



Sen. William E. Brady

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1 AMENDMENT TO SENATE BILL 1831

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1831, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

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

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.

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

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

10          (e) (Blank).

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

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

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

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

1 fox, gray fox, raccoon and coyote may be taken during the open  
2 season by use of a small light which is worn on the body or  
3 hand-held by a person on foot and not in any vehicle.

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

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

15 (l) It is unlawful to take any species of wild game, except  
16 white-tailed deer, with a shotgun loaded with slugs unless  
17 otherwise provided for by 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 take trap or attempt  
4 to take any species of wildlife or parts thereof, hunt, or  
5 intentionally or wantonly allow a dog to hunt, within or upon  
6 the land of another, or upon waters flowing over or standing on  
7 the land of another, or to knowingly shoot a gun or bow and  
8 arrow device at any wildlife physically on or flying over the  
9 property of another without first obtaining permission from the  
10 owner or the owner's designee. For the purposes of this  
11 Section, the owner's designee means anyone who the owner  
12 designates in a written authorization and the authorization  
13 must contain (i) the legal or common description of property  
14 for such authority is given, (ii) the extent that the owner's  
15 designee is authorized to make decisions regarding who is  
16 allowed to take or attempt to take any species of wildlife or  
17 parts thereof, and (iii) the owner's notarized signature.  
18 ~~tenant. It shall be prima facie evidence that a person does not~~  
19 ~~have permission of the owner or tenant if the person is unable~~  
20 ~~to demonstrate to the law enforcement officer in the field that~~  
21 ~~permission had been obtained. This provision may only be~~  
22 ~~rebutted by testimony of the owner or tenant that permission~~  
23 ~~had been given.~~ Before enforcing this Section the law  
24 enforcement officer must have received notice from the owner or  
25 the owner's designee ~~tenant~~ of a violation of this Section.  
26 Statements made to the law enforcement officer regarding this

1 notice shall not be rendered inadmissible by the hearsay rule  
2 when offered for the purpose of showing the required notice.

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

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

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

25 (x) It is unlawful for any person to wantonly or carelessly  
26 injure or destroy, in any manner whatsoever, any real or

1 personal property on the land of another while engaged in  
2 hunting or trapping thereon.

3 (y) It is unlawful to hunt wild game protected by this Act  
4 between one half hour after sunset and one half hour before  
5 sunrise, except that hunting hours between one half hour after  
6 sunset and one half hour before sunrise may be established by  
7 administrative rule for fur-bearing mammals.

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

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

26 (bb) It is unlawful for any person, except licensed game

1 breeders, pursuant to Section 2.29 to import, carry into, or  
2 possess alive in this State any species of wildlife taken  
3 outside of this State, without obtaining permission to do so  
4 from the Director.

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

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

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

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

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



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

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

10          (jj) (Blank).

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

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

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

4           (Source: P.A. 96-390, eff. 8-13-09; 97-645, eff. 12-30-11;  
5 97-907, eff. 8-7-12.)

6           Section 99. Effective date. This Act takes effect upon  
7 becoming law."