

# HB4231



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB4231**

by Rep. Dave Severin

#### SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.26  
520 ILCS 5/2.33

from Ch. 61, par. 2.26  
from Ch. 61, par. 2.33

Amends the Wildlife Code. Authorizes certain hunters to wear solid blaze pink colored clothing (in addition to blaze orange colored clothing).

LRB100 15863 SLF 30974 b

A BILL FOR

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 Section  
5 2.26 and 2.33 as follows:

6 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

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

1 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter.

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

5 No person may have in his possession any firearm not  
6 authorized by administrative rule for a specific hunting season  
7 when taking deer.

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

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

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

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

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

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

23 It shall be unlawful for any person, having taken the legal  
24 limit of deer by gun, to further participate with gun in any  
25 deer hunting party.

26 It shall be unlawful for any person, having taken the legal

1 limit of deer by bow and arrow, to further participate with bow  
2 and arrow in any deer hunting party.

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

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

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

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

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

26 (Source: P.A. 98-180, eff. 8-5-13; 99-642, eff. 7-28-16;

1 99-869, eff. 1-1-17.)

2 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

3 Sec. 2.33. Prohibitions.

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

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

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

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

21 (e) (Blank).

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

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

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

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

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

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

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

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

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



1 (o) (Blank).

2 (p) It is unlawful to take game birds, migratory game birds  
3 or migratory waterfowl with a rifle, pistol, revolver or  
4 airgun.

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

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

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

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

1 or attempt to take any species of wildlife or parts thereof,  
2 and (iii) the owner's notarized signature. Before enforcing  
3 this Section the law enforcement officer must have received  
4 notice from the owner or the owner's designee of a violation of  
5 this Section. Statements made to the law enforcement officer  
6 regarding this notice shall not be rendered inadmissible by the  
7 hearsay rule when offered for the purpose of showing the  
8 required notice.

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

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

26 (w) It is unlawful for any owner of a dog to knowingly or

1 wantonly allow his or her dog to pursue, harass or kill deer,  
2 except that nothing in this Section shall prohibit the tracking  
3 of wounded deer with a dog in accordance with the provisions of  
4 Section 2.26 of this Code.

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

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

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

1 shotgun as regulated by subsection (j) of this Section using  
2 shotgun shells as regulated in subsection (k) of this Section.

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

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

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

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

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

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

1 pink color material.

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

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

25 (ii) This Section shall apply only to those species  
26 protected by this Act taken within the State. Any species or

1 any parts thereof, legally taken in and transported from other  
2 states or countries, may be possessed within the State, except  
3 as provided in this Section and Sections 2.35, 2.36 and 3.21.

4 (jj) (Blank).

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

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

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

24 (nn) It shall be unlawful to possess any species of  
25 wildlife or wildlife parts taken unlawfully in Illinois, any  
26 other state, or any other country, whether or not the wildlife

1 or wildlife parts is indigenous to Illinois. For the purposes  
2 of this subsection, the statute of limitations for unlawful  
3 possession of wildlife or wildlife parts shall not cease until  
4 2 years after the possession has permanently ended.

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