraband and partly of a
18 legally possessed or shipped herptile or special use herptile
19 ~~legal reptile or amphibian life~~ or any part of a legally
20 possessed or shipped herptile or special use herptile ~~reptile~~
21 ~~or amphibian life~~, the entire contents of the box, barrel, or
22 package, or other receptacle are subject to confiscation.

23 Whenever a person has in his or her possession in excess of
24 the number of herptiles or special use herptiles ~~reptile or~~
25 ~~amphibian life~~ or any parts of herptiles or special use

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

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

8 (510 ILCS 68/100-10)

9 Sec. 100-10. Search and seizure. Whenever any authorized
10 employee of the Department, sheriff, deputy sheriff, or other
11 peace office of the State has reason to believe that any
12 person, owner, possessor, commercial institution, pet store,
13 or reptile show vendor or attendee possesses any herptile
14 ~~reptile or amphibian life~~ or any part or parts of a herptile
15 ~~reptile or amphibian life~~ contrary to the provisions of this
16 Act, including administrative rules, he or she may file, or
17 cause to be filed, a sworn complaint to that effect before the
18 circuit court and procure and execute a search warrant. Upon
19 execution of the search warrant, the officer executing the
20 search warrant shall make due return of the search warrant to
21 the court issuing the search warrant, together with an
22 inventory of all the herptiles ~~reptile or amphibian life~~ or
23 any part or parts of a herptile ~~reptile or amphibian life~~ taken
24 under the search warrant. The court shall then issue process
25 against the party owning, controlling, or transporting the

1 ~~herptile reptile or amphibian life~~ or any part of a herptile
2 ~~reptile or amphibian life~~ seized, and upon its return shall
3 proceed to determine whether or not the herptile ~~reptile or~~
4 ~~amphibian life~~ or any part or parts of a herptile were ~~reptile~~
5 ~~or amphibian life was~~ held, possessed, or transported in
6 violation of this Act, including administrative rules. In case
7 of a finding that a herptile ~~the reptile or amphibian life~~ was
8 illegally held, possessed, transported, or sold, a judgment
9 shall be entered against the owner or party found in
10 possession of the herptile ~~reptile or amphibian life~~ or any
11 part or parts of a herptile ~~reptile or amphibian life~~ for the
12 costs of the proceeding and providing for the disposition of
13 the property seized, as provided for by this Act.

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

15 (510 ILCS 68/100-15)

16 Sec. 100-15. Seizure and forfeiture. If any person is
17 found to possess a special use herptile that is in violation of
18 this Act, including any administrative rules, then the special
19 use herptile and any equipment or items used contrary to this
20 Act shall be subject to seizure and forfeiture by the
21 Department under Section 100-10. Any special use herptile
22 seized in violation of this Act may immediately be placed in a
23 facility approved by the Department.

24 If a person's special use herptile has been seized by the
25 Department, then the owner and possessor of the special use

1 herptile is liable for the reasonable costs associated with
2 the seizure, placement, testing, and care for the special use
3 herptile from the time of confiscation until the time the
4 special use herptile is relocated to an approved facility or
5 person holding a valid Herptile Special Use permit or is
6 otherwise disposed of by the Department.

7 ~~Any special use herptile and related items found abandoned~~
8 ~~shall become the property of the Department and disposed of~~
9 ~~according to Department rule.~~

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

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

21 (510 ILCS 68/105-10)

22 Sec. 105-10. Conservation of herptiles ~~reptiles and~~
23 ~~amphibians~~. The Department shall take all measures necessary
24 for the conservation, distribution, introduction, and
25 restoration of herptiles ~~reptiles and amphibians~~. The

1 Department shall also bring or cause to be brought actions and
2 proceedings, in the name and by the authority of the People of
3 the State of Illinois, to enforce this Act, including
4 administrative rules, and to recover any and all fines and
5 penalties provided for in this Act. ~~Nothing in this Act shall
6 be construed to authorize the Department to change any penalty
7 prescribed by law or to change the amount of license fees or
8 the authority conferred by licenses prescribed by law.~~ The
9 Department is authorized to cooperate with the appropriate
10 Departments of the federal government and other Departments or
11 agencies of State government and educational institutions in
12 conducting surveys, experiments, or work of joint interest or
13 benefit.

