

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 1.2y, 1.2z, and 3.26 as follows:

7 (520 ILCS 5/1.2y new)

8 Sec. 1.2y. "Hound running" means pursuing any fox, coyote,
9 raccoon, or rabbit with a hound.

10 (520 ILCS 5/1.2z new)

11 Sec. 1.2z. "Authorized species" means any fox, coyote,
12 raccoon, or rabbit associated with a hound running area.

13 (520 ILCS 5/2.30) (from Ch. 61, par. 2.30)

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

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

1 It is unlawful to pursue any fur-bearing mammal with a dog
2 or dogs between the hours of sunset and sunrise during the 10
3 day period preceding the opening date of the raccoon hunting
4 season and the 10 day period following the closing date of the
5 raccoon hunting season except that the Department may issue
6 field trial permits in accordance with Section 2.34 of this
7 Act. A non-resident from a state with more restrictive
8 fur-bearer pursuit regulations for any particular species than
9 provided for that species in this Act may not pursue that
10 species in Illinois except during the period of time that
11 Illinois residents are allowed to pursue that species in the
12 non-resident's state of residence. Hound running areas ~~Fenced~~
13 ~~fox-hound training enclosures~~ approved by the Department shall
14 be exempt from the provisions of this Section.

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

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

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

25 Striped skunk may be taken by trapping methods only during
26 the period from September 1 to March 1, both inclusive, and by

1 hunting methods at any time.

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

4 The provisions of this Section are subject to modification
5 by administrative rule.

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

7 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

8 Sec. 2.33. Prohibitions.

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

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

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

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

1 (e) (Blank).

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

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

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

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

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

24 (k) It is unlawful to use or possess in the field any
25 shotgun shell loaded with a shot size larger than lead BB or
26 steel T (.20 diameter) when taking or attempting to take any

1 species of wild game mammals (excluding white-tailed deer),
2 wild game birds, migratory waterfowl or migratory game birds
3 protected by this Act, except white-tailed deer as provided for
4 in Section 2.26 and other species as provided for by subsection
5 (l) or administrative rule.

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

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

20 (n) It is unlawful for any person, except persons who
21 possess a permit to hunt from a vehicle as provided in this
22 Section and persons otherwise permitted by law, to have or
23 carry any gun in or on any vehicle, conveyance or aircraft,
24 unless such gun is unloaded and enclosed in a case, except that
25 at field trials authorized by Section 2.34 of this Act,
26 unloaded guns or guns loaded with blank cartridges only, may be

1 carried on horseback while not contained in a case, or to have
2 or carry any bow or arrow device in or on any vehicle unless
3 such bow or arrow device is unstrung or enclosed in a case, or
4 otherwise made inoperable.

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

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

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

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

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

20 (t) It is unlawful for any person to trap or hunt, or
21 intentionally or wantonly allow a dog to hunt, within or upon
22 the land of another, or upon waters flowing over or standing on
23 the land of another, without first obtaining permission from
24 the owner or tenant. It shall be prima facie evidence that a
25 person does not have permission of the owner or tenant if the
26 person is unable to demonstrate to the law enforcement officer

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

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

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

26 (w) It is unlawful for any owner of a dog to knowingly or

1 wantonly allow his or her dog to pursue, harass or kill deer,
2 except that nothing in this Section shall prohibit the tracking
3 of wounded deer with a dog in accordance with the provisions of
4 Section 2.26 of this Code.

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

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

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

1 shotgun as regulated by subsection (j) of this Section using
2 shotgun shells as regulated in subsection (k) of this Section.

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

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

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

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

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

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

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

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

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

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

26 (kk) Nothing contained in this Section shall prohibit the

1 Director from issuing permits to paraplegics or to other
2 disabled persons who meet the requirements set forth in
3 administrative rule to shoot or hunt from a vehicle as provided
4 by that rule, provided that such is otherwise in accord with
5 this Act.

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

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

19 (Source: P.A. 93-807, eff. 7-24-04; 94-764, eff. 1-1-07.)

20 (520 ILCS 5/2.36) (from Ch. 61, par. 2.36)

21 Sec. 2.36. It shall be unlawful to buy, sell or barter, or
22 offer to buy, sell or barter, and for a commercial institution,
23 other than a regularly operated refrigerated storage
24 establishment, to have in its possession any of the wild birds,
25 or any part thereof (and their eggs), or wild mammals or any

1 parts thereof, protected by this Act unless done as hereinafter
2 provided:

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

11 Rabbits may be legally taken and possessed as provided in
12 Sections 3.23, ~~and 3.24~~, and 3.26 of this Act;

13 Deer, or any parts thereof, may be held, possessed, sold or
14 otherwise dealt with as provided in this Section and Sections
15 3.23 and 3.24 of this Act;

16 Fur-bearing mammals, or any parts thereof, may be held,
17 possessed, sold or otherwise dealt with as provided in Sections
18 3.16, ~~and 3.24~~, and 3.26 of this Act or when legally taken and
19 possessed in Illinois or legally taken and possessed in and
20 transported from other states or countries;

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

25 Failure to establish proof of the legality of possession in
26 another state or country and importation into the State of

1 Illinois, shall be prima facie evidence that such game birds or
2 any parts thereof, and their eggs, game mammals and fur-bearing
3 mammals, or any parts thereof, were taken within the State of
4 Illinois.

