



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2077

Introduced 2/6/2025, by Sen. Li Arellano, Jr.

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.37

from Ch. 61, par. 2.37

Amends the Wildlife Code. In provisions concerning permits for a person 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 the person's land, requires the Department of Natural Resources to determine if the damage does exist and can be abated only by removing or destroying the wild bird or wild mammal within 14 days of receipt by the Department of information from the owner, tenant, or sharecropper that any one or more species of wild bird or wild mammal is damaging dams, levees, ditches, cattle pastures, or other property on the land the owner, tenant, or sharecropper 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 wild bird or wild mammal committing the damage.

LRB104 09157 BDA 19213 b

1 AN ACT concerning animals.

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

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

6 (520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

7 (Text of Section before amendment by P.A. 103-611)

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

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

17 Upon receipt by the Department of information from the
18 owner, tenant, or sharecropper that any one or more species of
19 wildlife is damaging dams, levees, ditches, cattle pastures,
20 or other property on the land on which he resides or controls,
21 together with a statement regarding location of the property
22 damages, the nature and extent of the damage, and the
23 particular species of wildlife committing the damage, the

1 Department shall make an investigation and determination
2 within 14 days after receipt of the information.

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

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

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

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

1 to:

2 (1) any person who is providing such service for a fee
3 or compensation;

4 (2) a governmental body; or

5 (3) a nonprofit or other charitable organization.

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

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

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

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

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

10 (d) A drainage district or road district or the designee
11 of a drainage district or road district shall be exempt from
12 the requirement to obtain a permit to control nuisance
13 muskrats or beavers if all applicable provisions for licenses
14 are complied with and any trap types and sizes used are in
15 compliance with this Code, including marking or
16 identification. The designee of a drainage district or road
17 district must have a signed and dated written authorization
18 from the drainage district or road district in possession at
19 all times when conducting activities under this Section. This
20 exemption from obtaining a permit shall be valid only upon
21 property owned, leased, or controlled by the drainage district
22 or road district. For the purposes of this Section, "road
23 district" includes a township road district.

24 (Source: P.A. 102-524, eff. 8-20-21; 103-37, eff. 6-9-23;
25 103-225, eff. 6-30-23; 103-605, eff. 7-1-24.)

1 (Text of Section after amendment by P.A. 103-611)

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

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

11 Upon receipt by the Department of information from the
12 owner, tenant, or sharecropper that any one or more species of
13 wildlife is damaging dams, levees, ditches, cattle pastures,
14 or other property on the land on which he resides or controls,
15 together with a statement regarding location of the property
16 damages, the nature and extent of the damage, and the
17 particular species of wildlife committing the damage, the
18 Department shall make an investigation and determination
19 within 14 days after receipt of the information.

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

25 A permit to control the damage shall be for a period of up
26 to 90 days, shall specify the means and methods by which and

1 the person or persons by whom the wildlife may be removed or
2 destroyed, without fee or compensation, and shall set forth
3 the disposition procedure to be made of all wildlife taken and
4 other restrictions the Director considers necessary and
5 appropriate in the circumstances of the particular case.
6 Whenever possible, the specimens destroyed shall be given to a
7 bona fide public or State scientific, educational, or
8 zoological institution.

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

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

19 (1) any person who is providing such service or
20 solicits customers for themselves or on behalf of a
21 nuisance wildlife control permit holder for a fee or
22 compensation;

23 (2) a governmental body; or

24 (3) a nonprofit or other charitable organization.

25 The Department shall set forth applicable regulations in
26 an Administrative Order and may require periodic reports

1 listing species taken, numbers of each species taken, dates
2 when taken, and other pertinent information.

3 Any person operating under a Nuisance Wildlife Control
4 Permit who subcontracts the operation of nuisance wildlife
5 control to another shall ensure that such subcontractor
6 possesses a valid Nuisance Wildlife Control Permit issued by
7 the Department. The person must maintain a record of the
8 subcontractor including the subcontractor's name, address, and
9 phone number, and type of work to be performed, for a period of
10 not less than 2 years from the date the subcontractor is no
11 longer performing services on behalf of the person. The
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14 inspection.

15 Any person operating without the required permit as
16 outlined under this subsection (b) or in violation of this
17 subsection (b) is deemed to be taking, attempting to take,
18 disturbing, or harassing wildlife contrary to the provisions
19 of this Code, including the taking or attempting to take such
20 species for commercial purposes as outlined in Sections 2.36
21 and 2.36a of this Code. Any devices and equipment, including
22 vehicles, used in violation of this subsection (b) may be
23 subject to the provisions of Section 1.25 of this Code.

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

1 the Department.

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

7 (d) A drainage district or road district or the designee
8 of a drainage district or road district shall be exempt from
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22 103-225, eff. 6-30-23; 103-605, eff. 7-1-24; 103-611, eff.
23 1-1-25.)

24 Section 95. No acceleration or delay. Where this Act makes
25 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section
2 represented by multiple versions), the use of that text does
3 not accelerate or delay the taking effect of (i) the changes
4 made by this Act or (ii) provisions derived from any other
5 Public Act.