

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 2.18-1 and 2.33 as follows:

6 (520 ILCS 5/2.18-1) (from Ch. 61, par. 2.18-1)

7 Sec. 2.18-1. (a) It shall be lawful for any person who
8 holds the licenses, permits and stamps required by this Act for
9 the taking of migratory waterfowl to use, ~~in addition to or in~~
10 ~~lieu of any other authorized ammunition, either lead or steel~~
11 and other non-toxic shotshells as approved by the United States
12 Fish and Wildlife Service when ~~shotgun pellets in~~ taking such
13 waterfowl at any location in the State where the hunting of
14 migratory waterfowl is authorized, ~~except as provided under~~
15 ~~subsection (b) of this Section and at specific sites where~~
16 ~~there are documented cases of lead poisoning of waterfowl and~~
17 ~~all alternative methods of alleviating lead poisoning (such as~~
18 ~~dewatering, flooding and/or tillage) have been determined to be~~
19 ~~unsuccessful in preventing lead poisoning losses of waterfowl.~~
20 ~~At such specific sites, shot shell ammunition containing~~
21 ~~non-toxic pellets, such as steel, shall be used. These specific~~
22 ~~sites may be designated by the Department after statewide~~
23 ~~public hearings have been conducted and the results of such~~

1 ~~hearings have been reviewed.~~

2 (b) The Department shall be authorized to designate by
3 rule, pursuant to the Illinois Administrative Procedure Act,
4 areas that shall be limited to the use of non-toxic pellets,
5 ~~provided, however, that such authorization shall only exist for~~
6 ~~those areas which the federal government has mandated shall be~~
7 ~~closed to all waterfowl hunting unless the State agrees to the~~
8 ~~prohibition of the use of toxic shotgun pellets.~~

9 No State agency shall issue or make any rule, regulation,
10 order or agreement which is in conflict with this Section.

11 (Source: P.A. 91-357, eff. 7-29-99.)

12 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

13 Sec. 2.33. Prohibitions.

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

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

22 (c) It is unlawful for any person at any time to take a
23 wild mammal protected by this Act from its den by means of any
24 mechanical device, spade, or digging device or to use smoke or
25 other gases to dislodge or remove such mammal except as

1 provided in Section 2.37.

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

6 (e) (Blank).

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

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

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

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

26 (j) It is unlawful to use any shotgun larger than 10 gauge

1 while taking or attempting to take any of the species protected
2 by this Act.

3 (k) It is unlawful to use or possess in the field any
4 shotgun shell loaded with a shot size larger than lead BB or
5 steel T (.20 diameter) when taking or attempting to take any
6 species of wild game mammals (excluding white-tailed deer),
7 wild game birds, migratory waterfowl or migratory game birds
8 protected by this Act, except white-tailed deer as provided for
9 in Section 2.26 and other species as provided for by subsection
10 (l) or administrative rule.

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

15 (m) It is unlawful to use any shotgun larger than 10 gauge
16 or smaller than a .410 bore to take species protected by this
17 Act; however, nothing shall prohibit the use of a shotgun, not
18 larger than 10 gauge nor smaller than a 20 gauge, with a rifled
19 barrel. It is unlawful to use any shotgun capable of holding
20 more than 3 shells in the magazine or chamber combined, except
21 on game breeding and hunting preserve areas licensed under
22 Section 3.27 and except as permitted by the Code of Federal
23 Regulations for the taking of waterfowl. If the shotgun is
24 capable of holding more than 3 shells, it shall, while being
25 used on an area other than a game breeding and shooting
26 preserve area licensed pursuant to Section 3.27, be fitted with

1 a one piece plug that is irremovable without dismantling the
2 shotgun or otherwise altered to render it incapable of holding
3 more than 3 shells in the magazine and chamber, combined.

4 (n) It is unlawful for any person, except persons who
5 possess a permit to hunt from a vehicle as provided in this
6 Section and persons otherwise permitted by law, to have or
7 carry any gun in or on any vehicle, conveyance or aircraft,
8 unless such gun is unloaded and enclosed in a case, except that
9 at field trials authorized by Section 2.34 of this Act,
10 unloaded guns or guns loaded with blank cartridges only, may be
11 carried on horseback while not contained in a case, or to have
12 or carry any bow or arrow device in or on any vehicle unless
13 such bow or arrow device is unstrung or enclosed in a case, or
14 otherwise made inoperable.

15 (o) (Blank).

16 (p) It is unlawful to take game birds, migratory game birds
17 or migratory waterfowl with a rifle, pistol, revolver or
18 airgun.

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

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

25 (s) It is unlawful to use a silencer or other device to
26 muffle or mute the sound of the explosion or report resulting

1 from the firing of any gun.

2 (t) It is unlawful for any person to take or attempt to
3 take any species of wildlife or parts thereof, intentionally or
4 wantonly allow a dog to hunt, within or upon the land of
5 another, or upon waters flowing over or standing on the land of
6 another, or to knowingly shoot a gun or bow and arrow device at
7 any wildlife physically on or flying over the property of
8 another without first obtaining permission from the owner or
9 the owner's designee. For the purposes of this Section, the
10 owner's designee means anyone who the owner designates in a
11 written authorization and the authorization must contain (i)
12 the legal or common description of property for such authority
13 is given, (ii) the extent that the owner's designee is
14 authorized to make decisions regarding who is allowed to take
15 or attempt to take any species of wildlife or parts thereof,
16 and (iii) the owner's notarized signature. Before enforcing
17 this Section the law enforcement officer must have received
18 notice from the owner or the owner's designee of a violation of
19 this Section. Statements made to the law enforcement officer
20 regarding this notice shall not be rendered inadmissible by the
21 hearsay rule when offered for the purpose of showing the
22 required notice.

