



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3454

by Rep. Lance Yednock

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.11	from Ch. 61, par. 2.11
520 ILCS 5/2.26	from Ch. 61, par. 2.26
520 ILCS 5/2.33	from Ch. 61, par. 2.33
520 ILCS 5/2.34	from Ch. 61, par. 2.34

Amends the Wildlife Code. Provides in various provisions an exemption to carry a firearm on Department of Natural Resources property in accordance with the Firearm Concealed Carry Act.

LRB101 08361 SLF 53430 b

1 AN ACT concerning wildlife.

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 Sections 2.11, 2.26, 2.33, and 2.34 as follows:

6 (520 ILCS 5/2.11) (from Ch. 61, par. 2.11)

7 Sec. 2.11. Before any person may lawfully hunt wild turkey,
8 he shall first obtain a "Wild Turkey Hunting Permit" in
9 accordance with the prescribed regulations set forth in an
10 administrative rule of the Department. The fee for a Resident
11 Wild Turkey Hunting Permit shall not exceed \$15.

12 Upon submitting suitable evidence of legal residence in any
13 other state, non-residents shall be charged a fee not to exceed
14 \$125 for wild turkey hunting permits.

15 The Department may by administrative rule allocate and
16 issue non-resident Wild Turkey Permits and establish fees for
17 such permits.

18 It shall be unlawful to take wild turkey except by use of a
19 bow and arrow or a shotgun of not larger than 10 nor smaller
20 than 20 gauge with shot size not larger than No. 4, and no
21 person while attempting to so take wild turkey may have in his
22 possession any other gun unless in accordance with the Firearm
23 Concealed Carry Act.

1 It shall be unlawful to take, or attempt to take wild
2 turkey except during the time from 1/2 hour before sunrise to
3 1/2 hour after sunset or during such lesser period of time as
4 may be specified by administrative rule, during those days for
5 which an open season is established.

6 It shall be unlawful for any person to take, or attempt to
7 take, wild turkey by use of dogs, horses, automobiles, aircraft
8 or other vehicles, or conveyances, or by the use or aid of bait
9 or baiting of any kind. For the purposes of this Section,
10 "bait" means any material, whether liquid or solid, including
11 food, salt, minerals, and other products, except pure water,
12 that can be ingested, placed, or scattered in such a manner as
13 to attract or lure wild turkeys. "Baiting" means the placement
14 or scattering of bait to attract wild turkeys. An area is
15 considered as baited during the presence of and for 10
16 consecutive days following the removal of the bait.

17 It is unlawful for any person to take in Illinois or have
18 in his possession more than one wild turkey per valid permit.

19 For the purposes of calculating acreage under this Section,
20 the Department shall, after determining the total acreage of
21 the applicable tract or tracts of land, round remaining
22 fractional portions of an acre greater than or equal to half of
23 an acre up to the next whole acre.

24 For the purposes of taking wild turkey, nothing in this
25 Section shall be construed to prevent the manipulation,
26 including mowing or cutting, of standing crops as a normal

1 agricultural or soil stabilization practice, food plots, or
2 normal agricultural practices, including planting, harvesting,
3 and maintenance such as cultivating. Such manipulation for the
4 purpose of taking wild turkey may be further modified by
5 administrative rule.

6 (Source: P.A. 98-180, eff. 8-5-13; 99-869, eff. 1-1-17.)

7 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

8 Sec. 2.26. Deer hunting permits. Any person attempting to
9 take deer shall first obtain a "Deer Hunting Permit" issued by
10 the Department in accordance with its administrative rules.
11 Those rules must provide for the issuance of the following
12 types of resident deer archery permits: (i) a combination
13 permit, consisting of one either-sex permit and one
14 antlerless-only permit, (ii) a single antlerless-only permit,
15 and (iii) a single either-sex permit. The fee for a Deer
16 Hunting Permit to take deer with either bow and arrow or gun
17 shall not exceed \$25.00 for residents of the State. The
18 Department may by administrative rule provide for non-resident
19 deer hunting permits for which the fee will not exceed \$300 in
20 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as
21 provided below for non-resident landowners and non-resident
22 archery hunters. The Department may by administrative rule
23 provide for a non-resident archery deer permit consisting of
24 not more than 2 harvest tags at a total cost not to exceed \$325
25 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. The

1 fees for a youth resident and non-resident archery deer permit
2 shall be the same.

