

1 AN ACT concerning animals.

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 1.2t, 2.33, 2.33a, and 2.37 and by adding Section
6 1.2y as follows:

7 (520 ILCS 5/1.2t) (from Ch. 61, par. 1.2t)

8 Sec. 1.2t. "Wildlife" means any bird or mammal living in
9 a state of nature without the care of man including all
10 species covered by this Act. It does not include companion
11 animals as defined in the Humane Care for Animals Act (510
12 ILCS 70/).

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

14 (520 ILCS 5/1.2y new)

15 Sec. 1.2y. "Euthanasia" means the administration of a
16 lethal dose of an agent or a method of euthanasia that causes
17 the death of an animal, as prescribed in the Report of the
18 American Veterinary Medical Association Panel on Euthanasia
19 published in the Journal of the American Veterinary Medical
20 Association, March 1, 2001.

21 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

22 Sec. 2.33. Prohibitions.

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

26 (b) It is unlawful to use or possess any snare or
27 snare-like device, deadfall, net, or pit trap to take any
28 species, except that snares not powered by springs or other
29 mechanical devices may be used to trap fur-bearing mammals,

1 in water sets only, if at least one-half of the snare noose
2 is located underwater at all times.

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

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

12 (e) (Blank).

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

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

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

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

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

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

15 (m) It is unlawful to use any shotgun capable of holding
16 more than 3 shells in the magazine or chamber combined,
17 except on game breeding and hunting preserve areas licensed
18 under Section 3.27 and except as permitted by the Code of
19 Federal Regulations for the taking of waterfowl. If the
20 shotgun is capable of holding more than 3 shells, it shall,
21 while being used on an area other than a game breeding and
22 shooting preserve area licensed pursuant to Section 3.27, be
23 fitted with a one piece plug that is irremovable without
24 dismantling the shotgun or otherwise altered to render it
25 incapable of holding more than 3 shells in the magazine and
26 chamber, combined.

27 (n) It is unlawful for any person, except persons who
28 possess a permit to hunt from a vehicle as provided in this
29 Section and persons otherwise permitted by law, to have or
30 carry any gun in or on any vehicle, conveyance or aircraft,
31 unless such gun is unloaded and enclosed in a case, except
32 that at field trials authorized by Section 2.34 of this Act,
33 unloaded guns or guns loaded with blank cartridges only, may
34 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) It is unlawful to use any crossbow for the purpose
5 of taking any wild birds or mammals, except as provided for
6 in Section 2.33.

7 (p) It is unlawful to take game birds, migratory game
8 birds or migratory waterfowl with a rifle, pistol, revolver
9 or airgun.

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

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

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

19 (t) It is unlawful for any person to trap or hunt, or
20 allow a dog to hunt, within or upon the land of another, or
21 upon waters flowing over or standing on the land of another,
22 without first obtaining permission from the owner or tenant.
23 It shall be prima facie evidence that a person does not have
24 permission of the owner or tenant if the person is unable to
25 demonstrate to the law enforcement officer in the field that
26 permission had been obtained. This provision may only be
27 rebutted by testimony of the owner or tenant that permission
28 had been given. Before enforcing this Section the law
29 enforcement officer must have received notice from the owner
30 or tenant of a violation of this Section. Statements made to
31 the law enforcement officer regarding this notice shall not
32 be rendered inadmissible by the hearsay rule when offered for
33 the purpose of showing the required notice.

34 (u) It is unlawful for any person to discharge any

1 firearm for the purpose of taking any of the species
2 protected by this Act, or hunt with gun or dog, or allow a
3 dog to hunt, within 300 yards of an inhabited dwelling
4 without first obtaining permission from the owner or tenant,
5 except that while trapping, hunting with bow and arrow,
6 hunting with dog and shotgun using shot shells only, or
7 hunting with shotgun using shot shells only, or on licensed
8 game breeding and hunting preserve areas, as defined in
9 Section 3.27, on property operated under a Migratory
10 Waterfowl Hunting Area Permit, on federally owned and managed
11 lands and on Department owned, managed, leased or controlled
12 lands, a 100 yard restriction shall apply.

