



Rep. Wayne Rosenthal

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1 AMENDMENT TO HOUSE BILL 1651

2 AMENDMENT NO. _____. Amend House Bill 1651 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Wildlife Code is amended by changing
5 Section 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

1 wild mammal protected by this Act from its den by means of any
2 mechanical device, spade, or digging device or to use smoke or
3 other gases to dislodge or remove such mammal except as
4 provided in Section 2.37.

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

9 (e) (Blank).

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

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

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

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

1 season by use of a small light which is worn on the body or
2 hand-held by a person on foot and not in any vehicle.

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

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

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

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

1 shotgun or otherwise altered to render it incapable of holding
2 more than 3 shells in the magazine and chamber, combined.

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

14 (o) It is unlawful to use any crossbow for the purpose of
15 taking any wild birds or mammals, except as provided for in
16 Section 2.5.

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

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

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

26 (s) It is unlawful to use a silencer or other device to

1 muffle or mute the sound of the explosion or report resulting
2 from the firing of any gun.

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

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

1 property operated under a Migratory Waterfowl Hunting Area
2 Permit, on federally owned and managed lands and on Department
3 owned, managed, leased or controlled lands, a 100 yard
4 restriction shall apply.

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

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

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

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

23 (z) It is unlawful to take any game bird (excluding wild
24 turkeys and crippled pheasants not capable of normal flight and
25 otherwise irretrievable) protected by this Act when not flying.
26 Nothing in this Section shall prohibit a person from carrying

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

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

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

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

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

26 (ee) It is unlawful to possess any rifle while in the field

1 during gun deer season except as provided in Section 2.26 and
2 administrative rules.

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

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

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

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

25 (jj) (Blank).

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. 96-390, eff. 8-13-09; 97-645, eff. 12-30-11;
20 97-907, eff. 8-7-12.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."