3 The standards and specifications for use of guns and bow
4 and arrow for deer hunting shall be established by
5 administrative rule.

6 No person may have in his or her possession any firearm not
7 authorized by administrative rule for a specific hunting season
8 when taking deer unless in accordance with the Firearm
9 Concealed Carry Act.

10 Persons having a firearm deer hunting permit shall be
11 permitted to take deer only during the period from 1/2 hour
12 before sunrise to 1/2 hour after sunset, and only during those
13 days for which an open season is established for the taking of
14 deer by use of shotgun, handgun, or muzzle loading rifle.

15 Persons having an archery deer hunting permit shall be
16 permitted to take deer only during the period from 1/2 hour
17 before sunrise to 1/2 hour after sunset, and only during those
18 days for which an open season is established for the taking of
19 deer by use of bow and arrow.

20 It shall be unlawful for any person to take deer by use of
21 dogs, horses, automobiles, aircraft or other vehicles, or by
22 the use or aid of bait or baiting of any kind. For the purposes
23 of this Section, "bait" means any material, whether liquid or
24 solid, including food, salt, minerals, and other products,
25 except pure water, that can be ingested, placed, or scattered
26 in such a manner as to attract or lure white-tailed deer.

1 "Baiting" means the placement or scattering of bait to attract
2 deer. An area is considered as baited during the presence of
3 and for 10 consecutive days following the removal of bait.
4 Nothing in this Section shall prohibit the use of a dog to
5 track wounded deer. Any person using a dog for tracking wounded
6 deer must maintain physical control of the dog at all times by
7 means of a maximum 50 foot lead attached to the dog's collar or
8 harness. Tracking wounded deer is permissible at night, but at
9 no time outside of legal deer hunting hours or seasons shall
10 any person handling or accompanying a dog being used for
11 tracking wounded deer be in possession of any firearm or
12 archery device. Persons tracking wounded deer with a dog during
13 the firearm deer seasons shall wear blaze orange or solid blaze
14 pink color as required. Dog handlers tracking wounded deer with
15 a dog are exempt from hunting license and deer permit
16 requirements so long as they are accompanied by the licensed
17 deer hunter who wounded the deer.

18 It shall be unlawful to possess or transport any wild deer
19 which has been injured or killed in any manner upon a public
20 highway or public right-of-way of this State unless exempted by
21 administrative rule.

22 Persons hunting deer must have gun unloaded and no bow and
23 arrow device shall be carried with the arrow in the nocked
24 position during hours when deer hunting is unlawful.

25 It shall be unlawful for any person, having taken the legal
26 limit of deer by gun, to further participate with gun in any

1 deer hunting party.

2 It shall be unlawful for any person, having taken the legal
3 limit of deer by bow and arrow, to further participate with bow
4 and arrow in any deer hunting party.

5 The Department may prohibit upland game hunting during the
6 gun deer season by administrative rule.

7 The Department shall not limit the number of non-resident,
8 either-sex archery deer hunting permits to less than 20,000.

9 Any person who violates any of the provisions of this
10 Section, including administrative rules, shall be guilty of a
11 Class B misdemeanor.

12 For the purposes of calculating acreage under this Section,
13 the Department shall, after determining the total acreage of
14 the applicable tract or tracts of land, round remaining
15 fractional portions of an acre greater than or equal to half of
16 an acre up to the next whole acre.

17 For the purposes of taking white-tailed deer, nothing in
18 this Section shall be construed to prevent the manipulation,
19 including mowing or cutting, of standing crops as a normal
20 agricultural or soil stabilization practice, food plots, or
21 normal agricultural practices, including planting, harvesting,
22 and maintenance such as cultivating or the use of products
23 designed for scent only and not capable of ingestion, solid or
24 liquid, placed or scattered, in such a manner as to attract or
25 lure deer. Such manipulation for the purpose of taking
26 white-tailed deer may be further modified by administrative

1 rule.

