



Filed: 3/6/2007

09500HB0297ham001

LRB095 04287 CMK 32513 a

1 AMENDMENT TO HOUSE BILL 297

2 AMENDMENT NO. _____. Amend House Bill 297 by replacing
3 everything after the enacting clause with the following:

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

1 to hunt with gun, dog, dog and gun, or bow and arrow, gray fox,
2 red fox, raccoon, weasel, mink, muskrat, badger, and opossum
3 except during the open season which will be set annually by the
4 Director between 12:01 a.m., November 1 to 12:00 midnight,
5 February 15, both inclusive.

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

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

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

25 It shall be unlawful for any person to trap beaver with
26 traps except during the open season which will be set annually

1 by the Director between 12:01 a.m., November 1st and 12:00
2 midnight, March 31.

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

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

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

11 The provisions of this Section are subject to modification
12 by administrative rule.
13 (Source: P.A. 89-341, eff. 8-17-95.)

14 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

15 Sec. 2.33. Prohibitions.

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

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

24 (c) It is unlawful for any person at any time to take a
25 wild mammal protected by this Act from its den by means of any

1 mechanical device, spade, or digging device or to use smoke or
2 other gases to dislodge or remove such mammal except as
3 provided in Section 2.37.

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

8 (e) (Blank).

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

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

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

15 (i) It is unlawful to take, pursue or intentionally harass
16 or disturb in any manner any wild birds or mammals by use or
17 aid of any vehicle or conveyance, except as permitted by the
18 Code of Federal Regulations for the taking of waterfowl. It is
19 also unlawful to use the lights of any vehicle or conveyance or
20 any light from or any light connected to the vehicle or
21 conveyance in any area where wildlife may be found except in
22 accordance with Section 2.37 of this Act; however, nothing in
23 this Section shall prohibit the normal use of headlamps for the
24 purpose of driving upon a roadway. Striped skunk, opossum, red
25 fox, gray fox, raccoon and coyote may be taken during the open
26 season by use of a small light which is worn on the body or

1 hand-held by a person on foot and not in any vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

1 owned, managed, leased or controlled lands, a 100 yard
2 restriction shall apply.

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

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

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

16 (y) It is unlawful to hunt wild game protected by this Act
17 between one half hour after sunset and one half hour before
18 sunrise, except that hunting hours between one half hour after
19 sunset and one half hour before sunrise may be established by
20 administrative rule for fur-bearing mammals.

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

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

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

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

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

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

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

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

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

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

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

23 (jj) Nothing contained in this Section shall prohibit the
24 use of bow and arrow, or prevent the Director from issuing
25 permits to use a crossbow to handicapped persons as provided by
26 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. 93-807, eff. 7-24-04; 94-764, eff. 1-1-07.)

1 (520 ILCS 5/2.36) (from Ch. 61, par. 2.36)

2 Sec. 2.36. It shall be unlawful to buy, sell or barter, or
3 offer to buy, sell or barter, and for a commercial institution,
4 other than a regularly operated refrigerated storage
5 establishment, to have in its possession any of the wild birds,
6 or any part thereof (and their eggs), or wild mammals or any
7 parts thereof, protected by this Act unless done as hereinafter
8 provided:

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

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

19 Deer, or any parts thereof, may be held, possessed, sold or
20 otherwise dealt with as provided in this Section and Sections
21 3.23 and 3.24 of this Act;

22 Fur-bearing mammals, or any parts thereof, may be held,
23 possessed, sold or otherwise dealt with as provided in Sections
24 3.16, ~~and~~ 3.24, and 3.26 of this Act or when legally taken and
25 possessed in Illinois or legally taken and possessed in and

1 transported from other states or countries;

2 The inedible parts of game mammals may be held, possessed,
3 sold or otherwise dealt with when legally taken, in Illinois or
4 legally taken and possessed in and transported from other
5 states or countries.

6 Failure to establish proof of the legality of possession in
7 another state or country and importation into the State of
8 Illinois, shall be prima facie evidence that such game birds or
9 any parts thereof, and their eggs, game mammals and fur-bearing
10 mammals, or any parts thereof, were taken within the State of
11 Illinois.

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

13 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

14 Sec. 3.5. Penalties; probation.

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

19 (b) Whenever any person who has not previously been
20 convicted of, or placed on probation or court supervision for,
21 any offense under Section 1.22, 2.36, or 2.36a or subsection
22 (i) or (cc) of Section 2.33, the court may, without entering a
23 judgment and with the person's consent, sentence the person to
24 probation for a violation of Section 2.36a.

