

HB1827



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1827

Introduced 2/17/2021, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

520 ILCS 5/1.2g	from Ch. 61, par. 1.2g
520 ILCS 5/2.30	from Ch. 61, par. 2.30
520 ILCS 5/2.30b	
520 ILCS 5/2.33	from Ch. 61, par. 2.33
520 ILCS 5/2.30c rep.	

Amends the Wildlife Code. Repeals provisions allowing the taking of bobcats by hunting or trapping in this State. Makes conforming changes.

LRB102 10272 CMG 15599 b

FISCAL NOTE ACT
MAY APPLY

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
5 Sections 1.2g, 2.30, 2.30b, and 2.33 as follows:

6 (520 ILCS 5/1.2g) (from Ch. 61, par. 1.2g)

7 Sec. 1.2g. "Fur-bearing mammals" means the following
8 specific species, mink, muskrat, raccoon, striped skunk,
9 weasel, ~~bobcat~~, opossum, beaver, river otter, badger, red fox,
10 gray fox, and coyote.

11 (Source: P.A. 81-382.)

12 (520 ILCS 5/2.30) (from Ch. 61, par. 2.30)

13 Sec. 2.30. Except as provided in this Section, it shall be
14 unlawful for any person to trap or to hunt with gun, dog, dog
15 and gun, or bow and arrow, gray fox, red fox, raccoon, weasel,
16 mink, muskrat, badger, ~~bobcat~~, and opossum except during the
17 open season which will be set annually by the Director between
18 12:01 a.m., November 1 to 12:00 midnight, February 15, both
19 inclusive.

20 It shall be unlawful for any person to hunt or trap bobcat
21 in this State ~~on and after the effective date of this~~
22 ~~amendatory Act of the 100th General Assembly in the counties~~

1 ~~of Boone, Bureau, Champaign, Cook, DeKalb, DeWitt, DuPage,~~
2 ~~Ford, Grundy, Henry, Iroquois, Kane, Kankakee, Kendall, Knox,~~
3 ~~Lake, LaSalle, Lee, Livingston, Logan, Marshall, McHenry,~~
4 ~~McLean, Ogle, Peoria, Piatt, Putnam, Stark, Stephenson,~~
5 ~~Vermilion, Will, Winnebago, and Woodford and north of U.S.~~
6 ~~Route 36 in Edgar and Douglas and north of U.S. Route 36 to the~~
7 ~~junction with Illinois Route 121 and north or east of Illinois~~
8 ~~Route 121 in Macon. For the season beginning in 2017, a total~~
9 ~~number of 350 bobcats may be hunted or trapped lawfully, or the~~
10 ~~conclusion of the season occurs, whichever is earlier. For the~~
11 ~~season beginning in 2018, a total number of 375 bobcats may be~~
12 ~~hunted or trapped lawfully, or the conclusion of the season~~
13 ~~occurs, whichever is earlier. The changes added to this~~
14 ~~Section by this amendatory Act of the 100th General Assembly,~~
15 ~~except for this sentence, are inoperative on and after June~~
16 ~~30, 2019.~~

17 It is unlawful to pursue any fur-bearing mammal with a dog
18 or dogs between the hours of sunset and sunrise during the 10
19 day period preceding the opening date of the raccoon hunting
20 season and the 10 day period following the closing date of the
21 raccoon hunting season except that the Department may issue
22 field trial permits in accordance with Section 2.34 of this
23 Act. A non-resident from a state with more restrictive
24 fur-bearer pursuit regulations for any particular species than
25 provided for that species in this Act may not pursue that
26 species in Illinois except during the period of time that

1 Illinois residents are allowed to pursue that species in the
2 non-resident's state of residence. Hound running areas
3 approved by the Department shall be exempt from the provisions
4 of this Section.

5 It shall be unlawful to take beaver, river otter, weasel,
6 mink, or muskrat except during the open season set annually by
7 the Director, and then, only with traps, except that a
8 firearm, pistol, or airgun of a caliber not larger than a .22
9 long rifle may be used to remove the animal from the trap.

10 It shall be unlawful for any person to trap beaver or river
11 otter with traps except during the open season which will be
12 set annually by the Director between 12:01 a.m., November 1st
13 and 12:00 midnight, March 31, both inclusive.

14 Coyote may be taken by trapping methods only during the
15 period from September 1 to March 1, both inclusive, and by
16 hunting methods at any time.

17 Striped skunk may be taken by trapping methods only during
18 the period from September 1 to March 1, both inclusive, and by
19 hunting methods at any time.

20 Muskrat may be taken by trapping methods during an open
21 season set annually by the Director.

22 For the purpose of taking fur-bearing mammals, the State
23 may be divided into management zones by administrative rule.

