



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5332

Introduced 01/26/06, by Rep. David Reis

SYNOPSIS AS INTRODUCED:

520 ILCS 5/1.2j-5 new	
520 ILCS 5/2.30	from Ch. 61, par. 2.30
520 ILCS 5/2.33	from Ch. 61, par. 2.33
520 ILCS 5/2.36	from Ch. 61, par. 2.36
520 ILCS 5/3.5	from Ch. 61, par. 3.5
520 ILCS 5/3.25	from Ch. 61, par. 3.25
520 ILCS 5/3.27-a new	
520 ILCS 5/3.33	from Ch. 61, par. 3.33
520 ILCS 5/3.35	from Ch. 61, par. 3.35
720 ILCS 585/1	from Ch. 8, par. 241

Amends the Wildlife Code. Provides that the Department of Natural Resources is responsible for the operation of a hound running areas permit program. Provides that a coyote may be held or possessed by a person who holds a hound running area permit. Provides that hound running areas approved by the Department are exempt from certain limitations in the Game Protective Article of the Wildlife Code. Limits hound running areas to a fenced area that has at least 40 acres, that is used by dogs and people to chase foxes or coyotes without the intent to kill or capture the foxes or coyotes, and that has a dog-proof escape area for the chased animals. Requires the applicant for a hound running area permit to hold or apply for a fur-bearing mammal breeder permit. Authorizes the Department to promulgate rules, make inspections, and administer this program. Provides that a person that violates the requirements for a hound running area permit is guilty of a Class B misdemeanor. Amends the Illinois Dangerous Animals Act to provide that a hound running area may be used to keep and maintain coyotes in an escape-proof enclosure. Makes other changes.

LRB094 19272 RSP 54906 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 2.30, 2.33, 2.36, 3.5, 3.25, 3.33, and 3.35 and by
6 adding Sections 1.2j-5 and 3.27-a as follows:

7 (520 ILCS 5/1.2j-5 new)

8 Sec. 1.2j-5. "Hound running" means the chasing of one or
9 more foxes or one or more coyotes by one or more dogs and one or
10 more persons engaged in hunt-like activities.

11 (520 ILCS 5/2.30) (from Ch. 61, par. 2.30)

12 Sec. 2.30. It shall be unlawful for any person to trap or
13 to hunt with gun, dog, dog and gun, or bow and arrow, gray fox,
14 red fox, raccoon, weasel, mink, muskrat, badger, and opossum
15 except during the open season which will be set annually by the
16 Director between 12:01 a.m., November 1 to 12:00 midnight,
17 February 15, both inclusive, and except for activities approved
18 by the Department for hound running areas.

19 It is unlawful for any person to take bobcat or river otter
20 in this State at any time.

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

1 non-resident's state of residence. Fenced fox hound training
2 enclosures and hound running areas approved by the Department
3 shall be exempt from the provisions of this Section.

4 It shall be unlawful to take beaver, weasel, mink or
5 muskrat except during the open season set annually by the
6 Director, and then, only with traps.

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

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

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

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

19 The provisions of this Section are subject to modification
20 by administrative rule.

21 (Source: P.A. 89-341, eff. 8-17-95.)

22 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

23 Sec. 2.33. Prohibitions.

24 (a) It is unlawful to carry or possess any gun in any State
25 refuge unless otherwise permitted by administrative 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, in
30 water sets only, if at least one-half of the snare noose is
31 located underwater at all times.

32 (c) It is unlawful for any person at any time to take a
33 wild mammal protected by this Act from its den by means of any
34 mechanical device, spade, or digging device or to use smoke or
35 other gases to dislodge or remove such mammal except as

1 provided in Section 2.37.

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

6 (e) (Blank).

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

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

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

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

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

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

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

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

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

26 (o) It is unlawful to use any crossbow for the purpose of
27 taking any wild birds or mammals, except as provided for in
28 Section 2.33.

29 (p) It is unlawful to take game birds, migratory game birds
30 or migratory waterfowl with a rifle, pistol, revolver or
31 airgun.

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

35 (r) It is unlawful to discharge any gun or bow and arrow
36 device along, upon, across, or from any public right-of-way or

1 highway in this State.

