

SB2794



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2794

Introduced 1/17/2024, by Sen. Michael W. Halpin

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.33

Amends the Wildlife Code. Provides that it is unlawful for any person who is within 300 yards of an inhabited dwelling, to hunt with gun or dog, allow a dog to hunt, or discharge a firearm without first obtaining permission from the owner or tenant of the dwelling, except that a 100-yard restriction, rather than a 300-yard restriction, shall apply (i) while on the land of another person as an invitee with that person's permission, (ii) while trapping, hunting with dog and shotgun using shot shells only, hunting with shotgun using shot shells only, or providing outfitting services under a waterfowl outfitter permit, or (iii) while on licensed game breeding and hunting preserve areas, federally owned and managed lands, or Department owned, managed, leased, or controlled lands.

LRB103 37282 JAG 67403 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
5 Section 2.33 as follows:

6 (520 ILCS 5/2.33)

7 Sec. 2.33. Prohibitions.

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

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

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

21 (d) It is unlawful to use a ferret or any other small
22 mammal which is used in the same or similar manner for which
23 ferrets are used for the purpose of frightening or driving any

1 mammals from their dens or hiding places.

2 (e) (Blank).

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

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

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

11 (i) It is unlawful to take, pursue or intentionally harass
12 or disturb in any manner any wild birds or mammals by use or
13 aid of any vehicle, conveyance, or unmanned aircraft as
14 defined by the Illinois Aeronautics Act, except as permitted
15 by the Code of Federal Regulations for the taking of
16 waterfowl; except that nothing in this subsection shall
17 prohibit the use of unmanned aircraft in the inspection of a
18 public utility facility, tower, or structure or a mobile
19 service facility, tower, or structure by a public utility, as
20 defined in Section 3-105 of the Public Utilities Act, or a
21 provider of mobile services as defined in Section 153 of Title
22 47 of the United States Code. It is also unlawful to use the
23 lights of any vehicle or conveyance, any light connected to
24 any vehicle or conveyance, or any other lighting device or
25 mechanism from inside or on a vehicle or conveyance in any area
26 where wildlife may be found except in accordance with Section

1 2.37 of this Act; however, nothing in this Section shall
2 prohibit the normal use of headlamps for the purpose of
3 driving upon a roadway. For purposes of this Section, any
4 other lighting device or mechanism shall include, but not be
5 limited to, any device that uses infrared or other light not
6 visible to the naked eye, electronic image intensification,
7 active illumination, thermal imaging, or night vision. Striped
8 skunk, opossum, red fox, gray fox, raccoon, bobcat, and coyote
9 may be taken during the open season by use of a small light
10 which is worn on the body or hand-held by a person on foot and
11 not in any vehicle.

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

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

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

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

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

25 (o) (Blank).

26 (p) It is unlawful to take game birds, migratory game

1 birds or migratory waterfowl with a rifle, pistol, revolver,
2 or air rifle.

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

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

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

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

1 the law enforcement officer must have received notice from the
2 owner or the owner's designee of a violation of this Section.
3 Statements made to the law enforcement officer regarding this
4 notice shall not be rendered inadmissible by the hearsay rule
5 when offered for the purpose of showing the required notice.

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

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

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

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

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

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

1 Migratory waterfowl that are crippled may be taken only with a
2 shotgun as regulated by subsection (j) of this Section using
3 shotgun shells as regulated in subsection (k) of this Section.

4 (aa) It is unlawful to use or possess any device that may
5 be used for tree climbing or cutting while hunting fur-bearing
6 mammals, excluding coyotes. However, coyotes may not be hunted
7 utilizing these devices during open season for deer except by
8 properly licensed deer hunters.

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 Sections 2.25 and
22 2.26 and 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 are 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 (oo) It is unlawful while deer hunting:

10 (1) to possess or be in close proximity to a rifle that
11 is not centerfire; or

12 (2) to be in possession of or in close proximity to a
13 magazine that is capable of making a rifle not a single
14 shot.

15 (Source: P.A. 102-237, eff. 1-1-22; 102-837, eff. 5-13-22;
16 102-932, eff. 1-1-23; 103-154, eff. 6-30-23.)