



Sen. James F. Clayborne, Jr.

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1 AMENDMENT TO SENATE BILL 902

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 902 by replacing  
3 everything after the enacting clause with the following:

4 "ARTICLE 1. GENERAL PROVISIONS

5 Section 1-1. Short title. This Act may be cited as the  
6 Herptiles-Herps Act.

7 Section 1-5. Purpose. For purposes of this Act, reptiles  
8 and amphibians shall be exempt from the definition of "aquatic  
9 life" under Section 1-20 of the Fish and Aquatic Life Code. All  
10 rules and enforcement actions under the Illinois Conservation  
11 Law and the dangerous animals provisions in Section 48-10 of  
12 the Criminal Code of 2012 related to reptiles and amphibians  
13 shall be covered exclusively by this Act.

14 Section 1-10. Administrative agency. This Act shall be

1 administered and under the direction of the Department of  
2 Natural Resources.

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

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

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

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

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

1 rules, any of the specified species when taken illegally.

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

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

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

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

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

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

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

21 "Individual" means a natural person.

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

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

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

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

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

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

18 "Resident" means a person who in good faith makes  
19 application for any license or permit and verifies by statement  
20 that he or she has maintained his or her permanent abode in  
21 this State for a period of at least 30 consecutive days  
22 immediately preceding the person's application, and who does  
23 not maintain permanent abode or claim residency in another  
24 state for the purposes of obtaining any of the same or similar  
25 licenses or permits under this Act. A person's permanent abode  
26 is his or her fixed and permanent dwelling place, as

1 distinguished from a temporary or transient place of residence.  
2 Domiciliary intent is required to establish that the person is  
3 maintaining his or her permanent abode in this State. Evidence  
4 of domiciliary intent includes, but is not limited to, the  
5 location where the person votes, pays personal income tax, or  
6 obtains a drivers license. Any person on active duty in the  
7 Armed Forces shall be considered a resident of Illinois during  
8 his or her period of military duty.

9 "Special use herptile" means any taxon of amphibian or  
10 reptile for which a Herptile Special Use permit is required.

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

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

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

23 "Wildlife sanctuary" means any non-profit organization  
24 that: (1) is exempt from taxation under the federal Internal  
25 Revenue Code and is currently confirmed as tax exempt by the  
26 federal Internal Revenue Service; (2) operates a place of

1 refuge where wild animals are provided care for their lifetime  
2 or released back to their natural range; (3) does not conduct  
3 activities on animals in its possession that are not inherent  
4 to the animal's nature; (4) does not use animals in its  
5 possession for entertainment; (5) does not sell, trade, or  
6 barter animals in its possession or parts of those animals; and  
7 (6) does not breed animals in its possession.

8 ARTICLE 5. INDIGENOUS OR  
9 NATIVE HERPTILE TAXA

10 Section 5-5. Possession limits.

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

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

21 (c) All herptile species (other than bullfrogs and common  
22 snapping turtles) may be captured by hand. This shall not  
23 restrict the use of legally taken herptiles as bait by anglers.  
24 Any captured herptiles that are not to be retained in the

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

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

13 (e) Residents may possess a total of 8 native herp  
14 specimens collectively, with no more than 4 per species,  
15 without obtaining and possessing either a Herptile Scientific  
16 Collection permit or Herpetoculture permit from the  
17 Department, regardless of the origin of the species. A sport  
18 fishing license is required for residents to legally collect  
19 any native herp taxon on private land, with the landowner's  
20 permission. Collecting herptiles on public lands shall require  
21 additional permits.

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

1 Department.

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

10 Section 5-10. Commercialization; herpetoculture.

11 (a) It is unlawful to take, possess, buy, sell, offer to  
12 buy or sell or barter any reptile, amphibian, or their eggs,  
13 any resulting offspring, or parts taken from the wild in this  
14 State for commercial purposes unless otherwise authorized by  
15 law.

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

22 (c) Due to the similarity of appearance (S/A) of certain  
23 intergrade or hybrid specimens, the Department retains the  
24 authority to enforce any and all provisions under this Act.  
25 Specimens determined by the Department, or its 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) A valid, Department-issued Herpetoculture permit shall  
6 apply only to indigenous herp taxa. A Herpetoculture permit  
7 shall not be required in order to commercialize non-indigenous  
8 herp taxa except as otherwise prohibited or regulated under  
9 this Act.

10 (e) Indigenous herp taxa collected from the wild in this  
11 State may not be bred unless otherwise authorized by the  
12 Department for research or recovery purposes.

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

18 Section 5-20. Taking of endangered or threatened species.

19 (a) No person shall take or possess any of the herptiles  
20 listed in the Illinois Endangered Species Protection Act or  
21 subsequent administrative rules, except as provided by that  
22 Act.

23 (b) Any Department-permitted threatened or endangered  
24 (T/E) herptile species shall be exempt from an individual's

1 overall possession under the permitting system set forth in  
2 this Act. However, any and all T/E specimens shall be  
3 officially recorded with the Department's Endangered Species  
4 Conservation Program. Any species occurring on the federal T/E  
5 list also requires a Department permit for possession,  
6 propagation, sale, or offer for sale unless otherwise permitted  
7 through the Department.

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

16 (d) Federally licensed exhibits shall not be exempt from  
17 the Illinois Endangered Species Protection Act.

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

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

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

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

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

9 Section 5-25. Taking of snakes. Unless otherwise provided  
10 in this Act, any non-threatened or non-endangered snake may be  
11 taken by the owners or bona fide tenants of lands actually  
12 residing on the lands and their children, parents, brothers,  
13 and sisters permanently residing with them.

14 Section 5-30. Taking of turtles or bullfrogs; illegal  
15 devices.

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

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

21 (1) All individuals taking bullfrogs shall possess a  
22 valid sport fishing license and may take bullfrogs only  
23 during the open season to be specified by administrative  
24 rule. Bullfrogs may only be taken by hook and line, gig,

1 pitchfork, spear, bow and arrow, hand, or landing net.

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

5 (3) All persons taking common snapping turtles shall  
6 possess a valid sport fishing license and may take common  
7 snapping turtles only during the open season to be  
8 specified by administrative rule. Common snapping turtles  
9 (Chelydra serpentina) may be taken only by hand, hook and  
10 line, or bow and arrow, except in the counties listed in  
11 Section 5-35 where bowfishing for common snapping turtles  
12 is not allowed.

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

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

19 Section 5-35. Areas closed to the taking of reptiles and  
20 amphibians.

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

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

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

7 (b) In the following counties bowfishing for common  
8 snapping turtles is not permitted: Randolph, Perry, Franklin,  
9 Hamilton, White, Gallatin, Saline, Williamson, Jackson, Union,  
10 Johnson, Pope, Hardin, Massac, Pulaski, and Alexander, or in  
11 any additional counties added through administrative rule.

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

17 Section 5-40. Translocation and release of herptiles.

18 (a) Except as provided for in subsection (a) of Section  
19 5-5, no herptile indigenous species may be moved, translocated,  
20 or populations repatriated within this State without approval  
21 of the Department, after review of a proposal complete with  
22 long-term monitoring plan at least 5 years post-release.

23 (b) It shall be unlawful to intentionally or negligently  
24 release any non-indigenous herptile species into this State.