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

17 (w) It is unlawful for any owner of a dog to knowingly
18 or wantonly allow his or her dog to pursue, harass or kill
19 deer.

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

24 (y) It is unlawful to hunt wild game protected by this
25 Act between one half hour after sunset and one half hour
26 before sunrise, except that hunting hours between one half
27 hour after sunset and one half hour before sunrise may be
28 established by administrative rule for fur-bearing mammals.

29 (z) It is unlawful to take any game bird (excluding wild
30 turkeys and crippled pheasants not capable of normal flight
31 and otherwise irretrievable) protected by this Act when not
32 flying. Nothing in this Section shall prohibit a person from
33 carrying an uncased, unloaded shotgun in a boat, while in
34 pursuit of a crippled migratory waterfowl that is incapable

1 of normal flight, for the purpose of attempting to reduce the
2 migratory waterfowl to possession, provided that the attempt
3 is made immediately upon downing the migratory waterfowl and
4 is done within 400 yards of the blind from which the
5 migratory waterfowl was downed. This exception shall apply
6 only to migratory game birds that are not capable of normal
7 flight. Migratory waterfowl that are crippled may be taken
8 only with a shotgun as regulated by subsection (j) of this
9 Section using shotgun shells as regulated in subsection (k)
10 of this Section.

11 (aa) It is unlawful to use or possess any device that
12 may be used for tree climbing or cutting, while hunting
13 fur-bearing mammals.

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

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

22 (dd) It is unlawful to take any species protected by
23 this Act and retain it alive.

24 (ee) It is unlawful to possess any rifle while in the
25 field during gun deer season except as provided in Section
26 2.26 and administrative rules.

27 (ff) It is unlawful for any person to take any species
28 protected by this Act, except migratory waterfowl, during the
29 gun deer hunting season in those counties open to gun deer
30 hunting, unless he or she wears, when in the field, a cap and
31 upper outer garment of a solid blaze orange color, with such
32 articles of clothing displaying a minimum of 400 square
33 inches of blaze orange material.

34 (gg) It is unlawful during the upland game season for

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

6 (hh) It shall be unlawful to kill or cripple any species
7 protected by this Act for which there is a daily bag limit
8 without making a reasonable effort to retrieve such species
9 and include such in the daily bag limit.

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

16 (jj) Nothing contained in this Section shall prohibit
17 the use of bow and arrow, or prevent the Director from
18 issuing permits to use a crossbow to handicapped persons as
19 provided by administrative rule. As used herein,
20 "handicapped persons" means those persons who have a
21 permanent physical impairment due to injury or disease,
22 congenital or acquired, which renders them so severely
23 disabled as to be unable to use a conventional bow and arrow
24 device. Permits will be issued only after the receipt of a
25 physician's statement confirming the applicant is handicapped
26 as defined above.

27 (kk) Nothing contained in this Section shall prohibit
28 the Director from issuing permits to paraplegics or to other
29 disabled persons who meet the requirements set forth in
30 administrative rule to shoot or hunt from a vehicle as
31 provided by that rule, provided that such is otherwise in
32 accord with this Act.

33 (ll) Nothing contained in this Act shall prohibit the
34 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
10 use of a shotgun, not larger than 10 gauge nor smaller than a
11 20 gauge, with a rifled barrel.

12 (nn) It is unlawful for anyone holding a nuisance
13 wildlife control permit to drown, burn, or use any
14 unacceptable agents, including household products or
15 solvents, such as acetone, as a method of euthanasia for any
16 species protected by this Act. Violation of this Section is a
17 Class A misdemeanor for the first offense and a Class 4
18 felony for the second offense.

19 (Source: P.A. 91-654, eff. 12-15-99; 92-325, eff. 8-9-01;
20 92-651, eff. 7-11-02.)

21 (520 ILCS 5/2.33a) (from Ch. 61, par. 2.33a)

22 Sec. 2.33a. (a) It is unlawful to fail to visit and
23 remove all animals from traps staked out, set, used, tended,
24 placed or maintained at least once each calendar day.

