

**SB3467**



**98TH GENERAL ASSEMBLY**

**State of Illinois**

**2013 and 2014**

**SB3467**

Introduced 2/14/2014, by Sen. Wm. Sam McCann

**SYNOPSIS AS INTRODUCED:**

520 ILCS 5/2.33

from Ch. 61, par. 2.33

Amends the Wildlife Code. Changes the prohibition on hunting from vehicles. Provides that, for specified provisions concerning hunting from vehicles, to "take", "pursue", or "hunt" shall not include a person traveling to or from a blind, stand, or hunting area. Effective immediately.

LRB098 19006 MGM 54155 b

**A BILL FOR**

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. For the  
22 purposes of this subsection (i), to "take" or "pursue" means  
23 the actual pursuit or taking of game while in a vehicle or  
24 conveyance, and shall not include a person traveling to or from  
25 a blind, stand, or hunting area.

26 (j) It is unlawful to use any shotgun larger than 10 gauge

1 while taking or attempting to take any of the species protected  
2 by this Act.

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

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

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

26 (n) It is unlawful for any person, except persons who

1 possess a permit, to hunt from a vehicle as provided in this  
2 Section and persons otherwise permitted by law, ~~to have or~~  
3 ~~carry any gun in or on any vehicle, conveyance or aircraft,~~  
4 ~~unless such gun is unloaded and enclosed in a case, except that~~  
5 ~~at field trials authorized by Section 2.34 of this Act,~~  
6 ~~unloaded guns or guns loaded with blank cartridges only, may be~~  
7 ~~carried on horseback while not contained in a case, or to have~~  
8 ~~or carry any bow or arrow device in or on any vehicle unless~~  
9 ~~such bow or arrow device is unstrung or enclosed in a case, or~~  
10 ~~otherwise made inoperable. For the purposes of this subsection~~  
11 (n), to "hunt" means the actual pursuit or taking of game while  
12 in a vehicle, and shall not include a person traveling to or  
13 from a blind, stand, or hunting area.

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 or attempt to  
4 take any species of wildlife or parts thereof, intentionally or  
5 wantonly allow a dog to hunt, within or upon the land of  
6 another, or upon waters flowing over or standing on the land of  
7 another, or to knowingly shoot a gun or bow and arrow device at  
8 any wildlife physically on or flying over the property of  
9 another without first obtaining permission from the owner or  
10 the owner's designee. For the purposes of this Section, the  
11 owner's designee means anyone who the owner designates in a  
12 written authorization and the authorization must contain (i)  
13 the legal or common description of property for such authority  
14 is given, (ii) the extent that the owner's designee is  
15 authorized to make decisions regarding who is allowed to take  
16 or attempt to take any species of wildlife or parts thereof,  
17 and (iii) the owner's notarized signature. Before enforcing  
18 this Section the law enforcement officer must have received  
19 notice from the owner or the owner's designee of a violation of  
20 this Section. Statements made to the law enforcement officer  
21 regarding this notice shall not be rendered inadmissible by the  
22 hearsay rule when offered for the purpose of showing the  
23 required notice.

24 (u) It is unlawful for any person to discharge any firearm  
25 for the purpose of taking any of the species protected by this  
26 Act, or hunt with gun or dog, or intentionally or wantonly

1 allow a dog to hunt, within 300 yards of an inhabited dwelling  
2 without first obtaining permission from the owner or tenant,  
3 except that while trapping, hunting with bow and arrow, hunting  
4 with dog and shotgun using shot shells only, or hunting with  
5 shotgun using shot shells only, or on licensed game breeding  
6 and hunting preserve areas, as defined in Section 3.27, on  
7 property operated under a Migratory Waterfowl Hunting Area  
8 Permit, on federally owned and managed lands and on Department  
9 owned, managed, leased or controlled lands, a 100 yard  
10 restriction shall apply.

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

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

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

24 (y) It is unlawful to hunt wild game protected by this Act  
25 between one half hour after sunset and one half hour before  
26 sunrise, except that hunting hours between one half hour after

1 sunset and one half hour before sunrise may be established by  
2 administrative rule for fur-bearing mammals.

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

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

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

26 (cc) It is unlawful for any person to have in his or her



1 possession any freshly killed species protected by this Act  
2 during the season closed for taking.

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

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

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

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

22 (hh) It shall be unlawful to kill or cripple any species  
23 protected by this Act for which there is a bag limit without  
24 making a reasonable effort to retrieve such species and include  
25 such in the bag limit. It shall be unlawful for any person  
26 having control over harvested game mammals, game birds, or

1 migratory game birds for which there is a bag limit to wantonly  
2 waste or destroy the usable meat of the game, except this shall  
3 not apply to wildlife taken under Sections 2.37 or 3.22 of this  
4 Code. For purposes of this subsection, "usable meat" means the  
5 breast meat of a game bird or migratory game bird and the hind  
6 ham and front shoulders of a game mammal. It shall be unlawful  
7 for any person to place, leave, dump, or abandon a wildlife  
8 carcass or parts of it along or upon a public right-of-way or  
9 highway or on public or private property, including a waterway  
10 or stream, without the permission of the owner or tenant. It  
11 shall not be unlawful to discard game meat that is determined  
12 to be unfit for human consumption.

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

18 (jj) (Blank).

19 (kk) Nothing contained in this Section shall prohibit the  
20 Director from issuing permits to paraplegics or to other  
21 disabled persons who meet the requirements set forth in  
22 administrative rule to shoot or hunt from a vehicle as provided  
23 by that rule, provided that such is otherwise in accord with  
24 this Act.

25 (ll) Nothing contained in this Act shall prohibit the  
26 taking of aquatic life protected by the Fish and Aquatic Life

1 Code or birds and mammals protected by this Act, except deer  
2 and fur-bearing mammals, from a boat not camouflaged or  
3 disguised to alter its identity or to further provide a place  
4 of concealment and not propelled by sail or mechanical power.  
5 However, only shotguns not larger than 10 gauge nor smaller  
6 than .410 bore loaded with not more than 3 shells of a shot  
7 size no larger than lead BB or steel T (.20 diameter) may be  
8 used to take species protected by this Act.

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

12 (nn) It shall be unlawful to possess any species of  
13 wildlife or wildlife parts taken unlawfully in Illinois, any  
14 other state, or any other country, whether or not the wildlife  
15 or wildlife parts is indigenous to Illinois. For the purposes  
16 of this subsection, the statute of limitations for unlawful  
17 possession of wildlife or wildlife parts shall not cease until  
18 2 years after the possession has permanently ended.

19 (Source: P.A. 97-645, eff. 12-30-11; 97-907, eff. 8-7-12;  
20 98-119, eff. 1-1-14; 98-181, eff. 8-5-13; 98-183, eff. 1-1-14;  
21 98-290, eff. 8-9-13; revised 9-24-13.)

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