## 1 ARTICLE 10. VENOMOUS REPTILES

2 Section 10-5. Venomous reptile defined. Venomous reptiles  
3 include, but are not limited to, any medically significant  
4 venomous species of the families or genera of the Order  
5 Squamata: Helodermatidae, such as gila monsters and beaded  
6 lizards; Elapidae, such as cobras and coral snakes;  
7 Hydrophiidae, such as sea snakes; Viperidae and Crotalinae,  
8 such as vipers and pit vipers; Atractaspididae, such as  
9 burrowing asps; Colubridae in the following genera that shall  
10 be determined by administrative rule: West Indian racers  
11 (Alsophis); boigas and mangrove snakes (Boiga); road guarders  
12 (Conophis); Boomslangs (Dispholidus); false water cobras  
13 (Hydrodynastes); varied or hooded keelbacks (Macropisthodon);  
14 Malagasy cat-eyed snakes (Madagascarophis); Montpellier snakes  
15 (Malpolon); kukri snakes (Oligodon); collared snakes  
16 (Phalotris); palm snakes or green racers (Philodryas); sand  
17 snakes or racers (Psammophis); keelbacks (Rhabdophis); beaked  
18 snakes (Rhamphiophis); twig snakes (Thelotornis); black tree  
19 snakes (Thrasops); Pampas snakes (Tomodon); Wagler's snakes  
20 (Waglerophis); false fer-de-lances (Xenodon); specimens or  
21 eggs of the brown tree snake (Boiga irregularis); and any other  
22 species added through legislative process designated.

23 Section 10-10. Surgically altered venomous reptiles. It is  
24 not a defense to a violation of Article 65 that the person

1 violating that Article has had the venomous reptile surgically  
2 altered to render it harmless.

3 Section 10-15. Venomous reptile permit requirements. In  
4 addition to those requirements listed in Articles 60 and 65 of  
5 this Act, Herptile Special Use permits may be issued to  
6 residents using approved venomous reptile species only for bona  
7 fide educational programs, following an inspection and  
8 approval of the proposed facilities. A minimum of 6 documented  
9 programs shall be required of each permittee per calendar year.  
10 Unless addressed or exempted by administrative rule, annual  
11 permit renewal must be accompanied by a non-refundable fee as  
12 set by the Department by administrative rule and documented  
13 proof of educational programs completed on the recipient's  
14 letterhead. Prospective permittees must have 250 documented  
15 hours of experience with venomous reptiles. The Department or  
16 the Department of Agriculture reserves the right to inspect  
17 permittees and facilities during reasonable hours. Additions  
18 to permits must be approved prior to acquisition of additional  
19 venomous reptiles, and any changes shall be reported to the  
20 Department in writing no later than the first business day  
21 after that change occurred.

22 Section 10-20. Approved venomous reptiles. Permittees may  
23 keep legally obtained venomous reptile specimens native to the  
24 United States, except the following species: Eastern

1 diamondback rattlesnakes (*Crotalus adamanteus*); Western  
2 diamondback rattlesnakes (*Crotalus atrox*); Mojave rattlesnakes  
3 (*Crotalus scutulatus*); Southern Pacific rattlesnakes (*Crotalus*  
4 *oreganus helleri*); Eastern and Texas coral snakes (*Micrurus*  
5 *fulvius*); Sonoran coral snakes (*Micruroides euryxanthus*); and  
6 timber/canebrake rattlesnakes (*Crotalus horridus*) from the  
7 southern portions of their range (Oklahoma, southern Arkansas,  
8 Louisiana, and also southeastern South Carolina south through  
9 eastern Georgia to northern Florida), known as "Type A" and  
10 containing canebrake toxin.

11 Except for Boomslangs (*Dispholidus*), twig snakes  
12 (*Thelotornis*), keelbacks (*Rhabdophis*), Lichtenstein's green  
13 racer (*Philodryas olfersii*), and brown tree snake (*Boiga*  
14 *irregularis*), medically significant snakes in the family  
15 Colubridae defined in Section 10-5 of this Article may be  
16 possessed with a permit.

17 Section 10-25. Maintenance of venomous reptiles.  
18 Permittees shall keep approved venomous reptiles in strong  
19 escape-proof enclosures that at a minimum are: impact  
20 resistant, locked at all times, prominently labeled with the  
21 permittee's full name, address, telephone number, list of cage  
22 contents by scientific and common names, and a sign labeled  
23 "venomous". The signage shall also include the type and  
24 location of antivenom and contact information of the person or  
25 organization possessing the antivenom.



1           Section 10-30. Educational programs with approved venomous  
2 reptiles. Permittees shall keep approved venomous reptiles in  
3 strong escape-proof enclosures that at a minimum are: impact  
4 resistant, locked at all times, prominently labeled with the  
5 permittee's full name, address, telephone number, list of cage  
6 contents by scientific and common names, and a sign labeled  
7 "venomous". Labeling shall also include the type and location  
8 of antivenom and contact information of the person or  
9 organization possessing the antivenom. Interiors of enclosures  
10 may not be accessible to the public.

11           Section 10-35. Transport of approved venomous reptiles.  
12 During transport of any approved venomous reptile, it must be  
13 kept out of sight of the public in an escape-proof enclosure at  
14 all times that is labeled "venomous". Transport of any venomous  
15 reptile to any public venue, commercial establishment, retail  
16 establishment, or educational institution shall only be for  
17 bona fide educational programs or veterinary care.

18           Section 10-40. Additional regulations. Venomous reptiles  
19 shall not be bred, sold, or offered for sale within this State.  
20 The Department may approve limited transfers among existing  
21 permittees at the sole discretion of the Department.

22           As determined by the Department, non-residents may apply  
23 for a permit not to exceed 15 consecutive days to use venomous

1 reptiles in bona fide educational programs. The fee for the  
2 permit shall be set by administrative rule, and all fees shall  
3 be deposited into the Wildlife and Fish Fund.

4 ARTICLE 15. BOAS,  
5 PYTHONS, AND ANACONDAS

6 Section 15-5. Boas, pythons, and anacondas. Nothing shall  
7 prohibit lawfully acquired possession of any of the Boidae  
8 family, such as boas, pythons, and anacondas, provided captive  
9 maintenance requirements from the Department as set forth in  
10 this Act are met. All boas, pythons, and anacondas referenced  
11 in this Act are exempt from the permit process, associated  
12 annual fee, and liability insurance coverage.

13 Section 15-10. Maintenance of boas, pythons, and  
14 anacondas. Any species of boa, python, or anaconda not native  
15 to the United States, regardless of length, must be properly  
16 maintained in suitable, strong, impact resistant, escape-proof  
17 enclosures at all times unless being used for bona fide  
18 educational programs or trips for veterinary care.

19 Section 15-15. Educational programs with boas, pythons,  
20 and anacondas. During any bona fide educational program  
21 involving boas, pythons, or anacondas not native to the United  
22 States, the owner or affiliated agent must maintain physical

1 possession of the snake at all times if removed from a  
2 container or cage. Interiors of cages or containers used during  
3 educational programs may not be accessible to the public.

4 Section 15-20. Transport of boas, pythons, and anacondas.  
5 During transport of any boa, python, or anaconda, the snake  
6 must be kept out of sight of the public in an escape-proof  
7 enclosure at all times.

8 Section 15-25. Use of boas, pythons, and anacondas at  
9 reptile shows. An owner or affiliated agent must have physical  
10 possession and control of any boa, python, or anaconda that is  
11 not native to the United States at all times if removed from a  
12 container or cage. Uncontained boas, pythons, or anacondas  
13 removed from cages for examination or onlooker interaction must  
14 be kept confined either behind or at a display table. Interiors  
15 of cages or containers may not be accessible to the public.

16 ARTICLE 20. CROCODILIANS

17 Section 20-5. Crocodilians. "Crocodilians" means any  
18 species of the Order Crocodylia, such as crocodiles,  
19 alligators, caimans, and gavials.