2 (Source: P.A. 99-642, eff. 7-28-16; 99-869, eff. 1-1-17;
3 100-691, eff. 1-1-19; 100-949, eff. 1-1-19; revised 10-9-18.)

4 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

5 Sec. 2.33. Prohibitions.

6 (a) It is unlawful to carry or possess any gun in any State
7 refuge unless otherwise permitted by administrative rule.

8 (b) It is unlawful to use or possess any snare or
9 snare-like device, deadfall, net, or pit trap to take any
10 species, except that snares not powered by springs or other
11 mechanical devices may be used to trap fur-bearing mammals, in
12 water sets only, if at least one-half of the snare noose is
13 located underwater at all times.

14 (c) It is unlawful for any person at any time to take a
15 wild mammal protected by this Act from its den by means of any
16 mechanical device, spade, or digging device or to use smoke or
17 other gases to dislodge or remove such mammal except as
18 provided in Section 2.37.

19 (d) It is unlawful to use a ferret or any other small
20 mammal which is used in the same or similar manner for which
21 ferrets are used for the purpose of frightening or driving any
22 mammals from their dens or hiding places.

23 (e) (Blank).

24 (f) It is unlawful to use spears, gigs, hooks or any like
25 device to take any species protected by this Act.

1 (g) It is unlawful to use poisons, chemicals or explosives
2 for the purpose of taking any species protected by this Act.

3 (h) It is unlawful to hunt adjacent to or near any peat,
4 grass, brush or other inflammable substance when it is burning.

5 (i) It is unlawful to take, pursue or intentionally harass
6 or disturb in any manner any wild birds or mammals by use or
7 aid of any vehicle or conveyance, except as permitted by the
8 Code of Federal Regulations for the taking of waterfowl. It is
9 also unlawful to use the lights of any vehicle or conveyance or
10 any light from or any light connected to the vehicle or
11 conveyance in any area where wildlife may be found except in
12 accordance with Section 2.37 of this Act; however, nothing in
13 this Section shall prohibit the normal use of headlamps for the
14 purpose of driving upon a roadway. Striped skunk, opossum, red
15 fox, gray fox, raccoon, bobcat, and coyote may be taken during
16 the open season by use of a small light which is worn on the
17 body or hand-held by a person on foot and not in any vehicle.

18 (j) It is unlawful to use any shotgun larger than 10 gauge
19 while taking or attempting to take any of the species protected
20 by this Act.

21 (k) It is unlawful to use or possess in the field any
22 shotgun shell loaded with a shot size larger than lead BB or
23 steel T (.20 diameter) when taking or attempting to take any
24 species of wild game mammals (excluding white-tailed deer),
25 wild game birds, migratory waterfowl or migratory game birds
26 protected by this Act, except white-tailed deer as provided for

1 in Section 2.26 and other species as provided for by subsection
2 (l) or administrative rule.

3 (l) It is unlawful to take any species of wild game, except
4 white-tailed deer and fur-bearing mammals, with a shotgun
5 loaded with slugs unless otherwise provided for by
6 administrative rule.

7 (m) It is unlawful to use any shotgun capable of holding
8 more than 3 shells in the magazine or chamber combined, except
9 on game breeding and hunting preserve areas licensed under
10 Section 3.27 and except as permitted by the Code of Federal
11 Regulations for the taking of waterfowl. If the shotgun is
12 capable of holding more than 3 shells, it shall, while being
13 used on an area other than a game breeding and shooting
14 preserve area licensed pursuant to Section 3.27, be fitted with
15 a one piece plug that is irremovable without dismantling the
16 shotgun or otherwise altered to render it incapable of holding
17 more than 3 shells in the magazine and chamber, combined.

