

AN ACT concerning wildlife.

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

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

(510 ILCS 68/1-5)

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

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

(510 ILCS 68/1-15)

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

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

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

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

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

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

"Department" means the Illinois Department of Natural Resources.

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

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

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

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

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

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

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

"Individual" means a natural person.

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

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

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

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

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

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

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

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

environment that intentionally or unintentionally results in the production of eggs or offspring from the parent stock.

"Propagation" includes the attempt to produce eggs or offspring from the parent stock.

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

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

"Special use herptile" means any taxon of amphibian or reptile set forth in administrative rule for which a Herptile Special Use permit is required.

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

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

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

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

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

(510 ILCS 68/5-5)

Sec. 5-5. Possession limits.

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

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

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

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

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

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



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

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

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

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

(510 ILCS 68/5-10)

Sec. 5-10. Commercialization; herpetoculture.

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

authorized by law.

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

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

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

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

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

(510 ILCS 68/5-15)

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

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

(510 ILCS 68/5-20)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(510 ILCS 68/5-30)

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

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

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

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

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

(3) All persons taking common snapping turtles shall

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

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

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

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

(510 ILCS 68/5-35)

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

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

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

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

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

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

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



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

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

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

(510 ILCS 68/15-5)

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

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

(510 ILCS 68/20-30)

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

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

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

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

(510 ILCS 68/25-5)

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

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

(510 ILCS 68/25-30)

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

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

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

(510 ILCS 68/30-10)

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

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

(510 ILCS 68/35-5)

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

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

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

(510 ILCS 68/40-5)

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

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

(510 ILCS 68/40-10)

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

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

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

(510 ILCS 68/45-5)

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

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

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

(510 ILCS 68/50-5)

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

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

(510 ILCS 68/50-10)

Sec. 50-10. Permit requirements. Herpetoculture permit holders shall maintain written records of all herptiles possessed, ~~indigenous to this State~~ bought, sold, hatched, propagated, ~~sold,~~ or shipped and that are indigenous to this State for a minimum of 2 years after the date of the transaction and shall be made immediately available to authorized employees of the Department upon request. These records shall include the name and address of the buyer and

seller, the appropriate permit number of the buyer and seller, the date of the transaction, the species name (both common and scientific), and the origin of herptile involved. Records of the annual operations, as may be required by the Department, shall be forwarded to the Department upon request.

The criteria and standards for a Herpetoculture permit shall be provided by administrative rule. The Department shall set forth applicable rules, including a list of herptiles indigenous to this State.

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

(510 ILCS 68/55-5)

Sec. 55-5. Permit application and fees. An applicant for a Herpetoculture permit must file an application with the Department on a form provided by the Department. The application must include all information and requirements as set forth by administrative rule. The application for these permits shall be reviewed by the Department to determine if a permit will ~~should~~ be issued.

An ~~Unless addressed or exempted by administrative rule,~~ annual permit renewal must be accompanied by a non-refundable fee as set by the Department. The annual fee for a residential Herpetoculture permit shall be set by administrative rule. The Department shall adopt, by administrative rule, any additional procedures for the renewal of a Herpetoculture permit. All fees shall be deposited into the Wildlife Preservation Fund

~~and Fish Fund.~~

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

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

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

(510 ILCS 68/55-10)

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

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



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

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

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

(510 ILCS 68/55-15 new)

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

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

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

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

(510 ILCS 68/60-5)

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

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

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

The applicant must comply with all requirements of this

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

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

(510 ILCS 68/65-5)

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

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

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

permits.

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

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

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

(510 ILCS 68/70-5)

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

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

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

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

(510 ILCS 68/80-5)

Sec. 80-5. Injury to a member of public by special use herptiles. A person who possesses a special use herptile without complying with the requirements of this Act and the rules adopted under the authority of this Act and whose special use herptile causes bodily harm to ~~harms~~ a person when the possessor knew or should have known that the herptile had a propensity, when provoked or unprovoked, to harm, cause injury to, or otherwise substantially endanger a member of the public is guilty of a Class A misdemeanor. A person who possesses a special use herptile without complying with the requirements of this Act and the rules adopted under the authority of this Act and whose special use herptile causes great bodily harm or death to a person when the possessor knew or should have known that the herptile had a propensity, when provoked or unprovoked, to harm, cause injury to, or otherwise substantially endanger a member of the public ~~A person who fails to comply with the provisions of this Act and the rules adopted under the authority of this Act and who intentionally or knowingly allows a special use herptile to cause great bodily harm to, or the death of, a human~~ is guilty of a Class 4 felony.

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

(510 ILCS 68/Art. 87 heading new)

ARTICLE 87. HERPTILE DISEASES

(510 ILCS 68/87-5 new)

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

(510 ILCS 68/87-10 new)

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

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

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

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

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

(510 ILCS 68/90-5)

Sec. 90-5. Penalties.

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

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

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

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

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



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

(510 ILCS 68/90-10 new)

Sec. 90-10. Commercial purposes; offenses.

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

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

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

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

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

(510 ILCS 68/95-5)

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

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

(510 ILCS 68/95-10)

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

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

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

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

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

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

(510 ILCS 68/100-5)

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

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

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

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

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

(510 ILCS 68/100-10)

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

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

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

(510 ILCS 68/100-15)

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

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

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

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

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

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

(510 ILCS 68/105-10)

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

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

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

(510 ILCS 68/105-30)

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

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

(510 ILCS 68/105-35)

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



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

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

(510 ILCS 68/105-40)

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

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

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

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

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

(510 ILCS 68/105-55)

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

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

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

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

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

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

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

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

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

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

(510 ILCS 68/105-60)

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

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

(510 ILCS 68/105-65)

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

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

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

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

(510 ILCS 68/105-75)

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

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

(510 ILCS 68/105-80)

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

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

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

(510 ILCS 68/105-90)

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

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

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

(510 ILCS 68/105-95)

Sec. 105-95. Financial value of herptiles.

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

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



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

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

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

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

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

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

(510 ILCS 68/110-5)

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

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

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

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

(4) accredited research or medical institutions;

(5) licensed or accredited educational institutions;

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

of Agriculture;

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

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

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

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

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

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

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

Sec. 3. It is unlawful for any person:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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