20 Section 20-10. Crocodilian permit requirements. In  
21 addition to the requirements listed in Articles 60 and 65 of

1 this Act, Herptile Special Use permits may be issued to  
2 residents using crocodylian species only for bona fide  
3 educational programs, following an inspection and approval of  
4 the proposed facilities. A minimum of 6 documented programs  
5 shall be required of each permittee per calendar year. Unless  
6 addressed or exempted by administrative rule, annual permit  
7 renewal must be accompanied by a non-refundable fee as set by  
8 the Department and documented proof of educational programs  
9 completed on the recipient's letterhead. The Department or the  
10 Department of Agriculture reserves the right to inspect  
11 permittees and facilities during reasonable hours. Additions  
12 to permits must be approved prior to acquisition of additional  
13 crocodylians, and any changes shall be reported to the  
14 Department in writing no later than the first business day  
15 after that change occurred.

16 Section 20-15. Maintenance of crocodylians. Permittees  
17 shall keep crocodylians maintained in suitable, strong, impact  
18 resistant, escape-proof enclosures at all times unless being  
19 used for bona fide educational programs or trips for veterinary  
20 care.

21 Section 20-20. Educational programs with crocodylians.  
22 During any bona fide educational program involving  
23 crocodylians, the owner or affiliated agent must maintain  
24 physical possession and control of the crocodylian at all times

1 if removed from a container or cage. Interiors of cages or  
2 containers used during educational programs may not be  
3 accessible to the public. Crocodilians removed from their cage  
4 or enclosure for educational programs must have either the  
5 mouth banded or taped shut or kept at a minimum of 10 feet from  
6 the public and also kept out of direct contact with the public.

7 Section 20-25. Transport of crocodilians. During transport  
8 of any crocodilian, it must be kept out of sight of the public  
9 in an escape-proof enclosure at all times. Transport of any  
10 crocodilian to any public venue, commercial establishment,  
11 retail establishment, or educational institution shall only be  
12 for bona fide educational programs or veterinary care.

13 Section 20-30. Additional regulations. Crocodilians shall  
14 not be bred, sold, or offered for sale within this State.

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

20 ARTICLE 25. MONITOR LIZARDS

21 Section 25-5. Monitor lizards. "Monitor lizards" means the  
22 following members of the Varanidae family, specifically

1 crocodile monitors as well as Komodo dragons.

2 Section 25-10. Monitor lizard permit requirements. In  
3 addition to those requirements listed in Articles 60 and 65 of  
4 this Act, Herptile Special Use permits may be issued to  
5 residents using monitor lizard species only for bona fide  
6 educational programs, following an inspection and approval of  
7 the proposed facilities. A minimum of 6 documented programs on  
8 the family Varanidae shall be required of each permittee per  
9 calendar year. Unless addressed or exempted by administrative  
10 rule, annual permit renewal must be accompanied by a  
11 non-refundable fee as set by the Department and documented  
12 proof of educational programs completed on the recipient's  
13 letterhead. The Department or the Department of Agriculture  
14 reserves the right to inspect permittees and facilities during  
15 reasonable hours. Additions to permits must be approved prior  
16 to acquisition of additional monitor lizards, and any changes  
17 shall be reported to the Department in writing no later than  
18 the first business day after that change occurred.

19 Section 25-15. Maintenance of monitor lizards. Permittees  
20 shall keep monitor lizards maintained in suitable, strong,  
21 impact resistant, escape-proof enclosures at all times unless  
22 being used for bona fide educational programs or trips for  
23 veterinary care.

1           Section 25-20. Educational programs with monitor lizards.  
2           During any bona fide educational program involving monitor  
3           lizards, the owner or affiliated agent must maintain physical  
4           possession and control of the monitor lizard at all times if  
5           removed from a container or cage. Interiors of cages or  
6           containers used during educational programs may not be  
7           accessible to the public. Monitor lizards removed from their  
8           cage or enclosure for educational programs must have either the  
9           mouth banded or taped shut, or kept at a minimum of 10 feet  
10          from the public and also kept out of direct contact with the  
11          public.

12          Section 25-25. Transport of monitor lizards. During  
13          transport of any monitor lizard, it must be kept out of sight  
14          of the public in an escape-proof enclosure at all times.  
15          Transport of a monitor lizard to any public venue, commercial  
16          establishment, retail establishment, or educational  
17          institution shall only be for bona fide educational programs or  
18          veterinary care.

19          Section 25-30. Additional regulations. Monitor lizards  
20          shall not be bred, sold, or offered for sale within this State.

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

1 be deposited into the Wildlife and Fish Fund.

2 ARTICLE 30. TURTLES

3 Section 30-5. Turtles. It is unlawful to buy, sell, or  
4 offer to sell, or otherwise commercialize (including, but not  
5 limited to, offering as a commercial incentive, trading, or  
6 otherwise use for the purpose of profit or pecuniary gain) any  
7 species of aquatic or semi-aquatic turtles in the Order  
8 Testudines (except for the terrestrial tortoises in the family  
9 Testudinidae) with a carapace length of 4 inches or less or  
10 their eggs within this State. With prior approval from the  
11 Department, in its sole discretion, sales or offers for sale of  
12 aquatic or semi-aquatic turtles with a carapace length of 4  
13 inches or less or their eggs may be allowed to bona fide  
14 scientific or educational institutions.

15 Section 30-10. Turtle farming. Turtles shall not be  
16 commercially farmed in this State.

17 Section 30-15. Turtle collection. Collection of wild  
18 turtles for races or other types of events involving  
19 congregating and gathering numbers of wild turtles is  
20 prohibited in counties where ranavirus has been documented.  
21 Inclusion on the county list shall be determined by rule.



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## ARTICLE 35. AMPHIBIANS

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Section 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 shall only be allowed for bona fide educational purposes or research purposes by exempted institutions.

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

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## ARTICLE 40. HERPTILE SCIENTIFIC

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## COLLECTION PERMITS

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Section 40-5. Permit issuance. Herptile Scientific Collection permits may be granted by the Department, 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 to qualified individuals for purpose of salvaging dead, sick, or injured

1 herptiles not listed as endangered or threatened but protected  
2 by this Act for permanent donation to bona fide public or state  
3 scientific, educational, or zoological institutions.  
4 Collecting herptiles on public lands shall require additional  
5 permits.

6 Section 40-10. Permit requirements. The criteria and  
7 standards for a Herptile Scientific Collection permit shall be  
8 provided by administrative rule. The Department shall set forth  
9 applicable rules covering qualifications and facilities needed  
10 to obtain a permit. Disposition of herptiles taken under the  
11 authority of this Article shall be specified by the Department.  
12 The holder of each permit shall make to the Department a report  
13 in writing upon forms furnished by the Department. These  
14 reports shall be made (i) annually if the permit is granted for  
15 a period of one year or (ii) within 30 days after the  
16 expiration of the permit if the permit is granted for a period  
17 of less than one year. These reports shall include information  
18 that the Department considers necessary.

19 ARTICLE 45. HERPTILE SCIENTIFIC  
20 COLLECTION PERMIT APPLICATION AND FEES

21 Section 40-5. Permit application and fees. An applicant for  
22 a Herptile Scientific Collection permit must file an  
23 application with the Department on a form provided by the

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

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

13 ARTICLE 50. HERPETOCULTURE PERMITS

14 Section 50-5. Permit issuance. Any person or business who  
15 engages in the breeding, hatching, propagation, sale, or offer  
16 for sale of any indigenous herptile, regardless of origin,  
17 shall procure a permit from the Department. Herptiles  
18 specified, which are bred, hatched, propagated, or legally  
19 obtained by a person or business holding a permit as provided  
20 for in this Article, may be transported and sold or offered for  
21 sale within this State. Indigenous herp taxa collected from the  
22 wild in this State shall not be bred unless otherwise  
23 authorized by the Department for research or recovery purposes.