18 (n) It is unlawful for any person, except persons who
19 possess a permit to hunt from a vehicle as provided in this
20 Section and persons otherwise permitted by law, to have or
21 carry any gun in or on any vehicle, conveyance or aircraft,
22 unless such gun is unloaded and enclosed in a case, except that
23 at field trials authorized by Section 2.34 of this Act,
24 unloaded guns or guns loaded with blank cartridges only, may be
25 carried on horseback while not contained in a case, or to have
26 or carry any bow or arrow device in or on any vehicle unless

1 such bow or arrow device is unstrung or enclosed in a case, or
2 otherwise made inoperable unless in accordance with the Firearm
3 Concealed Carry Act.

4 (o) (Blank).

5 (p) It is unlawful to take game birds, migratory game birds
6 or migratory waterfowl with a rifle, pistol, revolver or
7 airgun.

8 (q) It is unlawful to fire a rifle, pistol, revolver or
9 airgun on, over or into any waters of this State, including
10 frozen waters.

11 (r) It is unlawful to discharge any gun or bow and arrow
12 device along, upon, across, or from any public right-of-way or
13 highway in this State.

14 (s) It is unlawful to use a silencer or other device to
15 muffle or mute the sound of the explosion or report resulting
16 from the firing of any gun.

17 (t) It is unlawful for any person to take or attempt to
18 take any species of wildlife or parts thereof, intentionally or
19 wantonly allow a dog to hunt, within or upon the land of
20 another, or upon waters flowing over or standing on the land of
21 another, or to knowingly shoot a gun or bow and arrow device at
22 any wildlife physically on or flying over the property of
23 another without first obtaining permission from the owner or
24 the owner's designee. For the purposes of this Section, the
25 owner's designee means anyone who the owner designates in a
26 written authorization and the authorization must contain (i)

1 the legal or common description of property for such authority
2 is given, (ii) the extent that the owner's designee is
3 authorized to make decisions regarding who is allowed to take
4 or attempt to take any species of wildlife or parts thereof,
5 and (iii) the owner's notarized signature. Before enforcing
6 this Section the law enforcement officer must have received
7 notice from the owner or the owner's designee of a violation of
8 this Section. Statements made to the law enforcement officer
9 regarding this notice shall not be rendered inadmissible by the
10 hearsay rule when offered for the purpose of showing the
11 required notice.

12 (u) It is unlawful for any person to discharge any firearm
13 for the purpose of taking any of the species protected by this
14 Act, or hunt with gun or dog, or intentionally or wantonly
15 allow a dog to hunt, within 300 yards of an inhabited dwelling
16 without first obtaining permission from the owner or tenant,
17 except that while trapping, hunting with bow and arrow, hunting
18 with dog and shotgun using shot shells only, or hunting with
19 shotgun using shot shells only, or providing outfitting
20 services under a waterfowl outfitter permit, or on licensed
21 game breeding and hunting preserve areas, as defined in Section
22 3.27, on federally owned and managed lands and on Department
23 owned, managed, leased, or controlled lands, a 100 yard
24 restriction shall apply.

25 (v) It is unlawful for any person to remove fur-bearing
26 mammals from, or to move or disturb in any manner, the traps

1 owned by another person without written authorization of the
2 owner to do so.

3 (w) It is unlawful for any owner of a dog to knowingly or
4 wantonly allow his or her dog to pursue, harass or kill deer,
5 except that nothing in this Section shall prohibit the tracking
6 of wounded deer with a dog in accordance with the provisions of
7 Section 2.26 of this Code.

8 (x) It is unlawful for any person to wantonly or carelessly
9 injure or destroy, in any manner whatsoever, any real or
10 personal property on the land of another while engaged in
11 hunting or trapping thereon.

12 (y) It is unlawful to hunt wild game protected by this Act
13 between one half hour after sunset and one half hour before
14 sunrise, except that hunting hours between one half hour after
15 sunset and one half hour before sunrise may be established by
16 administrative rule for fur-bearing mammals.

17 (z) It is unlawful to take any game bird (excluding wild
18 turkeys and crippled pheasants not capable of normal flight and
19 otherwise irretrievable) protected by this Act when not flying.
20 Nothing in this Section shall prohibit a person from carrying
21 an uncased, unloaded shotgun in a boat, while in pursuit of a
22 crippled migratory waterfowl that is incapable of normal
23 flight, for the purpose of attempting to reduce the migratory
24 waterfowl to possession, provided that the attempt is made
25 immediately upon downing the migratory waterfowl and is done
26 within 400 yards of the blind from which the migratory

1 waterfowl was downed. This exception shall apply only to
2 migratory game birds that are not capable of normal flight.
3 Migratory waterfowl that are crippled may be taken only with a
4 shotgun as regulated by subsection (j) of this Section using
5 shotgun shells as regulated in subsection (k) of this Section.