24 It shall be unlawful to take or possess more than the
25 season limit or possession limit of fur-bearing mammals that
26 shall be set annually by the Director. ~~The season limit for~~

1 ~~bobcat shall not exceed one bobcat per permit.~~ Possession
2 limits shall not apply to fur buyers, tanners, manufacturers,
3 and taxidermists, as defined by this Act, who possess
4 fur-bearing mammals in accordance with laws governing such
5 activities.

6 Nothing in this Section shall prohibit the taking or
7 possessing of fur-bearing mammals found dead or
8 unintentionally killed by a vehicle along a roadway during the
9 open season provided the person who possesses such fur-bearing
10 mammals has all appropriate licenses, stamps, or permits; the
11 season for which the species possessed is open; and that such
12 possession and disposal of such fur-bearing mammals is
13 otherwise subject to the provisions of this Section.

14 The provisions of this Section are subject to modification
15 by administrative rule.

16 (Source: P.A. 99-33, eff. 1-1-16; 100-524, eff. 9-22-17;
17 100-779, eff. 8-10-18.)

18 (520 ILCS 5/2.30b)

19 Sec. 2.30b. River otter ~~and bobcat~~ pelts. The pelts of
20 river otters ~~and bobcats~~ shall be tagged in accordance with
21 federal regulation 50 CFR 23.69(e). The Department may require
22 harvest registration and set forth procedures, fees for
23 registration, and the process of tagging pelts in
24 administrative rules. Fees for registration and tagging shall
25 not exceed \$5 per pelt.

1 (Source: P.A. 99-33, eff. 1-1-16.)

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
3 burning.

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

1 for in Section 2.26 and other species as provided for by
2 subsection (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
15 with a one piece plug that is irremovable without dismantling
16 the shotgun or otherwise altered to render it incapable of
17 holding more than 3 shells in the magazine and chamber,
18 combined.

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

1 have or carry any bow or arrow device in or on any vehicle
2 unless such bow or arrow device is unstrung or enclosed in a
3 case, or otherwise made inoperable.

4 (o) (Blank).

5 (p) It is unlawful to take game birds, migratory game
6 birds 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
19 or 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
10 the 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,
18 hunting with dog and shotgun using shot shells only, or
19 hunting with shotgun using shot shells only, or providing
20 outfitting services under a waterfowl outfitter permit, or on
21 licensed game breeding and hunting preserve areas, as defined
22 in Section 3.27, on federally owned and managed lands and on
23 Department owned, managed, leased, or controlled lands, a 100
24 yard 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
6 tracking of wounded deer with a dog in accordance with the
7 provisions of Section 2.26 of this Code.

8 (x) It is unlawful for any person to wantonly or
9 carelessly injure or destroy, in any manner whatsoever, any
10 real or personal property on the land of another while engaged
11 in 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
19 and otherwise irretrievable) protected by this Act when not
20 flying. Nothing in this Section shall prohibit a person from
21 carrying an uncased, unloaded shotgun in a boat, while in
22 pursuit of a crippled migratory waterfowl that is incapable of
23 normal flight, for the purpose of attempting to reduce the
24 migratory waterfowl to possession, provided that the attempt
25 is made immediately upon downing the migratory waterfowl and
26 is done 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
8 fur-bearing 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
14 include such in the bag limit. It shall be unlawful for any
15 person having control over harvested game mammals, game birds,
16 or migratory game birds for which there is a bag limit to
17 wantonly waste or destroy the usable meat of the game, except
18 this shall not apply to wildlife taken under Sections 2.37 or
19 3.22 of this Code. For purposes of this subsection, "usable
20 meat" means the breast meat of a game bird or migratory game
21 bird and the hind ham and front shoulders of a game mammal. It
22 shall be unlawful for any person to place, leave, dump, or
23 abandon a wildlife carcass or parts of it along or upon a
24 public right-of-way or highway or on public or private
25 property, including a waterway or stream, without the
26 permission of the owner or tenant. It shall not be unlawful to

1 discard game meat that is determined to be unfit for human
2 consumption.

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

8 (jj) (Blank).

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

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

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

1 gauge, with a rifled barrel.

2 (nn) It shall be unlawful to possess any species of
3 wildlife or wildlife parts taken unlawfully in Illinois, any
4 other state, or any other country, whether or not the wildlife
5 or wildlife parts is indigenous to Illinois. For the purposes
6 of this subsection, the statute of limitations for unlawful
7 possession of wildlife or wildlife parts shall not cease until
8 2 years after the possession has permanently ended.

9 (Source: P.A. 99-33, eff. 1-1-16; 99-143, eff. 7-27-15;
10 99-642, eff. 7-28-16; 100-489, eff. 9-8-17; 100-949, eff.
11 1-1-19.)

12 (520 ILCS 5/2.30c rep.)

13 Section 10. The Wildlife Code is amended by repealing
14 Section 2.30c.