1           Section 50-10. Permit requirements. Herpetoculture permit  
2 holders shall maintain written records of all herptiles  
3 indigenous to this State bought, sold, hatched, propagated,  
4 sold, or shipped for a minimum of 2 years after the date of the  
5 transaction and shall be made immediately available to  
6 authorized employees of the Department upon request. These  
7 records shall include the name and address of the buyer and  
8 seller, the appropriate permit number of the buyer and seller,  
9 the date of the transaction, the species name (both common and  
10 scientific), and the origin of herptile involved. Records of  
11 the annual operations, as may be required by the Department,  
12 shall be forwarded to the Department upon request.

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

17                           ARTICLE 55. HERPETOCULTURE

18                           PERMIT APPLICATION AND FEES

19           Section 55-5. Permit application and fees. An applicant  
20 for a Herpetoculture permit must file an application with the  
21 Department on a form provided by the Department. The  
22 application must include all information and requirements as  
23 set forth by administrative rule. The application for these  
24 permits shall be reviewed by the Department to determine if a

1 permit should be issued.

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

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

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

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

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

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

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

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

13 ARTICLE 60. HERPTILE SPECIAL

14 USE PERMIT REQUIREMENTS

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

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

24 (2) prior to acquiring a Herptile Special Use permit,

1 the person must provide the name, address, date of birth,  
2 permit number, telephone number of the possessor, type or  
3 species, and the date the herptile is to be acquired.

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

15 ARTICLE 65. HERPTILE SPECIAL USE

16 PERMIT APPLICATION AND FEES

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

22 The annual fee for a residential Herptile Special Use  
23 permit shall be set by administrative rule on a per person  
24 basis. The Herptile Special Use permit shall not be based on

1 the number of special use herptile kept by an owner or  
2 possessor. All fees shall be deposited into the Wildlife and  
3 Fish Fund.

4 The Department shall adopt, by administrative rule,  
5 procedures for the renewal of annual Herptile Special Use  
6 permits.

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

13 The Department may issue a Limited Entry permit to an  
14 applicant who: (i) is not a resident of this State; (ii)  
15 complies with the requirements of this Act and all rules  
16 adopted by the Department under the authority of this Act;  
17 (iii) provides proof to the Department that he or she shall,  
18 during the permit term, maintain sufficient liability  
19 insurance coverage; (iv) pays to the Department, along with  
20 each application for a Limited Entry permit, a non-refundable  
21 fee as set by administrative rule, which the Department shall  
22 deposit into the Wildlife and Fish Fund; and (v) uses the  
23 herptile for an activity authorized in the Limited Entry  
24 permit. A Limited Entry permit shall be valid for not more than  
25 30 consecutive days unless extended by the Department, however,  
26 no extension shall be longer than 15 days.



1                   ARTICLE 70. SUSPENSION OF  
2                   PRIVILEGES AND REVOCATION OF  
3                   HERPTILE SPECIAL USE PERMITS

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

14           A person who holds a Herptile Special Use permit or Limited  
15 Entry permit and who violates the provisions of this Act shall  
16 have his or her permit revoked and permit privileges under this  
17 Act suspended for a period of up to 2 years after the date that  
18 he or she is found guilty of an initial offense, for up to 10  
19 years 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 to possess a special use herptile  
24 have been suspended or permit revoked may appeal that decision

1 in accordance with the provisions set forth in administrative  
2 rule.

3 ARTICLE 75. RECORD KEEPING REQUIREMENTS  
4 OF SPECIAL USE HERPTILES

5 Section 75-5. Record keeping requirements. A person who  
6 possesses a special use herptile must maintain records  
7 pertaining to the acquisition, possession, and disposition of  
8 the special use herptile as provided by administrative rule.  
9 These records shall be maintained for a minimum of 2 years  
10 after the date the special use herptile is no longer in  
11 possession of the permit holder. All records are subject to  
12 inspection by authorized law enforcement officers. In addition  
13 to maintaining records, all special use herptiles must be  
14 either pit-tagged or microchipped to individually identify  
15 them and the pit-tag or microchip numbers are also to be  
16 maintained as other pertinent records, unless otherwise  
17 provided by administrative rule.

18 ARTICLE 80. INJURY TO A  
19 MEMBER OF PUBLIC BY  
20 SPECIAL USE HERPTILES

21 Section 80-5. Injury to a member of public by special use  
22 herptiles. A person who possesses a special use herptile

1 without complying with the requirements of this Act and the  
2 rules adopted under the authority of this Act and whose special  
3 use herptile harms a person when the possessor knew or should  
4 have known that the herptile had a propensity, when provoked or  
5 unprovoked, to harm, cause injury to, or otherwise  
6 substantially endanger a member of the public is guilty of a  
7 Class A misdemeanor. A person who fails to comply with the  
8 provisions of this Act and the rules adopted under the  
9 authority of this Act and who intentionally or knowingly allow  
10 a special use herptile to cause great bodily harm to, or the  
11 death of, a human is guilty of a Class 4 felony.

12 ARTICLE 85. PROHIBITED ACTS WITH  
13 SPECIAL USE HERPTILES

14 Section 85-5. Prohibited acts. Except as otherwise  
15 provided in this Act or by administrative rule, a person shall  
16 not own, possess, keep, import, transfer, harbor, bring into  
17 this State, breed, propagate, buy, sell, or offer to sell, or  
18 have in his or her custody or control a special use herptile.

19 A person shall not release any special use herptile into  
20 the wild at any time unless authorized by the Director in  
21 writing. The possessor of a special use herptile must  
22 immediately contact the animal control authority or law  
23 enforcement agency of the municipality or county where the  
24 possessor resides if a special use herptile escapes or is

1 released.

2 The possessor of a special use herptile shall not keep,  
3 harbor, care for, transport, act as the custodian of, or  
4 maintain in his or her possession the special use herptile in  
5 anything other than an escape-proof enclosure.

6 The possessor of a special use herptile shall not transport  
7 the special use herptile to or possess the special use herptile  
8 at a public venue, commercial establishment, retail  
9 establishment, or educational institution unless specifically  
10 authorized by permit or required to render veterinary care to  
11 the special use herptile.

12 The possessor of a special use herptile, at all reasonable  
13 times, shall not deny the Department or its designated agents  
14 and officers access to premises where the possessor keeps a  
15 special use herptile to ensure compliance with this Act.

16 Except as otherwise provided in this Act or by  
17 administrative rule, a person shall not buy, sell, or barter,  
18 or offer to buy, sell, or barter a special use herptile.

19 ARTICLE 90. PENALTIES

20 Section 90-5. Penalties. A person who violates Article 85  
21 of this Act is guilty of a Class A misdemeanor for a first  
22 offense and a Class 4 felony for a second or subsequent offense  
23 occurring within one year after a finding of guilt on a first  
24 offense. A person who violates Article 75 of this Act is guilty

1 of a Class B misdemeanor. Each day of a violation constitutes a  
2 separate offense. Any other violation of this Act is a Class A  
3 misdemeanor unless otherwise stated.

4 All fines and penalties collected under the authority of  
5 this Act or its administrative rules shall be deposited into  
6 the Wildlife and Fish Fund.

7 ARTICLE 95. CIVIL

8 LIABILITY AND IMMUNITY

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

21 Section 95-10. Civil liability and immunity. If any  
22 herptile escapes or is released, the owner and possessor of the  
23 herptile shall be strictly liable for all costs incurred in

1 apprehending and confining the herptile, including any  
2 injuries incurred to humans or damage to property, both real  
3 and personal, including pets and livestock, and the owner shall  
4 indemnify any animal control officer, police officer, or  
5 Department employee acting in his or her official capacity to  
6 capture or control an escaped herptile.