6 (aa) It is unlawful to use or possess any device that may
7 be used for tree climbing or cutting, while hunting fur-bearing
8 mammals, excluding coyotes.

9 (bb) It is unlawful for any person, except licensed game
10 breeders, pursuant to Section 2.29 to import, carry into, or
11 possess alive in this State any species of wildlife taken
12 outside of this State, without obtaining permission to do so
13 from the Director.

14 (cc) It is unlawful for any person to have in his or her
15 possession any freshly killed species protected by this Act
16 during the season closed for taking.

17 (dd) It is unlawful to take any species protected by this
18 Act and retain it alive except as provided by administrative
19 rule.

20 (ee) It is unlawful to possess any rifle while in the field
21 during gun deer season except as provided in Section 2.26 and
22 administrative rules.

23 (ff) It is unlawful for any person to take any species
24 protected by this Act, except migratory waterfowl, during the
25 gun deer hunting season in those counties open to gun deer
26 hunting, unless he or she wears, when in the field, a cap and

1 upper outer garment of a solid blaze orange color or solid
2 blaze pink color, with such articles of clothing displaying a
3 minimum of 400 square inches of blaze orange or solid blaze
4 pink color material.

5 (gg) It is unlawful during the upland game season for any
6 person to take upland game with a firearm unless he or she
7 wears, while in the field, a cap of solid blaze orange color or
8 solid blaze pink color. For purposes of this Act, upland game
9 is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked
10 Pheasant, Eastern Cottontail and Swamp Rabbit.

11 (hh) It shall be unlawful to kill or cripple any species
12 protected by this Act for which there is a bag limit without
13 making a reasonable effort to retrieve such species and include
14 such in the bag limit. It shall be unlawful for any person
15 having control over harvested game mammals, game birds, or
16 migratory game birds for which there is a bag limit to wantonly
17 waste or destroy the usable meat of the game, except this shall
18 not apply to wildlife taken under Sections 2.37 or 3.22 of this
19 Code. For purposes of this subsection, "usable meat" means the
20 breast meat of a game bird or migratory game bird and the hind
21 ham and front shoulders of a game mammal. It shall be unlawful
22 for any person to place, leave, dump, or abandon a wildlife
23 carcass or parts of it along or upon a public right-of-way or
24 highway or on public or private property, including a waterway
25 or stream, without the permission of the owner or tenant. It
26 shall not be unlawful to discard game meat that is determined

1 to be unfit for human consumption.

2 (ii) This Section shall apply only to those species
3 protected by this Act taken within the State. Any species or
4 any parts thereof, legally taken in and transported from other
5 states or countries, may be possessed within the State, except
6 as provided in this Section and Sections 2.35, 2.36 and 3.21.

7 (jj) (Blank).

8 (kk) Nothing contained in this Section shall prohibit the
9 Director from issuing permits to paraplegics or to other
10 persons with disabilities who meet the requirements set forth
11 in administrative rule to shoot or hunt from a vehicle as
12 provided by that rule, provided that such is otherwise in
13 accord with this Act.

14 (ll) Nothing contained in this Act shall prohibit the
15 taking of aquatic life protected by the Fish and Aquatic Life
16 Code or birds and mammals protected by this Act, except deer
17 and fur-bearing mammals, from a boat not camouflaged or
18 disguised to alter its identity or to further provide a place
19 of concealment and not propelled by sail or mechanical power.
20 However, only shotguns not larger than 10 gauge nor smaller
21 than .410 bore loaded with not more than 3 shells of a shot
22 size no larger than lead BB or steel T (.20 diameter) may be
23 used to take species protected by this Act.