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

15 (510 ILCS 68/105-30)

16 Sec. 105-30. Statute of limitations. All prosecutions
17 under this Act shall be commenced within 3 years after the
18 commission of the offense if it is a felony, or within one year
19 and 6 months after its commission if it is a misdemeanor ~~2~~
20 ~~years after the time the offense charged was committed.~~

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

22 (510 ILCS 68/105-35)

23 Sec. 105-35. Collection of fines. All fines provided for
24 by this Act shall be collected and remitted to the

1 Department's Wildlife Preservation ~~and Fish~~ Fund, within 30
2 days after the collection of the fine, by the clerk of the
3 circuit court collecting the fines who shall submit at the
4 same time to the Department a statement of the names of the
5 persons so fined and the name of the arresting officer, the
6 offense committed, the amount of the fine, and the date of the
7 conviction.

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

9 (510 ILCS 68/105-40)

10 Sec. 105-40. Power of entry and examination; access to
11 lands and waters. Authorized employees of the Department are
12 empowered, under law, to enter all lands and waters to enforce
13 the provisions of this Act. Authorized employees are further
14 empowered to examine all buildings, private or public clubs
15 (except dwellings), fish markets, cold storage houses, locker
16 plants, reptile shows, pet stores, camps, vessels, cars
17 (except sealed railroad cars or other sealed common carriers),
18 conveyances, vehicles, watercraft, or any other means of
19 transportation or shipping, tents, bags, game bags
20 ~~pillowcases, coats, jackets,~~ or other receptacles and to open
21 any box, barrel, package, or other receptacle in the
22 possession of a common carrier, that they have reason to
23 believe contains a herptile ~~reptile or amphibian life~~ or any
24 part of a herptile ~~reptile or amphibian life~~ taken, bought,
25 sold or bartered, shipped, or had in possession contrary to

1 this Act, including administrative rules, or that the
2 receptacle containing the herptile ~~reptile or amphibian~~ is
3 falsely labeled.

4 Authorized employees of the Department shall be given free
5 access to and shall not be hindered or interfered with in
6 making an entry and examination and any permit issued by the
7 Department that is held by the person preventing such free
8 access or interfering with or hindering such authorized
9 employee shall be subject to confiscation by the Department.
10 The Department shall not issue any permit to a person who
11 prevented free access or interfered with or hindered an
12 employee. ~~Any permit or license held by a person preventing~~
13 ~~free access or interfering with or hindering an employee shall~~
14 ~~not be issued to that person~~ for the period of one year after
15 his or her action.

16 Employees of the Department, as specifically authorized by
17 the Director, are empowered to enter all lands and waters for
18 the purpose of herptile ~~reptile or amphibian~~ investigations,
19 State and federal permit inspections, as well as herptile
20 ~~reptile or amphibian~~ censuses or inventories, and are further
21 empowered to conduct examination of equipment and devices in
22 the field, under law, to ensure compliance with this Act.

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

24 (510 ILCS 68/105-55)

25 Sec. 105-55. Illegal collecting devices; public nuisance.

1 Every collecting device, including seines, nets, traps,
2 pillowcases, bags, snake hooks or tongs, or any electrical
3 device or any other devices including vehicles or conveyance,
4 watercraft, or aircraft used or operated illegally or
5 attempted to be used or operated illegally by any person in
6 taking, transporting, holding, or conveying any herptile
7 ~~reptile or amphibian~~ life or any part or parts of a herptile ~~of~~
8 ~~reptile or amphibian life~~, contrary to this Act, including
9 administrative rules, shall be deemed a public nuisance and
10 therefore illegal and subject to seizure and confiscation by
11 any authorized employee of the Department. Upon the seizure of
12 this item, the Department shall take and hold the item until
13 disposed of as provided in this Act.

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

1 of the property may have a jury determine the illegality of its
2 use and shall have the right of an appeal as in other civil
3 cases. Confiscation or forfeiture shall not preclude or
4 mitigate against prosecution and assessment of penalties
5 provided in ~~Article 90~~ of this Act.

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

1 right of possession and reimbursing the Department for all
2 reasonable expenses of custody.