7 The owner, keeper, or possessor of an escaped herptile  
8 shall be solely responsible for any and all liabilities arising  
9 out of or in connection with the escape or release of any  
10 herptile including liability for any damage, injury, or death  
11 caused by or to the herptile during or after the herptile's  
12 escape or release or as a result of the apprehension or  
13 confinement of the herptile after its escape or release. In  
14 addition, the owner, keeper, or possessor of an escaped  
15 herptile shall be solely responsible for any and all costs  
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, under  
22 this Act provided that the veterinarian (i) promptly reports  
23 violations of this Act of which he or she has knowledge to a  
24 law enforcement agency within 24 hours after becoming aware of  
25 the incident; (ii) provides the name, address, and phone number  
26 of the person possessing the special use herptile at time of

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

6 ARTICLE 100. SEIZURE AND FORFEITURE

7 Section 100-5. Prima facie evidence; confiscation. The  
8 possession of any reptile or amphibian life or any part of  
9 reptile or amphibian life protected under this Act is prima  
10 facie evidence that the reptile or amphibian life or any part  
11 of reptile or amphibian life is subject to the provisions of  
12 this Act, including administrative rules.

13 Whenever the contents of any box, barrel, package, or  
14 receptacle consists partly of contraband and partly of legal  
15 reptile or amphibian life or any part of reptile or amphibian  
16 life, the entire contents of the box, barrel, or package, or  
17 other receptacle are subject to confiscation.

18 Whenever a person has in his or her possession in excess of  
19 the number of reptile or amphibian life or any parts of reptile  
20 or amphibian life permitted under this Act, including  
21 administrative rules, the entire number of reptile or amphibian  
22 life or any parts of reptile or amphibian life in his or her  
23 possession is subject to confiscation.

1           Section 100-10. Search and seizure. Whenever any  
2 authorized employee of the Department, sheriff, deputy  
3 sheriff, or other peace officer of the State has reason to  
4 believe that any person, owner, possessor, commercial  
5 institution, pet store, or reptile show vendor or attendee  
6 possesses any reptile or amphibian life or any part of reptile  
7 or amphibian life contrary to the provisions of this Act,  
8 including administrative rules, he or she may file, or cause to  
9 be filed, a sworn complaint to that effect before the circuit  
10 court and procure and execute a search warrant. Upon execution  
11 of the search warrant, the officer executing the search warrant  
12 shall make due return of the search warrant to the court  
13 issuing the search warrant, together with an inventory of all  
14 the reptile or amphibian life or any part of reptile or  
15 amphibian life taken under the search warrant. The court shall  
16 then issue process against the party owning, controlling, or  
17 transporting the reptile or amphibian life or any part of  
18 reptile or amphibian life seized, and upon its return shall  
19 proceed to determine whether or not the reptile or amphibian  
20 life or any part of reptile or amphibian life was held,  
21 possessed, or transported in violation of this Act, including  
22 administrative rules. In case of a finding that the reptile or  
23 amphibian life was illegally held, possessed, transported, or  
24 sold, a judgment shall be entered against the owner or party  
25 found in possession of the reptile or amphibian life or any  
26 part of reptile or amphibian life for the costs of the



1 proceeding and providing for the disposition of the property  
2 seized, as provided for by this Act.

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

11 If a person's special use herptile has been seized by the  
12 Department, then the owner and possessor of the special use  
13 herptile is liable for the reasonable costs associated with the  
14 seizure, placement, testing, and care for the special use  
15 herptile from the time of confiscation until the time the  
16 special use herptile is relocated to an approved facility or  
17 person holding a valid Herptile Special Use permit or is  
18 otherwise disposed of by the Department.

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

22 The circuit court, in addition to any other penalty, may  
23 award any seized or confiscated special use herptiles or items  
24 to the Department as provided for in Section 1-215 of the Fish  
25 and Aquatic Life Code and Section 1.25 of the Wildlife Code.

1 Further, the court, in addition to any other penalty, may  
2 assess a fee upon a person who pleads guilty to the provisions  
3 of this Act equal to the amount established or determined to  
4 maintain the special use herptile until it is permanently  
5 placed in a facility approved by the Department or otherwise  
6 disposed of.

7 ARTICLE 105. GENERAL PROVISIONS

8 Section 105-5. Administrative rules. The Department is  
9 authorized to adopt administrative rules for carrying out,  
10 administering, and enforcing the provisions of this Act. The  
11 administrative rules shall be adopted in accordance with the  
12 Illinois Administrative Procedure Act.

13 Rules, after becoming effective, shall be enforced in the  
14 same manner as other provisions of this Act. It is unlawful for  
15 any person to violate any provision of any administrative rule  
16 adopted by the Department. Violators of administrative rules  
17 are subject to the penalties in this Act.

18 Section 105-10. Conservation of reptiles and amphibians.  
19 The Department shall take all measures necessary for the  
20 conservation, distribution, introduction, and restoration of  
21 reptiles and amphibians. The Department shall also bring or  
22 cause to be brought actions and proceedings, in the name and by  
23 the authority of the People of the State of Illinois, to

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

11 Section 105-15. Peace officers. All employees of the  
12 Department authorized by the Director shall have the power of,  
13 and shall be, peace officers in the enforcement of this Act,  
14 including administrative rules, and may carry weapons as may be  
15 necessary in the performance of his or her duties.

16 Section 105-20. Arrests; warrants. All authorized  
17 employees of the Department and all sheriffs, deputy sheriffs,  
18 and other police officers shall arrest any person detected in  
19 violation of any of the provisions of this Act, including  
20 administrative rules. Any duly accredited officer of the  
21 federal Fish and Wildlife Service and U.S. Forest Service may  
22 arrest any person detected in violation of any of the  
23 provisions of this Act, including administrative rules.

24 All officers shall make prompt investigation of any

1 violation of this Act, including administrative rules,  
2 reported by any other persons and shall cause a complaint to be  
3 filed when there seems just ground for a complaint and evidence  
4 procurable to support the complaint.

5 Upon the filing of a complaint, the officers shall render  
6 assistance in the prosecution of the party against whom the  
7 complaint is made.

8 Peace officers, other than employees of the Department,  
9 making arrests and serving warrants provided for by this Act  
10 shall receive the fees and mileage as provided for by law for  
11 sheriffs.

12 Each duly accredited officer and authorized employee of the  
13 Department is empowered to execute and serve all warrants and  
14 processes issued by the circuit court.

15 Section 105-25. Prosecutions; State's Attorneys. All  
16 prosecutions shall be brought in the name and by the authority  
17 of the People of the State of Illinois before the circuit court  
18 for the county where the offense was committed.

19 All State's Attorneys shall enforce the provisions of this  
20 Act, including administrative rules, in his or her respective  
21 county and shall prosecute all persons charged with violating  
22 its provisions when requested by the Department.

23 Section 105-30. Statute of limitations. All prosecutions  
24 under this Act shall be commenced within 2 years after the time

1 the offense charged was committed.

2 Section 105-35. Collection of fines. All fines provided for  
3 by this Act shall be collected and remitted to the Department's  
4 Wildlife and Fish Fund, within 30 days after the collection of  
5 the fine, by the clerk of the circuit court collecting the  
6 fines who shall submit at the same time to the Department a  
7 statement of the names of the persons so fined and the name of  
8 the arresting officer, the offense committed, the amount of the  
9 fine, and the date of the conviction.

