

1 AN ACT concerning wildlife.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Wildlife Code is amended by changing Section  
5 2.33 as follows:

6 (520 ILCS 5/2.33) (from Ch. 61, par. 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  
24 mammals from their dens or hiding places.

25 (e) (Blank).

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

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

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

32 (i) It is unlawful to take, pursue or intentionally harass

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

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

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

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

27 (m) It is unlawful to use any shotgun capable of holding  
28 more than 3 shells in the magazine or chamber combined, except  
29 on game breeding and hunting preserve areas licensed under  
30 Section 3.27 and except as permitted by the Code of Federal  
31 Regulations for the taking of waterfowl. If the shotgun is  
32 capable of holding more than 3 shells, it shall, while being  
33 used on an area other than a game breeding and shooting  
34 preserve area licensed pursuant to Section 3.27, be fitted with  
35 a one piece plug that is irremovable without dismantling the  
36 shotgun or otherwise altered to render it incapable of holding

1 more than 3 shells in the magazine and chamber, combined.

2 (n) It is unlawful for any person, except persons who  
3 possess a permit to hunt from a vehicle as provided in this  
4 Section and persons otherwise permitted by law, to have or  
5 carry any gun in or on any vehicle, conveyance or aircraft,  
6 unless such gun is unloaded and enclosed in a case, except that  
7 at field trials authorized by Section 2.34 of this Act,  
8 unloaded guns or guns loaded with blank cartridges only, may be  
9 carried on horseback while not contained in a case, or to have  
10 or carry any bow or arrow device in or on any vehicle unless  
11 such bow or arrow device is unstrung or enclosed in a case, or  
12 otherwise made inoperable.

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

16 (p) It is unlawful to take game birds, migratory game birds  
17 or migratory waterfowl with a rifle, pistol, revolver or  
18 airgun.

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

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

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

28 (t) It is unlawful for any person to trap or hunt, or  
29 intentionally or wantonly allow a dog to hunt, within or upon  
30 the land of another, or upon waters flowing over or standing on  
31 the land of another, without first obtaining permission from  
32 the owner or tenant. It shall be prima facie evidence that a  
33 person does not have permission of the owner or tenant if the  
34 person is unable to demonstrate to the law enforcement officer  
35 in the field that permission had been obtained. This provision  
36 may only be rebutted by testimony of the owner or tenant that

1 permission had been given. Before enforcing this Section the  
2 law enforcement officer must have received notice from the  
3 owner or tenant of a violation of this Section. Statements made  
4 to the law enforcement officer regarding this notice shall not  
5 be rendered inadmissible by the hearsay rule when offered for  
6 the purpose of showing the required notice.

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

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

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

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

33 (y) It is unlawful to hunt wild game protected by this Act  
34 between one half hour after sunset and one half hour before  
35 sunrise, except that hunting hours between one half hour after  
36 sunset and one half hour before sunrise may be established by

1 administrative rule for fur-bearing mammals.

2 (z) It is unlawful to take any game bird (excluding wild  
3 turkeys and crippled pheasants not capable of normal flight and  
4 otherwise irretrievable) protected by this Act when not flying.  
5 Nothing in this Section shall prohibit a person from carrying  
6 an uncased, unloaded shotgun in a boat, while in pursuit of a  
7 crippled migratory waterfowl that is incapable of normal  
8 flight, for the purpose of attempting to reduce the migratory  
9 waterfowl to possession, provided that the attempt is made  
10 immediately upon downing the migratory waterfowl and is done  
11 within 400 yards of the blind from which the migratory  
12 waterfowl was downed. This exception shall apply only to  
13 migratory game birds that are not capable of normal flight.  
14 Migratory waterfowl that are crippled may be taken only with a  
15 shotgun as regulated by subsection (j) of this Section using  
16 shotgun shells as regulated in subsection (k) of this Section.

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

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

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

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

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

33 (ff) It is unlawful for any person to take any species  
34 protected by this Act, except migratory waterfowl, during the  
35 gun deer hunting season in those counties open to gun deer  
36 hunting, unless he or she wears, when in the field, a cap and

1 upper outer garment of a solid blaze orange color, with such  
2 articles of clothing displaying a minimum of 400 square inches  
3 of blaze orange material.

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

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

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

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

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

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

12 (Source: P.A. 92-325, eff. 8-9-01; 92-651, eff. 7-11-02;  
13 93-807, eff. 7-24-04.)