



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4226

by Rep. Brandon W. Phelps - Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.30	from Ch. 61, par. 2.30
520 ILCS 5/2.30b	
520 ILCS 5/2.33	from Ch. 61, par. 2.33
520 ILCS 5/2.33a	from Ch. 61, par. 2.33a

Amends the Wildlife Code. Removes the prohibition on taking bobcats in the State. Provides that it shall be unlawful for any person to trap or to hunt bobcats with gun, dog, dog and gun, or bow and arrow, except during the open season which will be set annually by the Director of Natural Resources between 12:01 a.m., November 1 to 12:00 midnight, February 15, both inclusive. Provides that the season limit for bobcat shall not exceed one bobcat per person per season. Provides that the pelts of bobcats shall be tagged in accordance with federal regulations and the Department of Natural Resources may require harvest registration and set forth procedures, fees for registration, and the process of tagging pelts in administrative rules. Provides that bobcats may be taken during the open season by use of a small light which is worn on the body or hand-held by a person on foot and not in any vehicle.

LRB098 15947 MGM 50994 b

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, 2.30b, 2.33, and 2.33a as follows:

6 (520 ILCS 5/2.30) (from Ch. 61, par. 2.30)

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

13 ~~It is unlawful for any person to take bobcat in this State~~
14 ~~at any time.~~

15 It is unlawful to pursue any fur-bearing mammal with a dog
16 or dogs between the hours of sunset and sunrise during the 10
17 day period preceding the opening date of the raccoon hunting
18 season and the 10 day period following the closing date of the
19 raccoon hunting season except that the Department may issue
20 field trial permits in accordance with Section 2.34 of this
21 Act. A non-resident from a state with more restrictive
22 fur-bearer pursuit regulations for any particular species than
23 provided for that species in this Act may not pursue that

1 species in Illinois except during the period of time that
2 Illinois residents are allowed to pursue that species in the
3 non-resident's state of residence. Hound running areas
4 approved by the Department shall be exempt from the provisions
5 of this Section.

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

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

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

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

19 Muskrat may be taken by trapping methods during an open
20 season set annually by the Director.

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

23 It shall be unlawful to take or possess more than the
24 season limit or possession limit of fur-bearing mammals that
25 shall be set annually by the Director. The season limit for
26 river otter shall not exceed 5 river otters per person per

1 season. The season limit for bobcat shall not exceed one bobcat
2 per person per season. Possession limits shall not apply to fur
3 buyers, tanners, manufacturers, and taxidermists, as defined
4 by this Act, who possess fur-bearing mammals in accordance with
5 laws governing such activities.

6 Nothing in this Section shall prohibit the taking or
7 possessing of fur-bearing mammals found dead or
8 unintentionally killed by a vehicle along a roadway during the
9 open season provided the person who possesses such fur-bearing
10 mammals has all appropriate licenses, stamps, or permits; the
11 season for which the species possessed is open; and that such
12 possession and disposal of such fur-bearing mammals is
13 otherwise subject to the provisions of this Section.

14 The provisions of this Section are subject to modification
15 by administrative rule.

16 (Source: P.A. 97-19, eff. 6-28-11; 97-31, eff. 6-28-11; 97-628,
17 eff. 11-10-11; 98-463, eff. 8-16-13.)

18 (520 ILCS 5/2.30b)

19 Sec. 2.30b. River otter and bobcat pelts. The pelts of
20 river otters and bobcats shall be tagged in accordance with
21 federal regulation 50 CFR 23.69(e). The Department may require
22 harvest registration and set forth procedures, fees for
23 registration, and the process of tagging pelts in
24 administrative rules. Fees for registration and tagging shall
25 not exceed \$5 per pelt.

1 (Source: P.A. 97-31, eff. 6-28-11.)

2 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

3 Sec. 2.33. Prohibitions.

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

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

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

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

21 (e) (Blank).