10 Section 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 this Act. Authorized employees are further empowered to examine  
14 all buildings, private or public clubs (except dwellings), fish  
15 markets, reptile shows, pet stores, camps, vessels, cars  
16 (except sealed railroad cars or other sealed common carriers),  
17 conveyances, vehicles, watercraft, or any other means of  
18 transportation or shipping, tents, bags, pillow cases, coats,  
19 jackets, or other receptacles and to open any box, barrel,  
20 package, or other receptacle in the possession of a common  
21 carrier, that they have reason to believe contains reptile or  
22 amphibian life or any part of reptile or amphibian life taken,  
23 bought, sold or bartered, shipped, or had in possession  
24 contrary to this Act, including administrative rules, or that

1 the receptacle containing the reptile or amphibian is falsely  
2 labeled.

3 Authorized employees of the Department shall be given free  
4 access to and shall not be hindered or interfered with in  
5 making an entry and examination. Any permit or license held by  
6 a person preventing free access or interfering with or  
7 hindering an employee shall not be issued to that person for  
8 the period of one year after his or her action.

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

16 Section 105-45. Obstructing an officer. It shall be  
17 unlawful for any person to resist or obstruct any officer or  
18 employee of the Department in the discharge of his or her  
19 duties under this Act. Any person who violates this provision  
20 is guilty of a Class A misdemeanor.

21 Section 105-50. Posing as an officer or employee. It shall  
22 be unlawful for any person to represent himself or herself  
23 falsely to be an officer or employee of the Department or to  
24 assume to act as an officer or employee of the Department

1 without having been duly appointed and employed. Any person who  
2 violates this provision is guilty of a Class A misdemeanor.

3 Section 105-55. Illegal collecting devices; public  
4 nuisance. Every collecting device, including seines, nets,  
5 traps, pillow cases, bags, snake hooks or tongs, or any  
6 electrical device or any other devices including vehicles or  
7 conveyance, watercraft, or aircraft used or operated illegally  
8 or attempted to be used or operated illegally by any person in  
9 taking, transporting, holding, or conveying any reptile or  
10 amphibian life or any part of reptile or amphibian life,  
11 contrary to this Act, including administrative rules, shall be  
12 deemed a public nuisance and therefore illegal and subject to  
13 seizure and confiscation by any authorized employee of the  
14 Department. Upon the seizure of this item, the Department shall  
15 take and hold the item until disposed of as provided in this  
16 Act.

17 Upon the seizure of any device because of its illegal use,  
18 the officer or authorized employee of the Department making the  
19 seizure shall, as soon as reasonably possible, cause a  
20 complaint to be filed before the circuit court and a summons to  
21 be issued requiring the owner or person in possession of the  
22 property to appear in court and show cause why the device  
23 seized should not be forfeited to the State. Upon the return of  
24 the summons duly served or upon posting or publication of  
25 notice as provided in this Act, the court shall proceed to

1 determine the question of the illegality of the use of the  
2 seized property. Upon judgment being entered that the property  
3 was illegally used, an order shall be entered providing for the  
4 forfeiture of the seized property to the State. The owner of  
5 the property may have a jury determine the illegality of its  
6 use and shall have the right of an appeal as in other civil  
7 cases. Confiscation or forfeiture shall not preclude or  
8 mitigate against prosecution and assessment of penalties  
9 provided in Article 90 of this Act.

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



1 The owner or other person entitled to possession of the  
2 property may claim and recover possession of the property at  
3 any time before its sale at public auction upon providing  
4 reasonable and satisfactory proof of ownership or right of  
5 possession and reimbursing the Department for all reasonable  
6 expenses of custody.

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

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

15 Section 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 reptile or amphibian life or any part of reptile or  
20 amphibian life, seines, nets, bags, snake hooks or tongs, or  
21 other devices used or to be used in violation of this Act,  
22 including administrative rules, constitutes a separate  
23 offense.

24 Section 105-65. Accessory to violation. Any person who aids

1 in or contributes in any way to a violation of this Act,  
2 including administrative rules, is individually liable, as a  
3 separate offense under this Act, for the penalties imposed  
4 against the person who committed the violation.

5 Section 105-70. Permit fraudulently obtained. No person  
6 shall at any time:

7 (1) falsify, alter, or change in any manner, or provide  
8 deceptive or false information required for any permit issued  
9 under the provisions of this Act;

10 (2) falsify any record required by this Act;

11 (3) counterfeit any form of permit provided for by this  
12 Act;

13 (4) loan or transfer to another person any permit issued  
14 under this Act; or

15 (5) use any permit issued to another person under this Act.

16 It is unlawful to possess any permit issued under the  
17 provisions of this Act that was fraudulently obtained or which  
18 the person or permittee knew, or should have known, was  
19 falsified, altered, changed in any manner, or fraudulently  
20 obtained.

21 The Department shall revoke all permits and suspend all  
22 privileges under this Act of any person violating this Section  
23 for a period of not less than 3 years. The procedures for  
24 suspension under this Section shall be as provided for in  
25 administrative rule. Anyone who violates a provision of this

1 Section shall be guilty of a Class A misdemeanor.

2 Section 105-75. Wildlife and Fish Fund; disposition of  
3 money received. All fees, fines, income of whatever kind or  
4 nature derived from reptile and amphibian activities regulated  
5 by this Act on lands, waters, or both under the jurisdiction or  
6 control of the Department and all penalties collected under  
7 this Act shall be deposited into the State Treasury and shall  
8 be set apart in a special fund known as the Wildlife and Fish  
9 Fund.

10 Section 105-80. Ownership and title of wild indigenous  
11 reptiles and amphibians. The ownership of and title to all wild  
12 indigenous reptile and amphibian life within the boundaries of  
13 the State are hereby declared to be in the State and no wild  
14 indigenous reptile and amphibian life shall be taken or killed,  
15 in any manner or at any time, unless the person or persons  
16 taking or killing the wild indigenous reptile and amphibian  
17 life shall consent that the title to the wild indigenous  
18 reptile and amphibian life shall be and remain in the State for  
19 the purpose of regulating the taking, killing, possession, use,  
20 sale, and transportation of wild indigenous reptile and  
21 amphibian life after taking or killing, as set forth in this  
22 Act.

23 Section 105-85. Application. This Act shall apply to

1 reptile and amphibian life or any part of reptile and amphibian  
2 life (i) in or from any of the waters or lands wholly within  
3 the boundaries of the State or over which the State has  
4 concurrent jurisdiction with any other state or (ii) which may  
5 be possessed in or brought into the State.

6 Section 105-90. Taking on private property. It is unlawful  
7 for any person to take or attempt to take any species of  
8 reptile or amphibian, or parts thereof, within or upon the land  
9 of another, or upon waters flowing over or standing on the land  
10 of another, without first obtaining permission from the owner  
11 or the owner's designee. For the purposes of this Section, the  
12 owner's designee means anyone who the owner designates in a  
13 written authorization and the authorization must contain (i)  
14 the legal or common description of property for which the  
15 authority is given, (ii) the extent that the owner's designee  
16 is authorized to make decisions regarding who is allowed to  
17 take or attempt to take any species of reptiles or amphibians,  
18 or parts thereof, and (iii) the owner's notarized signature.  
19 Before enforcing this Section, the law enforcement officer must  
20 have received notice from the owner or the owner's designee of  
21 a violation of this Section. Statements made to a law  
22 enforcement officer regarding this notice shall not be rendered  
23 inadmissible by the hearsay rule when offered for the purpose  
24 of showing the required notice. Any person who violates this  
25 Section shall be guilty of a Class B misdemeanor.

