

1 AN ACT concerning wildlife.

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

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

6 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

7 Sec. 2.33. Prohibitions.

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

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

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

21 (d) It is unlawful to use a ferret or any other small
22 mammal which is used in the same or similar manner for which
23 ferrets are used for the purpose of frightening or driving any

1 mammals from their dens or hiding places.

2 (e) (Blank).

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

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

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

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

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

25 (k) It is unlawful to use or possess in the field any
26 shotgun shell loaded with a shot size larger than lead BB or

1 steel T (.20 diameter) when taking or attempting to take any
2 species of wild game mammals (excluding white-tailed deer),
3 wild game birds, migratory waterfowl or migratory game birds
4 protected by this Act, except white-tailed deer as provided for
5 in Section 2.26 and other species as provided for by subsection
6 (l) or administrative rule.

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

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

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

1 unloaded guns or guns loaded with blank cartridges only, may be
2 carried on horseback while not contained in a case, or to have
3 or carry any bow or arrow device in or on any vehicle unless
4 such bow or arrow device is unstrung or enclosed in a case, or
5 otherwise made inoperable.

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

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

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

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

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

21 (t) It is unlawful for any person to take trap or attempt
22 to take any species of wildlife or parts thereof, hunt, or
23 intentionally or wantonly allow a dog to hunt, within or upon
24 the land of another, or upon waters flowing over or standing on
25 the land of another, or to knowingly shoot a gun or bow and
26 arrow device at any wildlife physically on or flying over the

1 property of another without first obtaining permission from the
2 owner or the owner's designee. For the purposes of this
3 Section, the owner's designee means anyone who the owner
4 designates in a written authorization and the authorization
5 must contain (i) the legal or common description of property
6 for such authority is given, (ii) the extent that the owner's
7 designee is authorized to make decisions regarding who is
8 allowed to take or attempt to take any species of wildlife or
9 parts thereof, and (iii) the owner's notarized signature.

10 ~~tenant. It shall be prima facie evidence that a person does not~~
11 ~~have permission of the owner or tenant if the person is unable~~
12 ~~to demonstrate to the law enforcement officer in the field that~~
13 ~~permission had been obtained. This provision may only be~~
14 ~~rebutted by testimony of the owner or tenant that permission~~
15 ~~had been given.~~ Before enforcing this Section the law

16 enforcement officer must have received notice from the owner or
17 the owner's designee ~~tenant~~ of a violation of this Section.

18 Statements made to the law enforcement officer regarding this
19 notice shall not be rendered inadmissible by the hearsay rule
20 when offered for the purpose of showing the required notice.

21 (u) It is unlawful for any person to discharge any firearm
22 for the purpose of taking any of the species protected by this
23 Act, or hunt with gun or dog, or intentionally or wantonly
24 allow a dog to hunt, within 300 yards of an inhabited dwelling
25 without first obtaining permission from the owner or tenant,
26 except that while trapping, hunting with bow and arrow, hunting

1 with dog and shotgun using shot shells only, or hunting with
2 shotgun using shot shells only, or on licensed game breeding
3 and hunting preserve areas, as defined in Section 3.27, on
4 property operated under a Migratory Waterfowl Hunting Area
5 Permit, on federally owned and managed lands and on Department
6 owned, managed, leased or controlled lands, a 100 yard
7 restriction shall apply.

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

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

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

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

26 (z) It is unlawful to take any game bird (excluding wild

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

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

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

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

26 (dd) It is unlawful to take any species protected by this

1 Act and retain it alive except as provided by administrative
2 rule.

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

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

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

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

23 (ii) This Section shall apply only to those species
24 protected by this Act taken within the State. Any species or
25 any parts thereof, legally taken in and transported from other
26 states or countries, may be possessed within the State, except

1 as provided in this Section and Sections 2.35, 2.36 and 3.21.

2 (jj) (Blank).

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

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

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

22 (Source: P.A. 96-390, eff. 8-13-09; 97-645, eff. 12-30-11;
23 97-907, eff. 8-7-12.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.