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

5 (t) It is unlawful for any person to trap or hunt, or allow
6 a dog to hunt, within or upon the land of another, or upon
7 waters flowing over or standing on the land of another, without
8 first obtaining permission from the owner or tenant. It shall
9 be prima facie evidence that a person does not have permission
10 of the owner or tenant if the person is unable to demonstrate
11 to the law enforcement officer in the field that permission had
12 been obtained. This provision may only be rebutted by testimony
13 of the owner or tenant that permission had been given. Before
14 enforcing this Section the law enforcement officer must have
15 received notice from the owner or tenant of a violation of this
16 Section. Statements made to the law enforcement officer
17 regarding this notice shall not be rendered inadmissible by the
18 hearsay rule when offered for the purpose of showing the
19 required notice.

20 (u) It is unlawful for any person to discharge any firearm
21 for the purpose of taking any of the species protected by this
22 Act, or hunt with gun or dog, or allow a dog to hunt, within 300
23 yards of an inhabited dwelling without first obtaining
24 permission from the owner or tenant, except that while
25 trapping, hunting with bow and arrow, hunting with dog and
26 shotgun using shot shells only, or hunting with shotgun using
27 shot shells only, or on licensed game breeding and hunting
28 preserve areas, as defined in Section 3.27, on property
29 operated under a Migratory Waterfowl Hunting Area Permit, on
30 federally owned and managed lands and on Department owned,
31 managed, leased or controlled lands, a 100 yard restriction
32 shall apply.

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

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

6 (x) It is unlawful for any person to wantonly or carelessly
7 injure or destroy, in any manner whatsoever, any real or
8 personal property on the land of another while engaged in
9 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 and
17 otherwise irretrievable) protected by this Act when not flying.
18 Nothing in this Section shall prohibit a person from carrying
19 an uncased, unloaded shotgun in a boat, while in pursuit of a
20 crippled migratory waterfowl that is incapable of normal
21 flight, for the purpose of attempting to reduce the migratory
22 waterfowl to possession, provided that the attempt is made
23 immediately upon downing the migratory waterfowl and is done
24 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.
27 Migratory waterfowl that are crippled may be taken only with a
28 shotgun as regulated by subsection (j) of this Section using
29 shotgun shells as regulated in subsection (k) of this Section.

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

33 (bb) It is unlawful for any person, except licensed game
34 breeders, pursuant to Section 2.29 to import, carry into, or
35 possess alive in this State any species of wildlife taken
36 outside of this State, without obtaining permission to do so

1 from the Director.

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

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

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

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

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

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

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

33 (jj) Nothing contained in this Section shall prohibit the
34 use of bow and arrow, or prevent the Director from issuing
35 permits to use a crossbow to handicapped persons as provided by
36 administrative rule. As used herein, "handicapped persons"

1 means those persons who have a permanent physical impairment
2 due to injury or disease, congenital or acquired, which renders
3 them so severely disabled as to be unable to use a conventional
4 bow and arrow device. Permits will be issued only after the
5 receipt of a physician's statement confirming the applicant is
6 handicapped as defined above.

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

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

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

26 (Source: P.A. 92-325, eff. 8-9-01; 92-651, eff. 7-11-02;
27 93-807, eff. 7-24-04.)

28 (520 ILCS 5/2.36) (from Ch. 61, par. 2.36)

29 Sec. 2.36. It shall be unlawful to buy, sell or barter, or
30 offer to buy, sell or barter, and for a commercial institution,
31 other than a regularly operated refrigerated storage
32 establishment, to have in its possession any of the wild birds,
33 or any part thereof (and their eggs), or wild mammals or any
34 parts thereof, protected by this Act unless done as hereinafter
35 provided:

1 Game birds or any parts thereof (and their eggs), may be
2 held, possessed, raised and sold, or otherwise dealt with, as
3 provided in Section 3.23 of this Act or when legally produced
4 under similar special permit in another state or country and
5 legally transported into the State of Illinois; provided that
6 such imported game birds or any parts thereof, shall be marked
7 with permanent irremovable tags, or similar devices, to
8 establish and retain their origin and identity;