1 Section 105-95. Financial value of herptiles.

2 (a) For purposes of this Section, the financial value of  
3 all reptiles and amphibians described under this Act taken,  
4 possessed, or used in violation of this Act, whether in whole  
5 or in part, is as follows:

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

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

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

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

20 (5) any person who, for profit or commercial purposes,  
21 knowingly captures or kills, possesses, offers for sale,  
22 sells, offers to barter, barterers, offers to purchase,  
23 purchases, delivers for shipment, ships, exports, imports,  
24 causes to be shipped, exported, or imported, delivers for  
25 transportation, transports, or causes to be transported,

1 carriers or causes to be carried, or receives for shipment,  
2 transportation, carriage, or export any reptile or  
3 amphibian life, in part or in whole, of any of the reptiles  
4 and amphibians protected by this Act, and that reptile or  
5 amphibian life, in whole or in part, is valued at or in  
6 excess of a total of \$300 or fair market value, whichever  
7 is greater, as per value specified in paragraphs (1), (2),  
8 (3), and (4) of this subsection commits a Class 3 felony.

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

14 Section 105-100. Home rule. A municipality or county may  
15 adopt an ordinance governing amphibian and reptile species that  
16 is more restrictive than this Act.

17 ARTICLE 110. EXEMPTIONS

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

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

23 (2) licensed veterinarians or anyone operating under

1 the authority of a licensed veterinarian;

2 (3) wildlife sanctuaries;

3 (4) accredited research or medical institutions;

4 (5) licensed or accredited educational institutions;

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

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

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

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

15 (10) any motion picture or television production  
16 company that uses licensed dealers, exhibitors, and  
17 transporters under the federal Animal Welfare Act, 7 U.S.C.  
18 2132.

19 Section 900-5. The Fish and Aquatic Life Code is amended by  
20 changing Sections 1-20, 5-25, 10-30, 10-35, 10-60, 10-65, and  
21 10-115 as follows:

22 (515 ILCS 5/1-20) (from Ch. 56, par. 1-20)

23 Sec. 1-20. Aquatic life. "Aquatic life" means all fish,  
24 ~~reptiles, amphibians,~~ crayfish, and mussels. For the purposes

1 of Section 20-90, the definition of "aquatic life" shall  
2 include, but is not limited to, all fish, ~~reptiles, amphibians,~~  
3 mollusks, crustaceans, algae or other aquatic plants, and  
4 invertebrates. Aquatic life does not mean any herptiles that  
5 are found in the Herptiles-Herps Act.

6 (Source: P.A. 89-66, eff. 1-1-96.)

7 (515 ILCS 5/5-25) (from Ch. 56, par. 5-25)

8 Sec. 5-25. Value of protected species; violations.

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

22 A person is guilty of a Class 4 felony if convicted under  
23 this Section for more than one violation within a 90-day period  
24 if the aquatic life involved in each violation are not valued  
25 at or in excess of \$300 but the total value of the aquatic life



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

5 Any person who violates this subsection (a) when the total  
6 value of species is less than \$300 commits a Class A  
7 misdemeanor except as otherwise provided.

8 (b) Possession of aquatic life, in whole or in part,  
9 captured or killed in violation of this Code, valued at or in  
10 excess of \$600, as per species value specified in subsection  
11 (c) of this Section, shall be considered prima facie evidence  
12 of possession for profit or commercial purposes.

13 (c) For purposes of this Section, the fair market value or  
14 replacement cost, whichever is greater, must be used to  
15 determine the value of the species protected by this Code, but  
16 in no case shall the minimum value of all aquatic life and  
17 their hybrids protected by this Code, whether dressed or not  
18 dressed, be less than the following:

19 (1) For each muskellunge, northern pike, walleye,  
20 striped bass, sauger, largemouth bass, smallmouth bass,  
21 spotted bass, trout (all species), salmon (all species  
22 other than chinook caught from August 1 through December  
23 31), and sturgeon (other than pallid or lake sturgeon) of a  
24 weight, dressed or not dressed, of one pound or more, \$4  
25 for each pound or fraction of a pound. For each individual  
26 fish with a dressed or not dressed weight of less than one

1 pound, \$4. For parts of fish processed past the dressed  
2 state, \$8 per pound.

3 (2) For each warmouth, rock bass, white bass, yellow  
4 bass, sunfish (all species except largemouth, smallmouth,  
5 and spotted bass), bluegill, crappie, bullheads,  
6 pickerels, yellow perch, catfish (all species), and  
7 mussels of a weight, dressed or not dressed, of one pound  
8 or more, \$4 for each pound or fraction of a pound of  
9 aquatic life. For each individual aquatic life with a  
10 dressed or not dressed weight of less than one pound, \$4.  
11 For aquatic life parts processed past the dressed state, \$8  
12 per pound.

13 (3) (Blank). ~~For processed turtle parts, \$6 for each~~  
14 ~~pound or fraction of a pound. For each non processed~~  
15 ~~turtle, \$8 per turtle.~~

16 (4) (Blank). ~~For frogs, toads, salamanders, lizards,~~  
17 ~~and snakes, \$8 per animal in whole or in part.~~

18 (5) For goldeye, mooneye, carp, carpsuckers (all  
19 species), suckers (all species), redhorse (all species),  
20 buffalo (all species), freshwater drum, skipjack, shad  
21 (all species), alewife, smelt, gar, bowfin, chinook salmon  
22 caught from August 1 through December 31, and all other  
23 aquatic life protected by this Code, not listed in  
24 paragraphs (1), (2), or (5) ~~(3), or (4)~~ of subsection (c)  
25 of this Section, \$1 per pound, in part or in whole.

26 (6) For each species listed on the federal or State

1           endangered and threatened species list, and for lake and  
2           pallid sturgeon, \$150 per animal in whole or in part.

3           (Source: P.A. 95-147, eff. 8-14-07.)

4           (515 ILCS 5/10-30) (from Ch. 56, par. 10-30)

5           Sec. 10-30. Bullfrog; open season. Bullfrog open season is  
6           found in Section 5-30 of the Herptiles-Herps Act. ~~All~~  
7           ~~individuals taking bullfrogs shall possess a valid sport~~  
8           ~~fishing license and may take bullfrogs only during the~~  
9           ~~following open season of June 15 through August 31, both~~  
10          ~~inclusive.~~

11          (Source: P.A. 87-833.)

12          (515 ILCS 5/10-35) (from Ch. 56, par. 10-35)

13          Sec. 10-35. Daily limit; bullfrogs. Bullfrog daily limit is  
14          found in Section 5-30 of the Herptiles-Herps Act. ~~The daily~~  
15          ~~limit for all properly licensed individuals is 8 bullfrogs. The~~  
16          ~~possession limit total is 16 bullfrogs.~~

17          (Source: P.A. 87-833.)

18          (515 ILCS 5/10-60) (from Ch. 56, par. 10-60)

19          Sec. 10-60. Taking of turtles or bullfrogs; illegal  
20          devices. Taking of turtles or bullfrogs is found in Section  
21          5-30 of the Herptiles-Herps Act. ~~No person shall take turtles~~  
22          ~~or bullfrogs by commercial fishing devices, including hoop~~  
23          ~~nets, traps, or seines, or by the use of firearms, airguns, or~~

1 ~~gas guns.~~

2 (Source: P.A. 87-833.)

3 (515 ILCS 5/10-65) (from Ch. 56, par. 10-65)

4 Sec. 10-65. Taking of snakes. Taking of snakes is found in  
5 Section 5-25 of the Herptiles-Herps Act. ~~Unless otherwise~~  
6 ~~provided in this Code, snakes may be taken by the owners or~~  
7 ~~bonafide tenants of lands actually residing on the lands and~~  
8 ~~their children, parents, brothers, and sisters actually~~  
9 ~~permanently residing with them.~~

10 (Source: P.A. 87-833.)