3 Any property forfeited to the State by court order under
4 this Section may be disposed of by public auction, except that
5 any property that is the subject of a court order shall not be
6 disposed of pending appeal of the order. The proceeds of the
7 sales at auction shall be deposited in the Wildlife
8 Preservation and Fish Fund.

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

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

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

14 (510 ILCS 68/105-60)

15 Sec. 105-60. Violations; separate offenses. Each act of
16 pursuing, taking, shipping, offered or received for shipping,
17 offering or receiving for shipment, transporting, buying,
18 selling or bartering, or having in one's possession any
19 protected herptile ~~reptile or amphibian life~~ or any part or
20 parts of a herptile ~~of reptile or amphibian life~~, seines,
21 nets, bags, snake hooks or tongs, or other devices used or to
22 be used in violation of this Act, including administrative
23 rules, constitutes a separate offense.

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

1 (510 ILCS 68/105-65)

2 Sec. 105-65. Accessory to violation; accountability.

3 (a) Any person who aids in or contributes in any way to a
4 violation of this Act, including administrative rules, is
5 individually liable, as a separate offense under this Act, for
6 the penalties imposed against the person who committed the
7 violation.

8 (b) Accountability for any person who aids or contributes
9 in any way to a misdemeanor or felony violation of this Act
10 shall be determined according to the provisions under Section
11 5-2 of the Criminal Code of 2012.

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

13 (510 ILCS 68/105-75)

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

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

23 (510 ILCS 68/105-80)

24 Sec. 105-80. Ownership and title of wild indigenous

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

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

14 (510 ILCS 68/105-90)

15 Sec. 105-90. Taking on private property. It is unlawful
16 for any person to take or attempt to take any species of
17 reptile or amphibian, or parts thereof, within or upon the
18 land of another, or upon waters flowing over or standing on the
19 land of another, without first obtaining permission from the
20 owner or the owner's designee. For the purposes of this
21 Section, the owner's designee means anyone who the owner
22 designates in a written authorization and the authorization
23 must contain (i) the legal or common description of property
24 for which the authority is given, (ii) the extent that the
25 owner's designee is authorized to make decisions regarding who

1 is allowed to take or attempt to take any species of reptiles
2 or amphibians, or parts thereof, and (iii) the owner's
3 notarized signature. ~~Before enforcing this Section, the law~~
4 ~~enforcement officer must have received notice from the owner~~
5 ~~or the owner's designee of a violation of this Section.~~
6 ~~Statements made to a law enforcement officer regarding this~~
7 ~~notice shall not be rendered inadmissible by the hearsay rule~~
8 ~~when offered for the purpose of showing the required notice.~~
9 Any person who violates this Section shall be guilty of a Class
10 B misdemeanor.

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

12 (510 ILCS 68/105-95)

13 Sec. 105-95. Financial value of herptiles.

14 (a) For purposes of this Act, replacement cost shall be
15 used to determine the financial value of the herptile species
16 protected by this Act, but in no case shall the minimum value
17 of any species protected under this Act be less than the
18 following: ~~For purposes of this Section, the financial value~~
19 ~~of all reptiles and amphibians described under this Act taken,~~
20 ~~possessed, or used in violation of this Act, whether in whole~~
21 ~~or in part, is as follows:~~

22 (1) for processed turtle parts, \$8 for each pound or
23 fraction of a pound; for each non-processed turtle, \$15
24 per whole turtle ~~or fair market value, whichever is~~
25 ~~greater;~~

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

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

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

12 (5) (Blank). ~~any person who, for profit or commercial~~
13 ~~purposes, knowingly captures or kills, possesses, offers~~
14 ~~for sale, sells, offers to barter, barter, offers to~~
15 ~~purchase, purchases, delivers for shipment, ships,~~
16 ~~exports, imports, causes to be shipped, exported, or~~
17 ~~imported, delivers for transportation, transports, or~~
18 ~~causes to be transported, carries or causes to be carried,~~
19 ~~or receives for shipment, transportation, carriage, or~~
20 ~~export any reptile or amphibian life, in part or in whole,~~
21 ~~of any of the reptiles and amphibians protected by this~~
22 ~~Act, and that reptile or amphibian life, in whole or in~~
23 ~~part, is valued at or in excess of a total of \$300 or fair~~
24 ~~market value, whichever is greater, as per value specified~~
25 ~~in paragraphs (1), (2), (3), and (4) of this subsection~~
26 ~~commits a Class 3 felony.~~