9 Rabbits may be legally taken and possessed as provided in
10 Sections 3.23 and 3.24 of this Act;

11 Deer, or any parts thereof, may be held, possessed, sold or
12 otherwise dealt with as provided in this Section and Sections
13 3.23 and 3.24 of this Act;

14 Fur-bearing mammals, or any parts thereof, may be held,
15 possessed, sold or otherwise dealt with as provided in Sections
16 3.16, ~~and~~ 3.24, and 3.27-a of this Act or when legally taken
17 and possessed in Illinois or legally taken and possessed in and
18 transported from other states or countries;

19 The inedible parts of game mammals may be held, possessed,
20 sold or otherwise dealt with when legally taken, in Illinois or
21 legally taken and possessed in and transported from other
22 states or countries.

23 Failure to establish proof of the legality of possession in
24 another state or country and importation into the State of
25 Illinois, shall be prima facie evidence that such game birds or
26 any parts thereof, and their eggs, game mammals and fur-bearing
27 mammals, or any parts thereof, were taken within the State of
28 Illinois.

29 (Source: P.A. 82-434.)

30 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

31 Sec. 3.5. Penalties; probation.

32 (a) Any person who violates any of the provisions of
33 Section 2.36a, including administrative rules, shall be guilty
34 of a Class 3 felony, except as otherwise provided in subsection
35 (b) of this Section and subsection (a) of Section 2.36a.

1 (b) Whenever any person who has not previously been
2 convicted of, or placed on probation or court supervision for,
3 any offense under Section 1.22, 2.36, or 2.36a or subsection
4 (i) or (cc) of Section 2.33, the court may, without entering a
5 judgment and with the person's consent, sentence the person to
6 probation for a violation of Section 2.36a.

7 (1) When a person is placed on probation, the court
8 shall enter an order specifying a period of probation of 24
9 months and shall defer further proceedings in the case
10 until the conclusion of the period or until the filing of a
11 petition alleging violation of a term or condition of
12 probation.

13 (2) The conditions of probation shall be that the
14 person:

15 (A) Not violate any criminal statute of any
16 jurisdiction.

17 (B) Perform no less than 30 hours of community
18 service, provided community service is available in
19 the jurisdiction and is funded and approved by the
20 county board.

21 (3) The court may, in addition to other conditions:

22 (A) Require that the person make a report to and
23 appear in person before or participate with the court
24 or courts, person, or social service agency as directed
25 by the court in the order of probation.

26 (B) Require that the person pay a fine and costs.

27 (C) Require that the person refrain from
28 possessing a firearm or other dangerous weapon.

29 (D) Prohibit the person from associating with any
30 person who is actively engaged in any of the activities
31 regulated by the permits issued or privileges granted
32 by the Department of Natural Resources.

33 (4) Upon violation of a term or condition of probation,
34 the court may enter a judgment on its original finding of
35 guilt and proceed as otherwise provided.

36 (5) Upon fulfillment of the terms and conditions of

1 probation, the court shall discharge the person and dismiss
2 the proceedings against the person.

3 (6) A disposition of probation is considered to be a
4 conviction for the purposes of imposing the conditions of
5 probation, for appeal, and for administrative revocation
6 and suspension of licenses and privileges; however,
7 discharge and dismissal under this Section is not a
8 conviction for purposes of disqualification or
9 disabilities imposed by law upon conviction of a crime.

10 (7) Discharge and dismissal under this Section may
11 occur only once with respect to any person.

12 (8) If a person is convicted of an offense under this
13 Act within 5 years subsequent to a discharge and dismissal
14 under this Section, the discharge and dismissal under this
15 Section shall be admissible in the sentencing proceeding
16 for that conviction as a factor in aggravation.

17 (9) The Circuit Clerk shall notify the Department of
18 State Police of all persons convicted of or placed under
19 probation for violations of Section 2.36a.

20 (c) Any person who violates any of the provisions of
21 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,
22 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),
23 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 - 3.16, 3.19 - 3.21
24 (except subsections (b), (c), (d), (e), (f), (f.5), (g), (h),
25 and (i)), ~~and~~ 3.24 - 3.26, and 3.27-a (except subsection (f)),
26 including administrative rules, shall be guilty of a Class B
27 misdemeanor.