23 (u) It is unlawful for any person to discharge any firearm
24 for the purpose of taking any of the species protected by this
25 Act, or hunt with gun or dog, or intentionally or wantonly
26 allow a dog to hunt, within 300 yards of an inhabited dwelling

1 without first obtaining permission from the owner or tenant,
2 except that while trapping, hunting with bow and arrow, hunting
3 with dog and shotgun using shot shells only, or hunting with
4 shotgun using shot shells only, or providing outfitting
5 services under a waterfowl outfitter permit, or on licensed
6 game breeding and hunting preserve areas, as defined in Section
7 3.27, on federally owned and managed lands and on Department
8 owned, managed, leased, or controlled lands, a 100 yard
9 restriction shall apply.

10 (v) It is unlawful for any person to remove fur-bearing
11 mammals from, or to move or disturb in any manner, the traps
12 owned by another person without written authorization of the
13 owner to do so.

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

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

23 (y) It is unlawful to hunt wild game protected by this Act
24 between one half hour after sunset and one half hour before
25 sunrise, except that hunting hours between one half hour after
26 sunset and one half hour before sunrise may be established by

1 administrative rule for fur-bearing mammals.

2 (z) It is unlawful to take any game bird (excluding wild
3 turkeys and crippled pheasants not capable of normal flight and
4 otherwise irretrievable) protected by this Act when not flying.
5 Nothing in this Section shall prohibit a person from carrying
6 an uncased, unloaded shotgun in a boat, while in pursuit of a
7 crippled migratory waterfowl that is incapable of normal
8 flight, for the purpose of attempting to reduce the migratory
9 waterfowl to possession, provided that the attempt is made
10 immediately upon downing the migratory waterfowl and is done
11 within 400 yards of the blind from which the migratory
12 waterfowl was downed. This exception shall apply only to
13 migratory game birds that are not capable of normal flight.
14 Migratory waterfowl that are crippled may be taken only with a
15 shotgun as regulated by subsection (j) of this Section using
16 shotgun shells as regulated in subsection (k) of this Section.

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

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

25 (cc) It is unlawful for any person to have in his or her
26 possession any freshly killed species protected by this Act

1 during the season closed for taking.

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

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

8 (ff) It is unlawful for any person to take any species
9 protected by this Act, except migratory waterfowl, during the
10 gun deer hunting season in those counties open to gun deer
11 hunting, unless he or she wears, when in the field, a cap and
12 upper outer garment of a solid blaze orange color or solid
13 blaze pink color, with such articles of clothing displaying a
14 minimum of 400 square inches of blaze orange or solid blaze
15 pink color material.

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

22 (hh) It shall be unlawful to kill or cripple any species
23 protected by this Act for which there is a bag limit without
24 making a reasonable effort to retrieve such species and include
25 such in the bag limit. It shall be unlawful for any person
26 having control over harvested game mammals, game birds, or

1 migratory game birds for which there is a bag limit to wantonly
2 waste or destroy the usable meat of the game, except this shall
3 not apply to wildlife taken under Sections 2.37 or 3.22 of this
4 Code. For purposes of this subsection, "usable meat" means the
5 breast meat of a game bird or migratory game bird and the hind
6 ham and front shoulders of a game mammal. It shall be unlawful
7 for any person to place, leave, dump, or abandon a wildlife
8 carcass or parts of it along or upon a public right-of-way or
9 highway or on public or private property, including a waterway
10 or stream, without the permission of the owner or tenant. It
11 shall not be unlawful to discard game meat that is determined
12 to be unfit for human consumption.

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

18 (jj) (Blank).

19 (kk) Nothing contained in this Section shall prohibit the
20 Director from issuing permits to paraplegics or to other
21 persons with disabilities who meet the requirements set forth
22 in administrative rule to shoot or hunt from a vehicle as
23 provided by that rule, provided that such is otherwise in
24 accord with this Act.

25 (ll) Nothing contained in this Act shall prohibit the
26 taking of aquatic life protected by the Fish and Aquatic Life

1 Code or birds and mammals protected by this Act, except deer
2 and fur-bearing mammals, from a boat not camouflaged or
3 disguised to alter its identity or to further provide a place
4 of concealment and not propelled by sail or mechanical power.
5 However, only shotguns not larger than 10 gauge nor smaller
6 than .410 bore loaded with not more than 3 shells of a shot
7 size no larger than lead BB or steel T (.20 diameter) may be
8 used to take species protected by this Act.

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

12 (nn) It shall be unlawful to possess any species of
13 wildlife or wildlife parts taken unlawfully in Illinois, any
14 other state, or any other country, whether or not the wildlife
15 or wildlife parts is indigenous to Illinois. For the purposes
16 of this subsection, the statute of limitations for unlawful
17 possession of wildlife or wildlife parts shall not cease until
18 2 years after the possession has permanently ended.

19 (oo) It shall be unlawful to use lead shotshells to take
20 wildlife on Department-owned properties on or after January 1,
21 2022.

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