

AN ACT concerning wildlife.

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

Section 5. The Wildlife Code is amended by changing Section 2.37 as follows:

(520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

Sec. 2.37. Authority to kill wildlife responsible for damage.

(a) Subject to federal regulations and Section 3 of the Illinois Endangered Species Protection Act, the Department may authorize owners and tenants of lands or their agents, who are performing the service without fee or compensation, to remove or destroy any wild bird or wild mammal when the wild bird or wild mammal is known to be destroying property or causing a risk to human health or safety upon his or her land.

Upon receipt by the Department of information from the owner, tenant, or sharecropper that any one or more species of wildlife is damaging dams, levees, ditches, cattle pastures, or other property on the land on which he resides or controls, together with a statement regarding location of the property damages, the nature and extent of the damage, and the particular species of wildlife committing the damage, the Department shall make an investigation.

If, after investigation, the Department finds that damage does exist and can be abated only by removing or destroying that wildlife, a permit shall be issued by the Department to remove or destroy the species responsible for causing the damage.

A permit to control the damage shall be for a period of up to 90 days, shall specify the means and methods by which and the person or persons by whom the wildlife may be removed or destroyed, without fee or compensation, and shall set forth the disposition procedure to be made of all wildlife taken and other restrictions the Director considers necessary and appropriate in the circumstances of the particular case. Whenever possible, the specimens destroyed shall be given to a bona fide ~~bona fide~~ public or State scientific, educational, or zoological institution.

The permittee shall advise the Department in writing, within 10 days after the expiration date of the permit, of the number of individual species of wildlife taken, disposition made of them, and any other information which the Department may consider necessary.

(b) Subject to federal regulations and Section 3 of the Illinois Endangered Species Protection Act, the Department may grant the authority to control species protected by this Code pursuant to the issuance of a Nuisance Wildlife Control Permit to:

- (1) any person who is providing such service or

solicits customers for themselves or on behalf of a nuisance wildlife control permit holder for a fee or compensation;

(2) a governmental body; or

(3) a nonprofit or other charitable organization.

The Department shall set forth applicable regulations in an Administrative Order and may require periodic reports listing species taken, numbers of each species taken, dates when taken, and other pertinent information.

Any person operating under a Nuisance Wildlife Control Permit who subcontracts the operation of nuisance wildlife control to another shall ensure that such subcontractor possesses a valid Nuisance Wildlife Control Permit issued by the Department. The person must maintain a record of the subcontractor including the subcontractor's name, address, and phone number, and type of work to be performed, for a period of not less than 2 years from the date the subcontractor is no longer performing services on behalf of the person. The records shall be presented to an authorized employee of the Department or law enforcement officer upon request for inspection.

Any person operating without the required permit as outlined under this subsection (b) or in violation of this subsection (b) is deemed to be taking, attempting to take, disturbing, or harassing wildlife contrary to the provisions of this Code, including the taking or attempting to take such

species for commercial purposes as outlined in Sections 2.36 and 2.36a of this Code. Any devices and equipment, including vehicles, used in violation of this subsection (b) may be subject to the provisions of Section 1.25 of this Code.

Any person properly permitted and operating under the provisions of this subsection is exempt from the provisions of this Act except as limited by administrative rule adopted by the Department.

~~(c) Except when operating under subsection (b) of this Section, drainage districts district fur trapping unless otherwise instructed by the Department district This authority only extends to control of beavers. Any other protected species must be controlled pursuant to subsection (b) or (c).~~

(c) The location of traps or snares authorized under this Section, either by the Department or any other governmental body with the authority to control species protected by this Code, shall be exempt from the provisions of the Freedom of Information Act.

(d) A drainage district or road district or the designee of a drainage district or road district shall be exempt from the requirement to obtain a permit to control nuisance muskrats or beavers if all applicable provisions for licenses are complied with and any trap types and sizes used are in compliance with this Code Act, including marking or identification. The designee of a drainage district or road district must have a signed and dated written authorization

from the drainage district or road district in possession at all times when conducting activities under this Section. This exemption from obtaining a permit shall be valid only upon property owned, leased, or controlled by the drainage district or road district. For the purposes of this Section, "road district" includes a township road district.

(Source: P.A. 102-524, eff. 8-20-21; 103-37, eff. 6-9-23; 103-225, eff. 6-30-23; revised 8-28-23.)