28 Any person who violates any of the provisions of Sections
29 1.22, 2.4, 2.36 and 2.38, including administrative rules, shall
30 be guilty of a Class A misdemeanor. Any second or subsequent
31 violations of Sections 2.4 and 2.36 shall be a Class 4 felony.

32 Any person who violates any of the provisions of this Act,
33 including administrative rules, during such period when his
34 license, privileges, or permit is revoked or denied by virtue
35 of Section 3.36, shall be guilty of a Class A misdemeanor.

36 Any person who violates subsection (g), (i), (o), (p), (y),

1 or (cc) of Section 2.33 shall be guilty of a Class A
2 misdemeanor and subject to a fine of no less than \$500 and no
3 more than \$5,000 in addition to other statutory penalties.

4 Any person who violates any other of the provisions of this
5 Act including administrative rules, unless otherwise stated,
6 shall be guilty of a petty offense. Offenses committed by
7 minors under the direct control or with the consent of a parent
8 or guardian may subject the parent or guardian to the penalties
9 prescribed in this Section.

10 In addition to any fines imposed pursuant to the provisions
11 of this Section or as otherwise provided in this Act, any
12 person found guilty of unlawfully taking or possessing any
13 species protected by this Act, shall be assessed a civil
14 penalty for such species in accordance with the values
15 prescribed in Section 2.36a of this Act. This civil penalty
16 shall be imposed by the Circuit Court for the county within
17 which the offense was committed at the time of the conviction.
18 All penalties provided for in this Section shall be remitted to
19 the Department in accordance with the same provisions provided
20 for in Section 1.18 of this Act.

21 (Source: P.A. 94-222, eff. 7-14-05.)

22 (520 ILCS 5/3.25) (from Ch. 61, par. 3.25)

23 Sec. 3.25. Any individual who, within the State of
24 Illinois, holds, possesses or engages in the breeding or
25 raising of live fur-bearing mammals, protected by this Act,
26 except as provided in Sections 1.6 or 1.7, shall be a
27 fur-bearing mammal breeder in the meaning of this Act. Before
28 any individual shall hold, possess or engage in the breeding or
29 raising of live fur-bearing mammals, he shall first procure a
30 fur-bearing mammal breeder permit. Fur-bearing mammal breeder
31 permits shall be issued by the Department. The annual fee for
32 each fur-bearing mammal breeder permit shall be \$25. All
33 fur-bearing mammal breeder permits shall expire on March 31 of
34 each year.

35 Holders of fur-bearing mammal breeder permits may hold,

1 possess, engage in the breeding or raising, sell, or otherwise
2 dispose of live fur-bearing mammals or their green hides,
3 possessed thereunder, at any time of the year.

4 Fur-bearing mammal breeders shall keep a record for 2 years
5 from the date of the acquisition, sale or other disposition of
6 each live fur-bearing mammal or its green hide so raised or
7 propagated, showing the date of such transaction, the name and
8 address of the individual receiving or buying such live
9 fur-bearing mammal or its green hide, and when requested to do
10 so, shall furnish such individual with a certificate of
11 purchase showing the number and kinds of live fur-bearing
12 mammals or green hides so disposed of, the date of the
13 transaction, the name and permit number of the breeder, and the
14 name of the individual receiving, collecting, or buying such
15 live fur-bearing mammals or green hides, and such other
16 information as the Department may require. Such records and
17 certificates of purchase shall be immediately presented to
18 officers or authorized employees of the Department, any
19 sheriff, deputy sheriff, or other peace officer when request is
20 made for same. Failure to produce such records or certificates
21 of purchase shall be prima facie evidence that such live
22 fur-bearing mammals or green hides are contraband with the
23 State of Illinois. The holder of a fur-bearing mammal breeder
24 permit may exhibit fur-bearing mammals commercially.

25 Nothing in this Section shall be construed to give any such
26 permittee authority to take fur-bearing mammals in their wild
27 state contrary to other provisions of this Act, or to remove
28 such permittee from responsibility for the observance of any
29 Federal Laws, rules or regulations which may apply to such
30 fur-bearing mammals.