25 (b) It is unlawful for any person to place, set, use, or
26 maintain a leghold trap or one of similar construction on
27 land, that has a jaw spread of larger than 6 1/2 inches (16.6
28 CM), or a body-gripping trap or one of similar construction
29 having a jaw spread larger than 7 inches (17.8 CM) on a side
30 if square and 8 inches (20.4 CM) if round;

31 (c) It is unlawful for any person to place, set, use, or
32 maintain a leghold trap or one of similar construction in
33 water, that has a jaw spread of larger than 7 1/2 inches

1 (19.1 CM), or a body-gripping trap or one of similar
2 construction having a jaw spread larger than 10 inches (25.4
3 CM) on a side if square and 12 inches (30.5 CM) if round;

4 (d) It is unlawful to use any trap with saw-toothed,
5 spiked, or toothed jaws;

6 (e) It is unlawful to destroy, disturb or in any manner
7 interfere with dams, lodges, burrows or feed beds of beaver
8 while trapping for beaver or to set a trap inside a muskrat
9 house or beaver lodge, except that this shall not apply to
10 Drainage Districts who are acting pursuant to the provisions
11 of Section 2.37;

12 (f) It is unlawful to trap beaver with: (1) a leghold
13 trap or one of similar construction having a jaw spread of
14 less than 5 1/2 inches (13.9 CM) or more than 7 1/2 inches
15 (19.1 CM), or (2) a body-gripping trap or one of similar
16 construction having a jaw spread of less than 7 inches (17.7
17 CM) or more than 10 inches (25.4 CM) on a side if square and
18 12 inches (30.5 CM) if round, except that these restrictions
19 shall not apply during the open season for trapping muskrats;

20 (g) It is unlawful to set traps closer than 10 feet
21 (3.05 M) from any hole or den which may be occupied by a game
22 mammal or fur-bearing mammal except that this restriction
23 shall not apply to water sets.

24 (h) It is unlawful to trap or attempt to trap any
25 fur-bearing mammal with any colony, cage, box, or stove-pipe
26 trap designed to take more than one mammal at a single
27 setting.

28 (i) It is unlawful for any person to set or place any
29 trap designed to take any fur-bearing mammal protected by
30 this Act during the closed trapping season. Proof that any
31 trap was placed during the closed trapping season shall be
32 deemed prima facie evidence of a violation of this provision.

33 (j) It is unlawful to place, set, or maintain any
34 leghold trap or one of similar construction within thirty

1 (30) feet (9.14 m) of bait placed in such a manner or
2 position that it is not completely covered and concealed from
3 sight, except that this shall not apply to underwater sets.
4 Bait shall mean and include any bait composed of mammal,
5 bird, or fish flesh, fur, hide, entrails or feathers.

6 (k) It shall be unlawful for hunters or trappers to have
7 the green hides of fur-bearing mammals, protected by this
8 Act, in their possession except during the open season and
9 for an additional period of 10 days succeeding such open
10 season.

11 (l) It is unlawful for any person to place, set, use, or
12 maintain a snare trap or one of similar construction in
13 water, that has a loop diameter exceeding 15 inches (38.1 CM)
14 or a cable or wire diameter of more than 1/8 inch (3.2 MM) or
15 less than 5/64 inch (2.0 MM), that is constructed of
16 stainless steel metal cable or wire, and that does not have a
17 mechanical lock, anchor swivel and stop device to prevent the
18 mechanical lock from closing the noose loop to a diameter of
19 less than 2 1/2 inches (6.4 CM).

20 (Source: P.A. 85-152; 86-1354.)

21 (520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

22 Sec. 2.37. Authority to euthanize kill wildlife
23 responsible for damage. Subject to federal regulations and
24 Section 3 of the Illinois Endangered Species Act, the
25 Department may authorize owners and tenants of lands or their
26 agents to remove or euthanize ~~destroy~~ any wild bird or wild
27 mammal when the wild bird or wild mammal is known to be
28 destroying property or causing a risk to human health or
29 safety upon his or her land.