24 (mm) Nothing contained in this Act shall prohibit the use
25 of a shotgun, not larger than 10 gauge nor smaller than a 20
26 gauge, with a rifled barrel.

1 (nn) It shall be unlawful to possess any species of
2 wildlife or wildlife parts taken unlawfully in Illinois, any
3 other state, or any other country, whether or not the wildlife
4 or wildlife parts is indigenous to Illinois. For the purposes
5 of this subsection, the statute of limitations for unlawful
6 possession of wildlife or wildlife parts shall not cease until
7 2 years after the possession has permanently ended.

8 (Source: P.A. 99-33, eff. 1-1-16; 99-143, eff. 7-27-15; 99-642,
9 eff. 7-28-16; 100-489, eff. 9-8-17; 100-949, eff. 1-1-19.)

10 (520 ILCS 5/2.34) (from Ch. 61, par. 2.34)

11 Sec. 2.34. Dog Trials.

12 (a) Dogs of any breed may be trained the year round in
13 accordance with the provisions of this Act.

14 (b) During the periods of time when it is unlawful to take
15 species protected by this Act, the only firearms which shall be
16 used in the training of dogs from sunrise to sunset shall be
17 pistols with blank cartridges. No other gun or ammunition may
18 be in immediate possession during this time. No person or
19 persons in, along with, or accompanying the dog training party,
20 shall be in possession of any firearm or live ammunition,
21 except pistols capable of firing only blank cartridges during
22 the hours from sunset to sunrise. All organized field trials or
23 training grounds approved by the Department shall be exempt
24 from this provision unless in accordance with the Firearm
25 Concealed Carry Act.

1 (c) No field trial shall be held without a permit from the
2 Department.

3 The following Department areas shall be designated as
4 horseback field trial sites; Lee County Conservation Area, Des
5 Plains Conservation Area, Moraine View State Park, Middle Fork
6 Fish and Wildlife Area, Hamilton County Conservation Area, and
7 Wayne Fitzgerald State Park. The Department shall provide and
8 maintain quality wildlife habitat on these sites.

9 Field trials shall be scheduled only from September 1
10 through April 30 in the Northern Zone and September 1 through
11 April 15 in the Southern Zone. The Department maintains the
12 authority to schedule and administer field trials. The boundary
13 between the Northern Zone and the Southern Zone shall be U.S.
14 Route 36. However, (i) if the opening date of the field trial
15 season falls on Sunday, the season will begin on Saturday of
16 that weekend; and (ii) if the closing date of the field trial
17 season falls on Saturday, the season will conclude on Sunday of
18 that weekend; and (iii) if during the final days of the field
19 trial season a field trial organization begins a field trial
20 which is subsequently interrupted due to inclement weather, the
21 field trial organization may complete the trial, subject to the
22 Department's approval, even though the field trial season has
23 ended. The field trial organization must complete the trial on
24 the first possible day or days. Field trials for the retrieving
25 breeds are exempt from these field trials season provisions and
26 shall have no closed season.

1 The fee for field trials shall be established by the
2 Department by rule.

3 (d) The Department is authorized to designate dog training
4 areas and to grant permits for all field trials including those
5 field trials where game birds reared under Section 3.23 are
6 released and taken in accordance with the rules and regulations
7 set forth by the Department. Applications for permits for such
8 trials and training areas shall be accompanied by detailed
9 information as to the date and the location of the grounds
10 where such trial area or training grounds is located.
11 Applicants for field trial or dog training permits must have
12 the consent of the landowner prior to applying for such permit.
13 Fees and other regulations will be set by administrative rule.

14 (e) All permits for designated dog training areas shall
15 expire March 31st of each year.

16 (f) Permit holders for designated dog training areas must
17 possess a wild game breeder's permit or a game breeding and
18 hunting preserve area permit and may utilize live bird recall
19 devices on such areas.

20 (g) Nothing shall prevent an individual from using a dog in
21 the taking of squirrel during the open season.

22 (h) All hand reared game released and shot at field trials
23 shall be properly identified with tags as provided for by this
24 Act and such birds shall be banded before they are removed from
25 the field trial area.

26 (Source: P.A. 86-920; 87-1051.)