31 Holders of fur-bearing mammal breeder permits may import
32 fur-bearing mammals into the State of Illinois but may release
33 the same only after health and disease prevention requirements
34 set forth by the Director and other State agencies have been
35 met and permission of the Director has been granted.

36 The breeding, raising and producing in captivity, and the

1 marketing, by the producer, of mink (*Mustela vison*), red fox
2 (*Vulpes vulpes*) or arctic fox (*Alopex lagopus*), as live
3 animals, or as animal pelts or carcasses shall be deemed an
4 agricultural pursuit, and all such animals so raised in
5 captivity shall be deemed domestic animals, subject to all the
6 laws of the State with reference to possession and ownership as
7 are applicable at any time to domestic animals. All individuals
8 engaged in the foregoing activities are fur farmers and engaged
9 in farming for all statutory purposes. Such individuals are
10 exempt from the fur-bearing mammal breeder permit requirements
11 set forth in this Section if: (1) they are defined as farmers
12 for Federal income tax purposes, and (2) at least 20 percent of
13 their gross farm income as reported on Federal tax form
14 Schedule F (Form 1040) for the previous year is generated from
15 the sale of mink, red fox or arctic fox as live animals, animal
16 pelts or carcasses.

17 No fur-bearing mammal breeder permits will be issued to
18 hold, possess, or engage in the breeding and raising of striped
19 skunks acquired after July 1, 1975, or coyotes acquired after
20 July 1, 1978, except for a coyote that is held or possessed by
21 a person who holds a hound running area permit under Section
22 3.27-a of this Act.

23 (Source: P.A. 86-920.)

24 (520 ILCS 5/3.27-a new)

25 Sec. 3.27-a. Hound running area permits; requirements.

26 (a) Any person owning, holding, or controlling by lease any
27 contiguous tract of land having an area of not less than 40
28 acres who desires to establish a hound running area, to
29 propagate and preserve foxes, coyotes, or both, and to run
30 hounds in a hunt-like activity that is not designed to capture
31 or kill any fox or coyote, shall apply to the Department for a
32 hound running area permit under this Section. The application
33 shall be made under oath of the applicant or under oath of one
34 of its principal officers if the applicant is not an
35 individual. The application shall be accompanied by an annual

1 permit fee established by the Department by rule, which annual
2 fee shall not exceed \$400. All hound running area permits
3 expire on April 30 of each year.

4 Every applicant under this Section must hold a fur-bearing
5 mammal breeder permit or apply for a fur-bearing mammal breeder
6 permit at the time that the applicant submits the application
7 for a hound running area permit.

8 Upon receipt of an application, the Department shall
9 inspect the area proposed to be a hound running area, as
10 described in the application, the general premises, the
11 facilities where the foxes and coyotes are to be maintained or
12 propagated, and the habitat for foxes and coyotes. As part of
13 the application and inspection process, the Department shall
14 assess the ability of the applicant to operate a property of
15 this character. If the Department finds that the area meets the
16 requirements of all applicable laws and rules, that the foxes
17 and coyotes are or will be reasonably healthy and disease free,
18 and that the issuing of the permit will otherwise be in the
19 public interest, the Department shall approve the application
20 and issue the permit for the operation of the property
21 described in the application with the rights and subject to the
22 limitations prescribed in this Section.

23 The holder of a hound running area permit may maintain
24 foxes and coyotes in temporary confinement facilities on the
25 hound running area or at another location inspected by the
26 Department and specified on the permit. Foxes and coyotes held
27 by a permit holder may be released only into a hound running
28 area. No fox or coyote held by a permit holder may be released
29 to the wild, exported, or given to a person that does not hold
30 a hound running area permit or a fur-bearing mammal breeder
31 permit, except with written authorization of the Director.

32 (b) No hound running area shall be operated in a manner
33 inconsistent with the following:

34 (1) Foxes and coyotes in a hound running area may be
35 chased with dogs, but not in a manner or with the intent to
36 capture or kill. The Department shall promulgate rules that

1 describe appropriate and prohibited activities for a hound
2 running area.