30 Upon receipt by the Department of information from the
31 owner, tenant, or sharecropper that any one or more species
32 of wildlife is damaging dams, levees, ditches, or other
33 property on the land on which he resides or controls,

1 together with a statement regarding location of the property
2 damages, the nature and extent of the damage, and the
3 particular species of wildlife committing the damage, the
4 Department shall make an investigation.

5 If, after investigation, the Department finds that damage
6 does exist and can be abated only by removing, releasing, or
7 ethanizing ~~destroying~~ that wildlife, a permit shall be
8 issued by the Department to remove or destroy the species
9 responsible causing the damage. The species shall be (i)
10 given to a licensed wildlife rehabilitator, (ii) released
11 on-site, (iii) relocated, or (iv) humanely euthanized as
12 defined in Section 1.2y of this Act. Unacceptable methods of
13 euthanasia include, but are not limited to, burning,
14 drowning, and other unlawful practices. Unacceptable agents
15 include, but are not limited to, household products or
16 solvents including acetone.

17 A permit to control the damage shall be for a period of
18 up to 90 days, shall specify the means and methods by which
19 and the person or persons by whom the wildlife may be removed
20 or destroyed, and shall set forth the disposition procedure
21 to be made of all wildlife taken and other restrictions the
22 Director considers necessary and appropriate in the
23 circumstances of the particular case. If humane euthanasia
24 is the disposition Whenever---possible, the specimens
25 euthanized ~~destroyed~~ shall be given to a bona-fide public or
26 State scientific, educational, or zoological institution.

27 The permittee shall advise the Department in writing,
28 within 10 days after the expiration date of the permit, of
29 the number of individual species of wildlife taken,
30 disposition made of them, and any other information which the
31 Department may consider necessary.

32 Subject to federal regulations and Section 3 of the
33 Illinois Endangered Species Act, the Department may grant to
34 an individual, corporation, association or a governmental

1 body the authority to control species protected by this Code.
2 Any method or agent of euthanasia used must be prescribed as
3 acceptable or conditionally acceptable in the Report of the
4 American Veterinary Medical Association Panel on Euthanasia
5 published in the Journal of the American Veterinary Medical
6 Association, March 1, 2001. The Department shall set forth
7 applicable regulations in an Administrative Order and shall
8 may require periodic reports listing species taken; 7 numbers
9 of each species taken; 7 dates when taken; address where
10 taken; the nature of the complaint; methods used to alleviate
11 the problem; disposition of all animals, including whether
12 released on-site, relocated, or euthanized; the method or
13 agent of euthanasia used, if applicable; the name of the
14 licensed wildlife rehabilitator used, if applicable; 7 and
15 other pertinent information.

16 Drainage Districts shall have the authority to control
17 beaver provided that they must notify the Department in
18 writing that a problem exists and of their intention to trap
19 the animals at least 7 days before the trapping begins. The
20 District must identify traps used in beaver control outside
21 the dates of the furbearer trapping season with metal tags
22 with the district's name legibly inscribed upon them. During
23 the furtrapping season, traps must be identified as
24 prescribed by law. Conibear traps at least size 330 shall be
25 used except during the statewide furbearer trapping season.
26 During that time trappers may use any device that is legal
27 according to the Wildlife Code. Except during the statewide
28 furbearer trapping season, beaver traps must be set in water
29 at least 10 inches deep. Except during the statewide
30 furbearer trapping season, traps must be set within 10 feet
31 of an inhabited bank burrow or house and within 10 feet of a
32 dam maintained by a beaver. No beaver or other furbearer
33 taken outside of the dates for the furbearer trapping season
34 may be sold. All animals must be given to the nearest

1 conservation officer or other Department of Natural Resources
2 representative within 48 hours after they are caught.
3 Furbearers taken during the fur trapping season may be sold
4 provided that they are taken by persons who have valid
5 trapping licenses in their possession and are lawfully taken.
6 The District must submit an annual report showing the species
7 and numbers of animals caught. The report must indicate all
8 species which were taken.

9 (Source: P.A. 91-654, eff. 12-15-99.)

10 Section 99. Effective date. This Act takes effect on
11 January 1, 2004.