25 (1) When a person is placed on probation, the court

1 shall enter an order specifying a period of probation of 24
2 months and shall defer further proceedings in the case
3 until the conclusion of the period or until the filing of a
4 petition alleging violation of a term or condition of
5 probation.

6 (2) The conditions of probation shall be that the
7 person:

8 (A) Not violate any criminal statute of any
9 jurisdiction.

10 (B) Perform no less than 30 hours of community
11 service, provided community service is available in
12 the jurisdiction and is funded and approved by the
13 county board.

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

15 (A) Require that the person make a report to and
16 appear in person before or participate with the court
17 or courts, person, or social service agency as directed
18 by the court in the order of probation.

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

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

22 (D) Prohibit the person from associating with any
23 person who is actively engaged in any of the activities
24 regulated by the permits issued or privileges granted
25 by the Department of Natural Resources.

26 (4) Upon violation of a term or condition of probation,

1 the court may enter a judgment on its original finding of
2 guilt and proceed as otherwise provided.

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

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

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

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

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

23 (c) Any person who violates any of the provisions of
24 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,
25 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),
26 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 - 3.16, 3.19 - 3.21

1 (except subsections (b), (c), (d), (e), (f), (f.5), (g), (h),
2 and (i)), and 3.24, 3.25, and 3.26 (except subsection (f)) ~~3.24~~
3 ~~3.26~~, including administrative rules, shall be guilty of a
4 Class B misdemeanor.

5 Any person who violates any of the provisions of Sections
6 1.22, 2.4, 2.36 and 2.38, including administrative rules, shall
7 be guilty of a Class A misdemeanor. Any second or subsequent
8 violations of Sections 2.4 and 2.36 shall be a Class 4 felony.

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

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

17 Any person who violates any other of the provisions of this
18 Act including administrative rules, unless otherwise stated,
19 shall be guilty of a petty offense. Offenses committed by
20 minors under the direct control or with the consent of a parent
21 or guardian may subject the parent or guardian to the penalties
22 prescribed in this Section.

23 In addition to any fines imposed pursuant to the provisions
24 of this Section or as otherwise provided in this Act, any
25 person found guilty of unlawfully taking or possessing any
26 species protected by this Act, shall be assessed a civil

1 penalty for such species in accordance with the values
2 prescribed in Section 2.36a of this Act. This civil penalty
3 shall be imposed by the Circuit Court for the county within
4 which the offense was committed at the time of the conviction.
5 All penalties provided for in this Section shall be remitted to
6 the Department in accordance with the same provisions provided
7 for in Section 1.18 of this Act.

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

9 (520 ILCS 5/3.25) (from Ch. 61, par. 3.25)

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

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

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

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

1 fur-bearing mammals.

2 Holders of fur-bearing mammal breeder permits may import
3 fur-bearing mammals into the State of Illinois but may release
4 the same only after health and disease prevention requirements
5 set forth by the Director and other State agencies have been
6 met and permission of the Director has been granted.

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

24 No fur-bearing mammal breeder permits will be issued to
25 hold, possess, or engage in the breeding and raising of striped
26 skunks acquired after July 1, 1975, or coyotes acquired after

1 July 1, 1978, except for coyotes that are held or possessed by
2 a person who holds a hound running area permit under Section
3 3.26 of this Act.

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

5 (520 ILCS 5/3.26 new)

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

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

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

22 Upon receipt of an application, the Department is
23 authorized to inspect the area proposed to be a hound running
24 area as described in the application, the general premises, the
25 facilities where the authorized species are to be maintained or

1 propagated, and the habitat for the authorized species. As part
2 of the application and inspection process, the Department shall
3 assess the ability of the applicant to operate a property as a
4 hound running area. If the Department finds that (i) the area
5 meets the requirements of all applicable laws and rules, (ii)
6 the authorized species are healthy and disease free, and (iii)
7 the issuing of the permit will otherwise be in the public
8 interest, then the Department shall approve the application and
9 issue the permit for the operation of the property described in
10 the application.

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

13 (1) Authorized species may be pursued with dogs in a
14 hound running area, but not in a manner or with the intent
15 to capture or kill. The Department shall promulgate rules
16 that establish appropriate and prohibited activities for
17 hound running areas.

18 (2) Every hound running area shall have dog-proof
19 escape areas. "Dog-proof escape area" means a culvert,
20 brush pile, fenced refuge, or other structure suitable for
21 use by authorized species to safely escape from dogs
22 present on the hound running area. The number, type, and
23 spacing of dog-proof escape areas shall be prescribed by
24 administrative rule.