11 (515 ILCS 5/10-115) (from Ch. 56, par. 10-115)

12 Sec. 10-115. Taking of turtles. Taking of turtles is found  
13 in Section 5-30 of the Herptiles-Herps Act. ~~Turtles may be~~  
14 ~~taken only by hand or means of hook and line. The provisions of~~  
15 ~~this Section are subject to modification by administrative~~  
16 ~~rule.~~

17 (Source: P.A. 87-833.)

18 Section 900-10. The Illinois Endangered Species Protection  
19 Act is amended by changing Sections 4 and 5 as follows:

20 (520 ILCS 10/4) (from Ch. 8, par. 334)

21 Sec. 4. Upon receipt of proper application and approval of  
22 the same, the Department may issue to any qualified person a

1 permit which allows the taking, possession, transport,  
2 purchase, or disposal of specimens or products of an endangered  
3 or threatened species of animal or federal endangered plant  
4 after the effective date of this Act for justified purposes,  
5 that will enhance the survival of the affected species by  
6 zoological, botanical or educational or for scientific  
7 purposes only. Section 5-20 of the Herptiles-Herps Act has  
8 provisions for permits to acquire, breed, and sell captive,  
9 legally obtained endangered and threatened amphibians and  
10 reptiles. Rules for the issuance and maintenance of permits  
11 shall be promulgated by the Department after consultation with  
12 and written approval of the Board. The Department shall, upon  
13 notice and hearing, revoke the permit of any holder thereof  
14 upon finding that the person is not complying with the terms of  
15 the permit, the person is knowingly providing incorrect or  
16 inadequate information, the activity covered by the permit is  
17 placing the species in undue jeopardy, or for other cause.

18 (Source: P.A. 84-1065.)

19 (520 ILCS 10/5) (from Ch. 8, par. 335)

20 Sec. 5. (a) Upon receipt of proper application and approval  
21 of same, the Department may issue a limited permit authorizing  
22 the possession, purchase or disposition of animals or animal  
23 products of an endangered or threatened species, or federal  
24 endangered plants to any person which had in its possession  
25 prior to the effective date of this Act such an item or which

1 obtained such an item legally out-of-state. Such permit shall  
2 specifically name and describe each pertinent item possessed by  
3 the permit holder and shall be valid only for possession,  
4 purchase or disposition of the items so named. The Department  
5 may require proof that acquisition of such items was made  
6 before the effective date of this Act. The Department may also  
7 issue a limited permit authorizing the possession, purchase or  
8 disposition of live animals or such item to any person to whom  
9 a holder of a valid permit issued pursuant to this section  
10 gives, sells, or otherwise transfers the item named in the  
11 permit. Section 5-20 of the Herptiles-Herps Act has provisions  
12 for permits to acquire, breed, and sell captive, legally  
13 obtained endangered and threatened amphibians and reptiles.  
14 Limited permits issued pursuant to this section shall be valid  
15 only as long as the item remains in the possession of the  
16 person to whom the permit was issued.

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

21 (Source: P.A. 84-1065.)

22 Section 900-15. The Criminal Code of 2012 is amended by  
23 changing Section 48-10 as follows:

24 (720 ILCS 5/48-10)

1           Sec. 48-10. Dangerous animals.

2           (a) Definitions. As used in this Section, unless the  
3 context otherwise requires:

4           "Dangerous animal" means a lion, tiger, leopard,  
5 ocelot, jaguar, cheetah, margay, mountain lion, lynx,  
6 bobcat, jaguarundi, bear, hyena, wolf or coyote, ~~or any~~  
7 ~~poisonous or life threatening reptile.~~ Dangerous animal  
8 does not mean any herptiles included in the Herptiles-Herps  
9 Act.

10           "Owner" means any person who (1) has a right of  
11 property in a dangerous animal or primate, (2) keeps or  
12 harbors a dangerous animal or primate, (3) has a dangerous  
13 animal or primate in his or her care, or (4) acts as  
14 custodian of a dangerous animal or primate.

15           "Person" means any individual, firm, association,  
16 partnership, corporation, or other legal entity, any  
17 public or private institution, the State, or any municipal  
18 corporation or political subdivision of the State.

19           "Primate" means a nonhuman member of the order primate,  
20 including but not limited to chimpanzee, gorilla,  
21 orangutan, bonobo, gibbon, monkey, lemur, loris, aye-aye,  
22 and tarsier.

23           (b) Dangerous animal or primate offense. No person shall  
24 have a right of property in, keep, harbor, care for, act as  
25 custodian of or maintain in his or her possession any dangerous  
26 animal or primate except at a properly maintained zoological

1 park, federally licensed exhibit, circus, college or  
2 university, scientific institution, research laboratory,  
3 veterinary hospital, hound running area, or animal refuge in an  
4 escape-proof enclosure.

5 (c) Exemptions.

6 (1) This Section does not prohibit a person who had  
7 lawful possession of a primate before January 1, 2011, from  
8 continuing to possess that primate if the person registers  
9 the animal by providing written notification to the local  
10 animal control administrator on or before April 1, 2011.  
11 The notification shall include:

12 (A) the person's name, address, and telephone  
13 number; and

14 (B) the type of primate, the age, a photograph, a  
15 description of any tattoo, microchip, or other  
16 identifying information, and a list of current  
17 inoculations.

18 (2) This Section does not prohibit a person who is  
19 permanently disabled with a severe mobility impairment  
20 from possessing a single capuchin monkey to assist the  
21 person in performing daily tasks if:

22 (A) the capuchin monkey was obtained from and  
23 trained at a licensed nonprofit organization described  
24 in Section 501(c)(3) of the Internal Revenue Code of  
25 1986, the nonprofit tax status of which was obtained on  
26 the basis of a mission to improve the quality of life



1 of severely mobility-impaired individuals; and

2 (B) the person complies with the notification  
3 requirements as described in paragraph (1) of this  
4 subsection (c).

5 (d) A person who registers a primate shall notify the local  
6 animal control administrator within 30 days of a change of  
7 address. If the person moves to another locality within the  
8 State, the person shall register the primate with the new local  
9 animal control administrator within 30 days of moving by  
10 providing written notification as provided in paragraph (1) of  
11 subsection (c) and shall include proof of the prior  
12 registration.

13 (e) A person who registers a primate shall notify the local  
14 animal control administrator immediately if the primate dies,  
15 escapes, or bites, scratches, or injures a person.

16 (f) It is no defense to a violation of subsection (b) that  
17 the person violating subsection (b) has attempted to  
18 domesticate the dangerous animal. If there appears to be  
19 imminent danger to the public, any dangerous animal found not  
20 in compliance with the provisions of this Section shall be  
21 subject to seizure and may immediately be placed in an approved  
22 facility. Upon the conviction of a person for a violation of  
23 subsection (b), the animal with regard to which the conviction  
24 was obtained shall be confiscated and placed in an approved  
25 facility, with the owner responsible for all costs connected  
26 with the seizure and confiscation of the animal. Approved

1 facilities include, but are not limited to, a zoological park,  
2 federally licensed exhibit, humane society, veterinary  
3 hospital or animal refuge.

4 (g) Sentence. Any person violating this Section is guilty  
5 of a Class C misdemeanor. Any corporation or partnership, any  
6 officer, director, manager or managerial agent of the  
7 partnership or corporation who violates this Section or causes  
8 the partnership or corporation to violate this Section is  
9 guilty of a Class C misdemeanor. Each day of violation  
10 constitutes a separate offense.

11 (Source: P.A. 97-1108, eff. 1-1-13.)".