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

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

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

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

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

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

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

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

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

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

4 (p) It is unlawful to take game birds, migratory game birds
5 or migratory waterfowl with a rifle, pistol, revolver or
6 airgun.

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

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

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

16 (t) It is unlawful for any person to take or attempt to
17 take any species of wildlife or parts thereof, intentionally or
18 wantonly allow a dog to hunt, within or upon the land of
19 another, or upon waters flowing over or standing on the land of
20 another, or to knowingly shoot a gun or bow and arrow device at
21 any wildlife physically on or flying over the property of
22 another without first obtaining permission from the owner or
23 the owner's designee. For the purposes of this Section, the
24 owner's designee means anyone who the owner designates in a
25 written authorization and the authorization must contain (i)
26 the legal or common description of property for such authority

1 is given, (ii) the extent that the owner's designee is
2 authorized to make decisions regarding who is allowed to take
3 or attempt to take any species of wildlife or parts thereof,
4 and (iii) the owner's notarized signature. Before enforcing
5 this Section the law enforcement officer must have received
6 notice from the owner or the owner's designee of a violation of
7 this Section. Statements made to the law enforcement officer
8 regarding this notice shall not be rendered inadmissible by the
9 hearsay rule when offered for the purpose of showing the
10 required notice.

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

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

1 owner to do so.

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

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

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

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

1 migratory game birds that are not capable of normal flight.
2 Migratory waterfowl that are crippled may be taken only with a
3 shotgun as regulated by subsection (j) of this Section using
4 shotgun shells as regulated in subsection (k) of this Section.

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

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

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

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

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

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

1 articles of clothing displaying a minimum of 400 square inches
2 of blaze orange material.

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

9 (hh) It shall be unlawful to kill or cripple any species
10 protected by this Act for which there is a bag limit without
11 making a reasonable effort to retrieve such species and include
12 such in the bag limit. It shall be unlawful for any person
13 having control over harvested game mammals, game birds, or
14 migratory game birds for which there is a bag limit to wantonly
15 waste or destroy the usable meat of the game, except this shall
16 not apply to wildlife taken under Sections 2.37 or 3.22 of this
17 Code. For purposes of this subsection, "usable meat" means the
18 breast meat of a game bird or migratory game bird and the hind
19 ham and front shoulders of a game mammal. It shall be unlawful
20 for any person to place, leave, dump, or abandon a wildlife
21 carcass or parts of it along or upon a public right-of-way or
22 highway or on public or private property, including a waterway
23 or stream, without the permission of the owner or tenant. It
24 shall not be unlawful to discard game meat that is determined
25 to be unfit for human consumption.

26 (ii) This Section shall apply only to those species

1 protected by this Act taken within the State. Any species or
2 any parts thereof, legally taken in and transported from other
3 states or countries, may be possessed within the State, except
4 as provided in this Section and Sections 2.35, 2.36 and 3.21.

5 (jj) (Blank).

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

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

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

25 (nn) It shall be unlawful to possess any species of
26 wildlife or wildlife parts taken unlawfully in Illinois, any

1 other state, or any other country, whether or not the wildlife
2 or wildlife parts is indigenous to Illinois. For the purposes
3 of this subsection, the statute of limitations for unlawful
4 possession of wildlife or wildlife parts shall not cease until
5 2 years after the possession has permanently ended.

6 (Source: P.A. 97-645, eff. 12-30-11; 97-907, eff. 8-7-12;
7 98-119, eff. 1-1-14; 98-181, eff. 8-5-13; 98-183, eff. 1-1-14;
8 98-290, eff. 8-9-13; revised 9-24-13.)

9 (520 ILCS 5/2.33a) (from Ch. 61, par. 2.33a)

10 Sec. 2.33a. Trapping.

11 (a) It is unlawful to fail to visit and remove all animals
12 from traps staked out, set, used, tended, placed or maintained
13 at least once each calendar day.

