



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB6008

by Rep. Carol A. Sente

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1117  
520 ILCS 5/2.33

from Ch. 34, par. 5-1117  
from Ch. 61, par. 2.33

Amends the Counties Code and the Wildlife Code. Provides that in the counties of Cook, Lake, Will, and DuPage, it is unlawful for any person to discharge any firearm for the purpose of taking any of the species protected by the Wildlife Code, or hunt with gun or dog, or intentionally or wantonly allow a dog to hunt, within 1,000 yards of an inhabited dwelling without first obtaining permission from the owner or tenant. Permits the discharge of firearms at a licensed shooting range regardless of the distance from inhabited residences. Preempts a home rule unit located in the counties of Cook, Lake, Will, and DuPage from regulating the discharge of firearms in a manner inconsistent with these provisions.

LRB099 19073 RLC 44976 b

HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning firearms.

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

4 Section 5. The Counties Code is amended by changing Section  
5 5-1117 as follows:

6 (55 ILCS 5/5-1117) (from Ch. 34, par. 5-1117)  
7 Sec. 5-1117. Discharge of firearms.

8 (a) The county board of any county may, by ordinance,  
9 regulate or prohibit within unincorporated areas the discharge  
10 of firearms in any residential area where such discharge is  
11 likely to subject residents or passersby to the risk of injury.  
12 However, such an ordinance shall not limit the right to  
13 discharge a firearm for the lawful defense of persons or  
14 property, or in the course of making a lawful arrest, when such  
15 use of force is justified under Article 7 of the Criminal Code  
16 of 2012.

17 (a-5) Nothing in this Section prohibits the discharge of  
18 firearms at a licensed shooting range.

19 (b) For the purposes of this Section, a "residential area"  
20 in counties other than Cook, Lake, Will, and DuPage is any area  
21 within 300 yards of at least 3 single or multi-family  
22 residential structures. In the counties of Cook, Lake, Will,  
23 and DuPage, a "residential area" is any area within 1,000 yards

1 of an inhabited dwelling.

2 (c) A home rule unit located in the counties of Cook, Lake,  
3 Will, and DuPage may not regulate the discharge of firearms in  
4 a manner that is inconsistent with this Section. This Section  
5 is a limitation under subsection (i) of Section 6 of Article  
6 VII of the Illinois Constitution on the concurrent exercise by  
7 home rule units of powers and functions exercised by the State.

8 (Source: P.A. 97-1150, eff. 1-25-13.)

9 Section 10. The Wildlife Code is amended by changing  
10 Section 2.33 as follows:

11 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

12 Sec. 2.33. Prohibitions.

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

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

21 (c) It is unlawful for any person at any time to take a  
22 wild mammal protected by this Act from its den by means of any  
23 mechanical device, spade, or digging device or to use smoke or  
24 other gases to dislodge or remove such mammal except as

1 provided in Section 2.37.

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

6 (e) (Blank).

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

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

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

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

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.

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

14 (p) It is unlawful to take game birds, migratory game birds  
15 or migratory waterfowl with a rifle, pistol, revolver or  
16 airgun.

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

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

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

26 (t) It is unlawful for any person to take or attempt to

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

21 (u) In counties other than Cook, Lake, Will, and DuPage, it  
22 ~~It~~ is unlawful for any person to discharge any firearm for the  
23 purpose of taking any of the species protected by this Act, or  
24 hunt with gun or dog, or intentionally or wantonly allow a dog  
25 to hunt, within 300 yards of an inhabited dwelling without  
26 first obtaining permission from the owner or tenant, except

1 that while trapping, hunting with bow and arrow, hunting with  
2 dog and shotgun using shot shells only, or hunting with shotgun  
3 using shot shells only, or providing outfitting services under  
4 a waterfowl outfitter permit, or on licensed game breeding and  
5 hunting preserve areas, as defined in Section 3.27, on  
6 federally owned and managed lands and on Department owned,  
7 managed, leased, or controlled lands, a 100 yard restriction  
8 shall apply.

9 (u-5) In the counties of Cook, Lake, Will, and DuPage, it  
10 is unlawful for any person to discharge any firearm for the  
11 purpose of taking any of the species protected by this Act, or  
12 hunt with gun or dog, or intentionally or wantonly allow a dog  
13 to hunt, within 1,000 yards of an inhabited dwelling without  
14 first obtaining permission from the owner or tenant. Nothing in  
15 this subsection (u-5) prohibits the discharge of firearms at a  
16 licensed shooting range. A home rule unit located in the  
17 counties of Cook, Lake, Will, and DuPage may not regulate the  
18 discharge of firearms in a manner that is inconsistent with  
19 this subsection (u-5). This subsection (u-5) is a limitation  
20 under subsection (i) of Section 6 of Article VII of the  
21 Illinois Constitution on the concurrent exercise by home rule  
22 units of powers and functions exercised by the State.

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



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

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

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

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

1 Migratory waterfowl that are crippled may be taken only with a  
2 shotgun as regulated by subsection (j) of this Section using  
3 shotgun shells as regulated in subsection (k) of this Section.

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

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

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

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

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

21 (ff) It is unlawful for any person to take any species  
22 protected by this Act, except migratory waterfowl, during the  
23 gun deer hunting season in those counties open to gun deer  
24 hunting, unless he or she wears, when in the field, a cap and  
25 upper outer garment of a solid blaze orange color, with such  
26 articles of clothing displaying a minimum of 400 square inches

1 of blaze orange material.

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

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

25 (ii) This Section shall apply only to those species  
26 protected by this Act taken within the State. Any species or

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

4 (jj) (Blank).

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

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

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

24 (nn) It shall be unlawful to possess any species of  
25 wildlife or wildlife parts taken unlawfully in Illinois, any  
26 other state, or any other country, whether or not the wildlife

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

5 (Source: P.A. 98-119, eff. 1-1-14; 98-181, eff. 8-5-13; 98-183,  
6 eff. 1-1-14; 98-290, eff. 8-9-13; 98-756, eff. 7-16-14; 98-914,  
7 eff. 1-1-15; 99-33, eff. 1-1-16; 99-143, eff. 7-27-15; revised  
8 10-20-15.)