3 (2) Every hound running area must have a minimum of one
4 dog-proof escape area for each 20 acres or remaining
5 fraction thereof of hound running area. A dog-proof escape
6 area must be available for use by a fox or a coyote any
7 time dogs are present on the area. "Dog-proof escape area"
8 means a culvert, brush pile, fenced refuge, or other
9 structure suitable for use by a fox or coyote to safely
10 escape from dogs present on the hound running area.
11 Dog-proof escape areas shall not be located immediately
12 adjacent to each other.

13 (3) Every hound running area shall promptly post on the
14 hound running area, at intervals of not more than 500 feet,
15 signs prescribed by the Department by rule. The boundaries
16 of the land on which the hound running area is located
17 shall also be clearly defined by fencing, natural or
18 artificial boundaries, or barriers and signs pursuant to
19 standards prescribed by the Department by rule. The fencing
20 or barriers on the hound running area shall be designed to
21 prohibit any fox or coyote in the hound running area from
22 escaping the area. The fencing or barriers on the area
23 shall also be designed to prevent any other foxes or
24 coyotes from entering the area. The area, signage, fencing,
25 barriers, boundary marking, dog-proof escape areas, and
26 facilities to maintain the foxes and coyotes in the area
27 and prevent other foxes and coyotes from entering the area
28 are subject to inspection by an officer, employee, or agent
29 of the Department at any reasonable time.

30 (4) The holder of a hound running area permit may
31 maintain foxes and coyotes in temporary confinement
32 facilities on the hound running area or at another location
33 inspected by the Department and specified on the permit.
34 Foxes and coyotes held by a permit holder may only be
35 released into a hound running area. No fox or coyote held
36 by a permit holder may be released to the wild, exported,

1 or given to a person that does not hold a hound running
2 area permit or a fur-bearing mammal breeder permit, except
3 with written authorization of the Director. Prior to being
4 released into a hound running area, all newly acquired
5 foxes and coyotes shall be provided a minimum of 7 days to
6 acclimate to the hound running area in which the animal
7 will be chased. Any fox or coyote held under a permit is
8 subject to inspection by an agent of the Department and
9 this inspection may include removal of reasonable samples
10 from the fox or coyote for examination.

11 (5) Any person, as a permit holder or an employee of a
12 permit holder, who releases dogs on a hound running area
13 shall have in his or her possession a valid Illinois
14 hunting license, except that Illinois residents 15 years of
15 age or under and 65 years of age or over are exempt from
16 this requirement.

17 (6) The hound running area permit holder shall keep
18 accurate permanent records on forms prescribed by the
19 Department. The permanent record shall include, as to each
20 supplier of foxes or coyotes, (i) the supplier's full name,
21 address, and telephone number, (ii) the number, sex, and
22 ear tag designation of each animal purchased, donated,
23 sold, traded, or given to the permit holder by that
24 supplier, and (iii) the date of the event or transaction.
25 The permanent record shall also include the identification
26 of all foxes and coyotes, while under the control of the
27 permit holder on the area or elsewhere, by ear tag
28 designation and sex, along with information for each fox or
29 coyote that gave birth, was born, died, or was disposed of
30 in some other manner or that was sold, traded, donated, or
31 conveyed in some other manner, and the dates on which those
32 events occurred.

33 (7) Every permit holder shall attach individually
34 marked ear tags provided by the Department to each fox or
35 coyote maintained by the permit holder. The permit holder
36 shall pay a fee for each ear tag as established by the

1 Department by rule, but the fee shall not exceed one dollar
2 per tag. The permit holder shall record the ear tag number
3 for each animal maintained on the area or elsewhere or
4 released into the area.

5 (8) Any person using the hound running area as part of
6 a hound running activity shall at all times respect the
7 rights of persons who own the area and those persons who
8 own the land adjacent to the area, and shall not injure or
9 destroy any livestock or property of these land owners.
10 Trees or shrubs shall not be mutilated or cut, nor shall
11 berries, fruits, or nuts be picked within the hound running
12 area, except by permission of the permit holder. Springs
13 and streams shall not be contaminated or polluted in any
14 manner by persons using the hound running area; however,
15 the natural use of springs and streams by dogs using the
16 area shall not constitute contamination or pollution.