14 (b) It is unlawful for any person to place, set, use, or
15 maintain a leghold trap or one of similar construction on land,
16 that has a jaw spread of larger than 6 1/2 inches (16.6 CM), or
17 a body-gripping trap or one of similar construction having a
18 jaw spread larger than 7 inches (17.8 CM) on a side if square
19 and 8 inches (20.4 CM) if round.

20 (c) It is unlawful for any person to place, set, use, or
21 maintain a leghold trap or one of similar construction in
22 water, that has a jaw spread of larger than 7 1/2 inches (19.1
23 CM), or a body-gripping trap or one of similar construction
24 having a jaw spread larger than 10 inches (25.4 CM) on a side
25 if square and 12 inches (30.5 CM) if round.

1 (d) It is unlawful to use any trap with saw-toothed,
2 spiked, or toothed jaws.

3 (e) It is unlawful to destroy, disturb or in any manner
4 interfere with dams, lodges, burrows or feed beds of beaver
5 while trapping for beaver or to set a trap inside a muskrat
6 house or beaver lodge, except that this shall not apply to
7 Drainage Districts who are acting pursuant to the provisions of
8 Section 2.37.

9 (f) It is unlawful to trap beaver or river otter with: (1)
10 a leghold trap or one of similar construction having a jaw
11 spread of less than 5 1/2 inches (13.9 CM) or more than 7 1/2
12 inches (19.1 CM), or (2) a body-gripping trap or one of similar
13 construction having a jaw spread of less than 7 inches (17.7
14 CM) or more than 10 inches (25.4 CM) on a side if square and 12
15 inches (30.5 CM) if round, except that these restrictions shall
16 not apply during the open season for trapping raccoons.

17 (g) It is unlawful to set traps closer than 10 feet (3.05
18 M) from any hole or den which may be occupied by a game mammal
19 or fur-bearing mammal except that this restriction shall not
20 apply to water sets.

21 (h) It is unlawful to trap or attempt to trap any
22 fur-bearing mammal with any colony, cage, box, or stove-pipe
23 trap designed to take more than one mammal at a single setting.

24 (i) It is unlawful for any person to set or place any trap
25 designed to take any fur-bearing mammal protected by this Act
26 during the closed trapping season. Proof that any trap was

1 placed during the closed trapping season shall be deemed prima
2 facie evidence of a violation of this provision.

3 (j) It is unlawful to place, set, or maintain any leghold
4 trap or one of similar construction within thirty (30) feet
5 (9.14 m) of bait placed in such a manner or position that it is
6 not completely covered and concealed from sight, except that
7 this shall not apply to underwater sets. Bait shall mean and
8 include any bait composed of mammal, bird, or fish flesh, fur,
9 hide, entrails or feathers.

10 (k) (Blank). ~~It shall be unlawful for hunters or trappers~~
11 ~~to have the green hides of fur-bearing mammals, protected by~~
12 ~~this Act, in their possession except during the open season and~~
13 ~~for an additional period of 10 days succeeding such open~~
14 ~~season.~~

15 (l) It is unlawful for any person to place, set, use or
16 maintain a snare trap or one of similar construction in water,
17 that has a loop diameter exceeding 15 inches (38.1 CM) or a
18 cable or wire diameter of more than 1/8 inch (3.2 MM) or less
19 than 5/64 inch (2.0 MM), that is constructed of stainless steel
20 metal cable or wire, and that does not have a mechanical lock,
21 anchor swivel and stop device to prevent the mechanical lock
22 from closing the noose loop to a diameter of less than 2 1/2
23 inches (6.4 CM).

24 (m) It is unlawful to trap muskrat or mink with (1) a
25 leghold trap or one of similar construction or (2) a
26 body-gripping trap or one of similar construction unless the

1 body-gripping trap or similar trap is completely submerged
2 underwater when set. These restrictions shall not apply during
3 the open season for trapping raccoons.

4 (Source: P.A. 97-19, eff. 6-28-11; 97-31, eff. 6-28-11; 97-813,
5 eff. 7-13-12.)