25 (3) Every permit holder shall promptly post on the
26 hound running area, at intervals of not more than 500 feet,

1 signs prescribed by the Department by administrative rule.
2 The boundaries of the hound running area shall also be
3 clearly defined by fencing and signs under administrative
4 rules promulgated by the Department. The area, signs,
5 fencing, dog-proof escape areas, and facilities to
6 maintain the authorized species are subject to inspection
7 by the Department at any reasonable time.

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

26 (5) Any person who releases or handles dogs on a hound

1 running area is subject to the hunting license and habitat
2 stamp requirements of this Act.

3 (6) The permit holder shall keep accurate permanent
4 records on forms prescribed by the Department. The
5 permanent records shall include, for each supplier of
6 authorized species: (i) the supplier's full name, address,
7 and telephone numbers; (ii) the number, sex, and identifier
8 designation of each animal purchased, donated, sold,
9 traded, or given to the permit holder by that supplier; and
10 (iii) the date of the event or transaction. The permanent
11 records shall also include the identification of all
12 authorized species, while under the control of the permit
13 holder on the area or elsewhere, by identifier designation
14 and sex, along with information for each animal of the
15 authorized species that gave birth, was born, died, or was
16 disposed of in some other manner or that was sold, traded,
17 donated, or conveyed in some other manner, and the dates on
18 which those events occurred.

19 (7) Every permit holder shall attach an individually
20 marked identifier provided by the Department to each animal
21 of the authorized species maintained by the permit holder.
22 The permit holder shall pay a fee for each identifier as
23 established by the Department by administrative rule. The
24 permit holder shall record the identifier for each animal
25 maintained on the area or elsewhere or released into the
26 area.

1 (8) Any person using the hound running area shall at
2 all times respect the property rights of the property
3 owners and the owners of adjacent properties, and shall not
4 injure or destroy any livestock or property of any of those
5 property owners. Springs and streams shall not be
6 contaminated or polluted in any manner by persons using the
7 hound running area. The natural use of springs and streams
8 by dogs using the area shall not constitute contamination
9 or pollution. Unless the express permission of the property
10 owner has been given, no person using a hound running area
11 may (i) mutilate or cut trees or shrubs on the hound
12 running area or (ii) pick berries, fruits, or nuts present
13 on the hound running area.

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

17 (d) A hound running area permit is not transferable from
18 one person to another. When a permit holder sells or leases the
19 property that comprises or includes a hound running area and
20 the purchaser or lessee intends to continue to use the hound
21 running area under this Section, the purchaser or lessee must
22 apply for a permit as provided in subsection (a) of this
23 Section.

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

25 (f) A person breeding or otherwise maintaining authorized
26 species in conjunction with a hound running area must have the

1 authorized species annually inspected and certified by a
2 licensed Illinois veterinarian to be disease free. Anyone
3 violating this subsection (f) is guilty of a business offense
4 and shall be fined an amount not exceeding \$5,000.

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

7 (520 ILCS 5/3.33) (from Ch. 61, par. 3.33)

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

1 application either of the licensee affected, or of the
2 Department, may, on order duly entered, require the attendance
3 of witnesses and the production of relevant books and papers
4 before the Department or its representative in any such
5 hearing. Upon refusal or neglect to obey its order, the Court
6 may compel obedience by proceedings for contempt of court.

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

8 (520 ILCS 5/3.35) (from Ch. 61, par. 3.35)

9 Sec. 3.35. Any licensee, or any other person, who willfully
10 and intentionally transfers or permits the transfer of the tags
11 issued to the operator of one licensed game breeding and
12 hunting preserve area to the operator of another licensed game
13 breeding and hunting preserve area, or to any other person, or
14 who affixes such tags to game birds not taken from a licensed
15 game breeding and hunting preserve area or to game birds taken
16 from any area other than the area for which such tags were
17 issued, is guilty of a Class B misdemeanor.

18 Any hound running area permit holder, or any other person,
19 who intentionally transfers an identifier issued to the permit
20 holder for a hound running area to another permit holder for a
21 hound running area, or to any other person, or who affixes such
22 an identifier to any of the authorized species under Section
23 3.26 that was not maintained at a hound running area, is guilty
24 of a Class B misdemeanor.

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

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

3 (720 ILCS 585/1) (from Ch. 8, par. 241)

4 Sec. 1. No person shall have a right of property in, keep,
5 harbor, care for, act as custodian of or maintain in his
6 possession any dangerous animal except at a properly maintained
7 zoological park, federally licensed exhibit, circus,
8 scientific or educational institution, research laboratory,
9 veterinary hospital, hound running area, or animal refuge in an
10 escape-proof enclosure.
11 (Source: P.A. 84-28.)".