17 (c) Except as otherwise provided in this Section, it is
18 unlawful for any person, except by special permission of a duly
19 authorized representative of the Department, to enter or go
20 upon a hound running area at any time of the year with a
21 firearm, bow and arrow, or trap.

22 (d) A hound running area permit is not transferable from
23 one person to another. When a permit holder sells or leases the
24 property that comprises or includes a hound running area and
25 the purchaser or lessee intends to continue to use the hound
26 running area pursuant to this Section, the purchaser or lessee
27 must apply for a permit as provided in subsection (a) of this
28 Section.

29 (e) All foxes and coyotes acquired in conjunction with the
30 operation of a hound running area must be from legal sources.

31 (f) A person breeding or otherwise maintaining a fox or
32 coyote in conjunction with a hound running area must have the
33 fox or coyote inspected and certified to be a coyote, Red fox,
34 or Gray fox and to be disease free by a licensed Illinois
35 veterinarian. Anyone violating this subsection is guilty of a
36 business offense and shall be fined an amount not exceeding

1 \$5,000.

2 (520 ILCS 5/3.33) (from Ch. 61, par. 3.33)

3 Sec. 3.33. The Department may either refuse to issue or
4 refuse to renew or may suspend or may revoke any game breeding
5 and hunting preserve area license or hound running area permit.
6 if the Department finds that such licensed area or the operator
7 thereof is not complying or does not comply with the provisions
8 of Section 3.35 of this Act, or that such property, or area is
9 operated in violation of other provisions of this Act, or in an
10 unlawful or illegal manner; however, the Department shall not
11 refuse to issue, refuse to renew nor suspend or revoke any
12 license for any of these causes, unless the licensee affected
13 has been given at least 15 days notice, in writing, of the
14 reasons for the action of the Department and an opportunity to
15 appear before the Department or a representative thereof in
16 opposition to the action of the Department. Upon the hearing of
17 any such proceeding, the person designated by the Department to
18 conduct the hearing may administer oaths and the Department may
19 procure, by its subpoena, the attendance of witnesses and the
20 production of relevant books and papers. The Circuit Court upon
21 application either of the licensee affected, or of the
22 Department, may, on order duly entered, require the attendance
23 of witnesses and the production of relevant books and papers
24 before the Department or its representative in any such
25 hearing. Upon refusal or neglect to obey its order, the Court
26 may compel obedience by proceedings for contempt of court.

27 (Source: P.A. 84-150.)

28 (520 ILCS 5/3.35) (from Ch. 61, par. 3.35)

29 Sec. 3.35. Any licensee, or any other person, who willfully
30 and intentionally transfers or permits the transfer of the tags
31 issued to the operator of one licensed game breeding and
32 hunting preserve area to the operator of another licensed game
33 breeding and hunting preserve area, or to any other person, or
34 who affixes such tags to game birds not taken from a licensed

1 game breeding and hunting preserve area or to game birds taken
2 from any area other than the area for which such tags were
3 issued, is guilty of a Class B misdemeanor.

4 Any hound running area permit holder, or any other person,
5 who intentionally transfers a permit ear tag issued to the
6 permit holder for a hound running area to another permit holder
7 for a hound running area, or to any other person, or who
8 affixes such a tag to a fox or coyote that was not maintained
9 at a hound running area, is guilty of a Class B misdemeanor.

10 (Source: P.A. 84-150.)

11 Section 10. The Illinois Dangerous Animals Act is amended
12 by changing Section 1 as follows:

13 (720 ILCS 585/1) (from Ch. 8, par. 241)

14 Sec. 1. No person shall have a right of property in, keep,
15 harbor, care for, act as custodian of or maintain in his
16 possession any dangerous animal except at a properly maintained
17 zoological park, federally licensed exhibit, circus,
18 scientific or educational institution, research laboratory,
19 veterinary hospital, hound running area, or animal refuge in an
20 escape-proof enclosure.

21 (Source: P.A. 84-28.)