

AN ACT concerning ivory.

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

Section 1. Short title. This Act may be cited as the Ivory Ban Act.

Section 5. Definitions. As used in this Act:

"Ivory" means any tooth or tusk composed of ivory from any animal, including, but not limited to, an elephant, hippopotamus, mammoth, narwhal, walrus, or whale, or any piece thereof, whether raw ivory or worked ivory, or made into, or part of, an ivory product.

"Ivory product" means any item that contains, or that is wholly or partially made from, any ivory.

"Raw ivory" means any ivory the surface of which, polished or unpolished, is unaltered or minimally changed by carving.

"Rhinoceros horn" means the horn, or any piece thereof, of any species of rhinoceros.

"Rhinoceros horn product" means any item that contains, or is wholly or partially made from, any rhinoceros horn.

"Total value of the ivory, ivory products, rhinoceros horn, and rhinoceros horn products" means the fair market value of the ivory, ivory products, rhinoceros horn, and rhinoceros horn products, or the actual price paid for the ivory, ivory

products, rhinoceros horn, and rhinoceros products, whichever is greater.

"Worked ivory" means ivory that has been embellished, carved, marked, or otherwise altered so that it can no longer be considered raw ivory.

Section 10. Prohibitions.

(a) In addition to the prohibitions under any other law, it shall be unlawful for any person to import, sell, offer for sale, purchase, barter, or possess with intent to sell, any ivory, ivory product, rhinoceros horn, or rhinoceros horn product, except as provided by this Act.

(b) It shall be a rebuttable presumption of possession with intent to sell when any ivory, ivory product, rhinoceros horn, or rhinoceros horn product is possessed in a retail or wholesale outlet commonly used for the buying or selling of similar products, provided, however, that nothing in this subsection (b) shall preclude a finding of intent to sell based on any other evidence which may serve to independently establish that intent. The act of obtaining an appraisal of ivory, an ivory product, rhinoceros horn, or a rhinoceros horn product, alone shall not constitute possession with intent to sell.

(c) A person may convey ivory, an ivory product, rhinoceros horn, or a rhinoceros horn product to the legal beneficiary of the ivory, ivory product, rhinoceros horn, or rhinoceros horn

product which is part of an estate or other items being conveyed to lawful beneficiaries upon the death of the owner of the ivory, ivory product, rhinoceros horn, or rhinoceros horn product or in anticipation of that death.

(d) None of the prohibitions set forth in this Section shall apply to employees or agents of the federal or State government undertaking any law enforcement activities under federal or State law or any mandatory duties required by federal or State law.

(e) The prohibition on import set forth in subsection (a) of this Section shall not apply where the import is expressly authorized by federal license or permit.

(f) The Department of Natural Resources may permit, under terms and conditions as the Department may adopt by rule, the import, sale, offer for sale, purchase, barter, or possession with intent to sell, of any ivory, ivory product, rhinoceros horn, or rhinoceros horn product for bona fide educational or scientific purposes, unless this activity is prohibited by federal law.

Section 12. Exemptions. The prohibitions under Section 10 shall not apply:

(1) When the ivory or rhinoceros horn is part of a bona fide antique gun or knife and is less than 20% by volume of the antique, and the seller establishes by documentation that the antique is not less than 100 years old.

(2) When the ivory or rhinoceros horn is part of a musical instrument, including, but not limited to, a string or wind instrument or piano, and that is less than 20% by volume of the instrument, and the owner or seller provides historical documentation demonstrating provenance and showing the item was manufactured no later than 1975.

Section 15. Penalties.

(a) In addition to any applicable penalties which may be imposed under any other law, a person violating any provision of Section 10 of this Act, or any rule adopted under Section 20 of this Act, shall be guilty of:

(1) for a first offense, a business offense and shall be fined not less than \$1,000 or an amount equal to 2 times the total value of the ivory, ivory products, rhinoceros horn, and rhinoceros horn products involved in the offense, whichever is greater; and

(2) for a second or subsequent offense, a Class A misdemeanor and shall be fined not less than \$5,000 or an amount equal to 2 times the total value of the ivory, ivory products, rhinoceros horn, and rhinoceros horn products involved in the offense, whichever is greater.

(b) Upon a conviction for violating the provisions of Section 10 of this Act, the court shall order the seizure of all ivory, ivory products, rhinoceros horn, and rhinoceros horn products involved in the violation and determine the penalty

for the violation based on the assessed value of the seized products under subsection (a) of this Section. After sentencing the defendant, the court shall order that the seized ivory, ivory products, rhinoceros horn, and rhinoceros horn products be transferred to the Department of Natural Resources for proper disposition. The Department, at its discretion, may destroy the ivory, ivory products, rhinoceros horn, and rhinoceros horn products or donate them to an educational or scientific institution or organization, including, but not necessarily limited to, a museum, university, or research group.

Section 20. Rulemaking authority. The Department of Natural Resources may adopt any rules necessary for the implementation of this Act.