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

6 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

7 Sec. 3.5. Penalties; probation.

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

12 (b) Whenever any person who has not previously been
13 convicted of, or placed on probation or court supervision for,
14 any offense under Section 1.22, 2.36, or 2.36a or subsection
15 (i) or (cc) of Section 2.33, the court may, without entering a
16 judgment and with the person's consent, sentence the person to
17 probation for a violation of Section 2.36a.

18 (1) When a person is placed on probation, the court
19 shall enter an order specifying a period of probation of 24
20 months and shall defer further proceedings in the case
21 until the conclusion of the period or until the filing of a
22 petition alleging violation of a term or condition of
23 probation.

24 (2) The conditions of probation shall be that the
25 person:

1 (A) Not violate any criminal statute of any
2 jurisdiction.

3 (B) Perform no less than 30 hours of community
4 service, provided community service is available in
5 the jurisdiction and is funded and approved by the
6 county board.

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

8 (A) Require that the person make a report to and
9 appear in person before or participate with the court
10 or courts, person, or social service agency as directed
11 by the court in the order of probation.

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

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

15 (D) Prohibit the person from associating with any
16 person who is actively engaged in any of the activities
17 regulated by the permits issued or privileges granted
18 by the Department of Natural Resources.

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

22 (5) Upon fulfillment of the terms and conditions of
23 probation, the court shall discharge the person and dismiss
24 the proceedings against the person.

25 (6) A disposition of probation is considered to be a
26 conviction for the purposes of imposing the conditions of

1 probation, for appeal, and for administrative revocation
2 and suspension of licenses and privileges; however,
3 discharge and dismissal under this Section is not a
4 conviction for purposes of disqualification or
5 disabilities imposed by law upon conviction of a crime.

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

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

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

16 (c) Any person who violates any of the provisions of
17 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,
18 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),
19 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 - 3.16, 3.19 - 3.21
20 (except subsections (b), (c), (d), (e), (f), (f.5), (g), (h),
21 and (i)), and 3.24, 3.25, and 3.26 (except subsection (f)) ~~3.24~~
22 ~~3.26~~, including administrative rules, shall be guilty of a
23 Class B misdemeanor.

24 Any person who violates any of the provisions of Sections
25 1.22, 2.4, 2.36 and 2.38, including administrative rules, shall
26 be guilty of a Class A misdemeanor. Any second or subsequent

1 violations of Sections 2.4 and 2.36 shall be a Class 4 felony.

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

6 Any person who violates subsection (g), (i), (o), (p), (y),
7 or (cc) of Section 2.33 shall be guilty of a Class A
8 misdemeanor and subject to a fine of no less than \$500 and no
9 more than \$5,000 in addition to other statutory penalties.

10 Any person who violates any other of the provisions of this
11 Act including administrative rules, unless otherwise stated,
12 shall be guilty of a petty offense. Offenses committed by
13 minors under the direct control or with the consent of a parent
14 or guardian may subject the parent or guardian to the penalties
15 prescribed in this Section.

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

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

2 (520 ILCS 5/3.25) (from Ch. 61, par. 3.25)

3 Sec. 3.25. Any individual who, within the State of
4 Illinois, holds, possesses or engages in the breeding or
5 raising of live fur-bearing mammals, protected by this Act,
6 except as provided in Sections 1.6 or 1.7, shall be a
7 fur-bearing mammal breeder in the meaning of this Act. Before
8 any individual shall hold, possess or engage in the breeding or
9 raising of live fur-bearing mammals, he shall first procure a
10 fur-bearing mammal breeder permit. Fur-bearing mammal breeder
11 permits shall be issued by the Department. The annual fee for
12 each fur-bearing mammal breeder permit shall be \$25. All
13 fur-bearing mammal breeder permits shall expire on March 31 of
14 each year.

15 Holders of fur-bearing mammal breeder permits may hold,
16 possess, engage in the breeding or raising, sell, or otherwise
17 dispose of live fur-bearing mammals or their green hides,
18 possessed thereunder, at any time of the year.