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

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

7 (510 ILCS 68/110-5)

8 Sec. 110-5. Exemptions. When acting in their official
9 capacity, the following entities and their agents are exempt
10 from Section 75-5 ~~Articles 75~~ and 85-5 ~~85~~ of this Act:

11 (1) public zoos or aquaria accredited by the
12 Association of Zoos and Aquariums or the Zoological
13 Association of America;

14 (2) licensed veterinarians or anyone operating under
15 the authority of a licensed veterinarian who is actively
16 treating a special use herptile that is being maintained
17 in the veterinarian facility in accordance with Sections
18 10-25, 20-15, and 25-15 of this Act in order to prevent the
19 escape of the herptile and protect public health and
20 safety;

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

22 (4) accredited research or medical institutions;

23 (5) licensed or accredited educational institutions;

24 (6) circuses licensed and in compliance with the
25 Animal Welfare Act and all rules adopted by the Department

1 of Agriculture;

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

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

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

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

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

15 Section 10. The Illinois Endangered Species Protection Act
16 is amended by changing Sections 3, 4, and 5 as follows:

17 (520 ILCS 10/3) (from Ch. 8, par. 333)

18 Sec. 3. It is unlawful for any person:

19 (1) to possess, take, transport, sell, offer for sale,
20 give or otherwise dispose of any animal or the product
21 thereof of any animal species which occurs on the Illinois
22 List, unless otherwise authorized by law;

23 (2) to deliver, receive, carry, transport or ship in
24 interstate or foreign commerce plants listed as endangered

1 by the federal government without a permit therefor issued
2 by the Department as provided in Section 4 of this Act;

3 (3) to take plants on the Illinois List without the
4 express written permission of the landowner; or

5 (4) to sell or offer for sale plants or plant products
6 of endangered species on the Illinois List.

7 (Source: P.A. 91-357, eff. 7-29-99.)

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

9 Sec. 4. Upon receipt of proper application and approval of
10 the same, the Department may issue to any qualified person a
11 permit which allows the taking, possession, transport,
12 purchase, or disposal of specimens or products of an
13 endangered or threatened species of animal or federal
14 endangered plant after the effective date of this Act for
15 justified purposes, that will enhance the survival of the
16 affected species by zoological, botanical or educational or
17 for scientific purposes only. ~~Section 5-20 of the~~
18 ~~Herptiles Herps Act has provisions for permits to acquire,~~
19 ~~breed, and sell captive, legally obtained endangered and~~
20 ~~threatened amphibians and reptiles.~~ Rules for the issuance and
21 maintenance of permits shall be promulgated by the Department
22 after consultation with and written approval of the Board. The
23 Department shall, upon notice and hearing, revoke the permit
24 of any holder thereof upon finding that the person is not
25 complying with the terms of the permit, the person is

1 knowingly providing incorrect or inadequate information, the
2 activity covered by the permit is placing the species in undue
3 jeopardy, or for other cause.

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

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

6 Sec. 5. (a) Upon receipt of proper application and
7 approval of same, the Department may issue a limited permit
8 authorizing the possession, purchase or disposition of animals
9 or animal products of an endangered or threatened species, or
10 federal endangered plants to any person which had in its
11 possession prior to the effective date of this Act such an item
12 or which obtained such an item legally out-of-state. Such
13 permit shall specifically name and describe each pertinent
14 item possessed by the permit holder and shall be valid only for
15 possession, purchase or disposition of the items so named. The
16 Department may require proof that acquisition of such items
17 was made before the effective date of this Act. The Department
18 may also issue a limited permit authorizing the possession,
19 purchase or disposition of live animals or such item to any
20 person to whom a holder of a valid permit issued pursuant to
21 this section gives, sells, or otherwise transfers the item
22 named in the permit. ~~Section 5-20 of the Herptiles Herps Act~~
23 ~~has provisions for permits to acquire, breed, and sell~~
24 ~~captive, legally obtained endangered and threatened amphibians~~
25 ~~and reptiles.~~ Limited permits issued pursuant to this section

1 shall be valid only as long as the item remains in the
2 possession of the person to whom the permit was issued.

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

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