



Sen. Iris Y. Martinez

Filed: 3/21/2019

10100SB0780sam001

LRB101 04540 SLF 58384 a

1 AMENDMENT TO SENATE BILL 780

2 AMENDMENT NO. _____. Amend Senate Bill 780 by replacing
3 everything after the enacting clause with the following:

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~~

1 ~~all alternative methods of alleviating lead poisoning (such as~~
2 ~~dewatering, flooding and/or tillage) have been determined to be~~
3 ~~unsuccessful in preventing lead poisoning losses of waterfowl.~~
4 ~~At such specific sites, shot shell ammunition containing~~
5 ~~non toxic pellets, such as steel, shall be used. These specific~~
6 ~~sites may be designated by the Department after statewide~~
7 ~~public hearings have been conducted and the results of such~~
8 ~~hearings have been reviewed.~~

9 (b) The Department shall be authorized to designate by
10 rule, pursuant to the Illinois Administrative Procedure Act,
11 areas that shall be limited to the use of non-toxic pellets,
12 ~~provided, however, that such authorization shall only exist for~~
13 ~~those areas which the federal government has mandated shall be~~
14 ~~closed to all waterfowl hunting unless the State agrees to the~~
15 ~~prohibition of the use of toxic shotgun pellets.~~

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

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

19 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

20 Sec. 2.33. Prohibitions.

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

23 (b) It is unlawful to use or possess any snare or
24 snare-like device, deadfall, net, or pit trap to take any
25 species, except that snares not powered by springs or other

1 mechanical devices may be used to trap fur-bearing mammals, in
2 water sets only, if at least one-half of the snare noose is
3 located underwater at all times.

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

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

13 (e) (Blank).

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

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

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

20 (i) It is unlawful to take, pursue or intentionally harass
21 or disturb in any manner any wild birds or mammals by use or
22 aid of any vehicle or conveyance, except as permitted by the
23 Code of Federal Regulations for the taking of waterfowl. It is
24 also unlawful to use the lights of any vehicle or conveyance or
25 any light from or any light connected to the vehicle or
26 conveyance in any area where wildlife may be found except in

1 accordance with Section 2.37 of this Act; however, nothing in
2 this Section shall prohibit the normal use of headlamps for the
3 purpose of driving upon a roadway. Striped skunk, opossum, red
4 fox, gray fox, raccoon, bobcat, and coyote may be taken during
5 the open season by use of a small light which is worn on the
6 body or hand-held by a person on foot and not in any vehicle.

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

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

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

22 (m) It is unlawful to use any shotgun larger than 10 gauge
23 or smaller than a .410 bore to take species protected by this
24 Act; however, nothing shall prohibit the use of a shotgun, not
25 larger than 10 gauge nor smaller than a 20 gauge, with a rifled
26 barrel. It is unlawful to use any shotgun capable of holding

1 more than 3 shells in the magazine or chamber combined, except
2 on game breeding and hunting preserve areas licensed under
3 Section 3.27 and except as permitted by the Code of Federal
4 Regulations for the taking of waterfowl. If the shotgun is
5 capable of holding more than 3 shells, it shall, while being
6 used on an area other than a game breeding and shooting
7 preserve area licensed pursuant to Section 3.27, be fitted with
8 a one piece plug that is irremovable without dismantling the
9 shotgun or otherwise altered to render it incapable of holding
10 more than 3 shells in the magazine and chamber, combined.

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

22 (o) (Blank).

23 (p) It is unlawful to take game birds, migratory game birds
24 or migratory waterfowl with a rifle, pistol, revolver or
25 airgun.

26 (q) It is unlawful to fire a rifle, pistol, revolver or

1 airgun on, over or into any waters of this State, including
2 frozen waters.

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

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

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

1 regarding this notice shall not be rendered inadmissible by the
2 hearsay rule when offered for the purpose of showing the
3 required notice.

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

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

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

26 (x) It is unlawful for any person to wantonly or carelessly

1 injure or destroy, in any manner whatsoever, any real or
2 personal property on the land of another while engaged in
3 hunting or trapping thereon.

4 (y) It is unlawful to hunt wild game protected by this Act
5 between one half hour after sunset and one half hour before
6 sunrise, except that hunting hours between one half hour after
7 sunset and one half hour before sunrise may be established by
8 administrative rule for fur-bearing mammals.

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

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

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

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

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

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

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

23 (gg) It is unlawful during the upland game season for any
24 person to take upland game with a firearm unless he or she
25 wears, while in the field, a cap of solid blaze orange color or
26 solid blaze pink color. For purposes of this Act, upland game

1 is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked
2 Pheasant, Eastern Cottontail and Swamp Rabbit.

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

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

25 (jj) (Blank).

26 (kk) Nothing contained in this Section shall prohibit the

1 Director from issuing permits to paraplegics or to other
2 persons with disabilities who meet the requirements set forth
3 in administrative rule to shoot or hunt from a vehicle as
4 provided by that rule, provided that such is otherwise in
5 accord with this Act.

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

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

19 (nn) It shall be unlawful to possess any species of
20 wildlife or wildlife parts taken unlawfully in Illinois, any
21 other state, or any other country, whether or not the wildlife
22 or wildlife parts is indigenous to Illinois. For the purposes
23 of this subsection, the statute of limitations for unlawful
24 possession of wildlife or wildlife parts shall not cease until
25 2 years after the possession has permanently ended.

26 (oo) It shall be unlawful to use lead shotshells to take

1 wildlife on Department-owned properties on or after January 1,
2 2022.

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