19 Fur-bearing mammal breeders shall keep a record for 2 years
20 from the date of the acquisition, sale or other disposition of
21 each live fur-bearing mammal or its green hide so raised or
22 propagated, showing the date of such transaction, the name and
23 address of the individual receiving or buying such live
24 fur-bearing mammal or its green hide, and when requested to do
25 so, shall furnish such individual with a certificate of

1 purchase showing the number and kinds of live fur-bearing
2 mammals or green hides so disposed of, the date of the
3 transaction, the name and permit number of the breeder, and the
4 name of the individual receiving, collecting, or buying such
5 live fur-bearing mammals or green hides, and such other
6 information as the Department may require. Such records and
7 certificates of purchase shall be immediately presented to
8 officers or authorized employees of the Department, any
9 sheriff, deputy sheriff, or other peace officer when request is
10 made for same. Failure to produce such records or certificates
11 of purchase shall be prima facie evidence that such live
12 fur-bearing mammals or green hides are contraband with the
13 State of Illinois. The holder of a fur-bearing mammal breeder
14 permit may exhibit fur-bearing mammals commercially.

15 Nothing in this Section shall be construed to give any such
16 permittee authority to take fur-bearing mammals in their wild
17 state contrary to other provisions of this Act, or to remove
18 such permittee from responsibility for the observance of any
19 Federal Laws, rules or regulations which may apply to such
20 fur-bearing mammals.

21 Holders of fur-bearing mammal breeder permits may import
22 fur-bearing mammals into the State of Illinois but may release
23 the same only after health and disease prevention requirements
24 set forth by the Director and other State agencies have been
25 met and permission of the Director has been granted.

26 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 coyotes that are held or possessed by
21 a person who holds a hound running area permit under Section
22 3.26 of this Act.

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

24 (520 ILCS 5/3.26 new)

25 Sec. 3.26. Hound running area permits; requirements.

1 (a) Any person owning, holding, or controlling by lease,
2 for a term of at least 5 years, any contiguous tract of land
3 having an area prescribed by administrative rule who desires to
4 establish a hound running area to pursue authorized species
5 with hounds in a way that is not designed to capture or kill
6 the authorized species, shall apply to the Department for a
7 hound running area permit under this Section. The application
8 shall be made under oath of the applicant or under oath of one
9 of the applicant's principal officers if the applicant is an
10 association, club, or corporation. The annual fee for each
11 hound running area permit is \$250. All hound running area
12 permits expire on March 31 of each year.

13 Every applicant under this Section must also hold a
14 fur-bearing mammal breeder permit or a Class B commercial game
15 breeder permit, as appropriate.

16 Upon receipt of an application, the Department is
17 authorized to inspect the area proposed to be a hound running
18 area as described in the application, the general premises, the
19 facilities where the authorized species are to be maintained or
20 propagated, and the habitat for the authorized species. As part
21 of the application and inspection process, the Department shall
22 assess the ability of the applicant to operate a property as a
23 hound running area. If the Department finds that (i) the area
24 meets the requirements of all applicable laws and rules, (ii)
25 the authorized species are healthy and disease free, and (iii)
26 the issuing of the permit will otherwise be in the public

1 interest, then the Department shall approve the application and
2 issue the permit for the operation of the property described in
3 the application.

4 (b) Hound running areas shall be operated in a manner
5 consistent with the following:

6 (1) Authorized species may be pursued with dogs in a
7 hound running area, but not in a manner or with the intent
8 to capture or kill. The Department shall promulgate rules
9 that establish appropriate and prohibited activities for
10 hound running areas.

11 (2) Every hound running area shall have dog-proof
12 escape areas. "Dog-proof escape area" means a culvert,
13 brush pile, fenced refuge, or other structure suitable for
14 use by authorized species to safely escape from dogs
15 present on the hound running area. The number, type, and
16 spacing of dog-proof escape areas shall be prescribed by
17 administrative rule.

18 (3) Every permit holder shall promptly post on the
19 hound running area, at intervals of not more than 500 feet,
20 signs prescribed by the Department by administrative rule.
21 The boundaries of the hound running area shall also be
22 clearly defined by fencing and signs under administrative
23 rules promulgated by the Department. The area, signs,
24 fencing, dog-proof escape areas, and facilities to
25 maintain the authorized species are subject to inspection
26 by the Department at any reasonable time.

1 (4) A permit holder may maintain authorized species in
2 temporary confinement facilities on the hound running area
3 or at another location inspected by the Department and
4 specified on the permit. Authorized species held by a
5 permit holder may only be released into a hound running
6 area, except that authorized species held by a permit
7 holder may be released into the wild, exported, or given to
8 a person that does not hold a hound running area permit or
9 a fur-bearing mammal breeder permit or a Class B Commercial
10 game breeders permit as appropriate, after written
11 authorization is obtained from the Director. Prior to being
12 released into a hound running area, all newly acquired
13 authorized species shall be provided at least 7 days to
14 acclimate to the hound running area in which the animal
15 will be pursued. Authorized species held under a permit are
16 subject to inspection by an agent of the Department and
17 this inspection may include removal of reasonable samples
18 for examination.

19 (5) Any person who releases or handles dogs on a hound
20 running area is subject to the hunting license and habitat
21 stamp requirements of this Act.

22 (6) The permit holder shall keep accurate permanent
23 records on forms prescribed by the Department. The
24 permanent records shall include, for each supplier of
25 authorized species: (i) the supplier's full name, address,
26 and telephone numbers; (ii) the number, sex, and identifier

1 designation of each animal purchased, donated, sold,
2 traded, or given to the permit holder by that supplier; and
3 (iii) the date of the event or transaction. The permanent
4 records shall also include the identification of all
5 authorized species, while under the control of the permit
6 holder on the area or elsewhere, by identifier designation
7 and sex, along with information for each animal of the
8 authorized species that gave birth, was born, died, or was
9 disposed of in some other manner or that was sold, traded,
10 donated, or conveyed in some other manner, and the dates on
11 which those events occurred.

12 (7) Every permit holder shall attach an individually
13 marked identifier provided by the Department to each animal
14 of the authorized species maintained by the permit holder.
15 The permit holder shall pay a fee for each identifier as
16 established by the Department by administrative rule. The
17 permit holder shall record the identifier for each animal
18 maintained on the area or elsewhere or released into the
19 area.

20 (8) Any person using the hound running area shall at
21 all times respect the property rights of the property
22 owners and the owners of adjacent properties, and shall not
23 injure or destroy any livestock or property of any of those
24 property owners. Springs and streams shall not be
25 contaminated or polluted in any manner by persons using the
26 hound running area. The natural use of springs and streams

1 by dogs using the area shall not constitute contamination
2 or pollution. Unless the express permission of the property
3 owner has been given, no person using a hound running area
4 may (i) mutilate or cut trees or shrubs on the hound
5 running area or (ii) pick berries, fruits, or nuts present
6 on the hound running area.

7 (c) Except as otherwise provided by administrative rule, it
8 is unlawful for any person to enter a hound running area at any
9 time with a firearm, bow and arrow, or trap.

10 (d) A hound running area permit is not transferable from
11 one person to another. When a permit holder sells or leases the
12 property that comprises or includes a hound running area and
13 the purchaser or lessee intends to continue to use the hound
14 running area under this Section, the purchaser or lessee must
15 apply for a permit as provided in subsection (a) of this
16 Section.

17 (e) All authorized species must be legally acquired.

18 (f) A person breeding or otherwise maintaining authorized
19 species in conjunction with a hound running area must have the
20 authorized species annually inspected and certified by a
21 licensed Illinois veterinarian to be disease free. Anyone
22 violating this subsection (f) is guilty of a business offense
23 and shall be fined an amount not exceeding \$5,000.

24 (g) The provisions of this Section are subject to
25 modification by administrative rule.

1 (520 ILCS 5/3.33) (from Ch. 61, par. 3.33)

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

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

1 (520 ILCS 5/3.35) (from Ch. 61, par. 3.35)

2 Sec. 3.35. Any licensee, or any other person, who willfully
3 and intentionally transfers or permits the transfer of the tags
4 issued to the operator of one licensed game breeding and
5 hunting preserve area to the operator of another licensed game
6 breeding and hunting preserve area, or to any other person, or
7 who affixes such tags to game birds not taken from a licensed
8 game breeding and hunting preserve area or to game birds taken
9 from any area other than the area for which such tags were
10 issued, is guilty of a Class B misdemeanor.

11 Any hound running area permit holder, or any other person,
12 who intentionally transfers an identifier issued to the permit
13 holder for a hound running area to another permit holder for a
14 hound running area, or to any other person, or who affixes such
15 an identifier to any of the authorized species under Section
16 3.26 that was not maintained at a hound running area, is guilty
17 of a Class B misdemeanor.

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

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

21 (720 ILCS 585/1) (from Ch. 8, par. 241)

22 Sec. 1. No person shall have a right of property in, keep,
23 harbor, care for, act as custodian of or maintain in his

1 possession any dangerous animal except at a properly maintained
2 zoological park, federally licensed exhibit, circus,
3 scientific or educational institution, research laboratory,
4 veterinary hospital, hound running area, or animal refuge in an
5 escape-proof enclosure.

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