

HB5331



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5331

by Rep. Jerry Costello, II

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.11	from Ch. 61, par. 2.11
520 ILCS 5/2.26	from Ch. 61, par. 2.26
520 ILCS 5/2.33	from Ch. 61, par. 2.33
520 ILCS 5/2.34	from Ch. 61, par. 2.34

Amends the Wildlife Code. Provides in various provisions an exemption to carry a firearm on Department of Natural Resources property in accordance with the Firearm Concealed Carry Act.

LRB100 16858 SLF 31999 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
5 Sections 2.11, 2.26, 2.33, and 2.34 as follows:

6 (520 ILCS 5/2.11) (from Ch. 61, par. 2.11)

7 Sec. 2.11. Before any person may lawfully hunt wild turkey,
8 he shall first obtain a "Wild Turkey Hunting Permit" in
9 accordance with the prescribed regulations set forth in an
10 administrative rule of the Department. The fee for a Resident
11 Wild Turkey Hunting Permit shall not exceed \$15.

12 Upon submitting suitable evidence of legal residence in any
13 other state, non-residents shall be charged a fee not to exceed
14 \$125 for wild turkey hunting permits.

15 The Department may by administrative rule allocate and
16 issue non-resident Wild Turkey Permits and establish fees for
17 such permits.

18 It shall be unlawful to take wild turkey except by use of a
19 bow and arrow or a shotgun of not larger than 10 nor smaller
20 than 20 gauge with shot size not larger than No. 4, and no
21 person while attempting to so take wild turkey may have in his
22 possession any other gun unless in accordance with the Firearm
23 Concealed Carry Act.

1 It shall be unlawful to take, or attempt to take wild
2 turkey except during the time from 1/2 hour before sunrise to
3 1/2 hour after sunset or during such lesser period of time as
4 may be specified by administrative rule, during those days for
5 which an open season is established.

6 It shall be unlawful for any person to take, or attempt to
7 take, wild turkey by use of dogs, horses, automobiles, aircraft
8 or other vehicles, or conveyances, or by the use or aid of bait
9 or baiting of any kind. For the purposes of this Section,
10 "bait" means any material, whether liquid or solid, including
11 food, salt, minerals, and other products, except pure water,
12 that can be ingested, placed, or scattered in such a manner as
13 to attract or lure wild turkeys. "Baiting" means the placement
14 or scattering of bait to attract wild turkeys. An area is
15 considered as baited during the presence of and for 10
16 consecutive days following the removal of the bait.

17 It is unlawful for any person to take in Illinois or have
18 in his possession more than one wild turkey per valid permit.

19 For the purposes of calculating acreage under this Section,
20 the Department shall, after determining the total acreage of
21 the applicable tract or tracts of land, round remaining
22 fractional portions of an acre greater than or equal to half of
23 an acre up to the next whole acre.

24 For the purposes of taking wild turkey, nothing in this
25 Section shall be construed to prevent the manipulation,
26 including mowing or cutting, of standing crops as a normal

1 agricultural or soil stabilization practice, food plots, or
2 normal agricultural practices, including planting, harvesting,
3 and maintenance such as cultivating. Such manipulation for the
4 purpose of taking wild turkey may be further modified by
5 administrative rule.

6 (Source: P.A. 98-180, eff. 8-5-13; 99-869, eff. 1-1-17.)

7 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

8 Sec. 2.26. Deer hunting permits. Any person attempting to
9 take deer shall first obtain a "Deer Hunting Permit" issued by
10 the Department in accordance with its administrative rules.
11 Those rules must provide for the issuance of the following
12 types of resident deer archery permits: (i) a combination
13 permit, consisting of one either-sex permit and one
14 antlerless-only permit, (ii) a single antlerless-only permit,
15 and (iii) a single either-sex permit. The fee for a Deer
16 Hunting Permit to take deer with either bow and arrow or gun
17 shall not exceed \$25.00 for residents of the State. The
18 Department may by administrative rule provide for non-resident
19 deer hunting permits for which the fee will not exceed \$300 in
20 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as
21 provided below for non-resident landowners and non-resident
22 archery hunters. The Department may by administrative rule
23 provide for a non-resident archery deer permit consisting of
24 not more than 2 harvest tags at a total cost not to exceed \$325
25 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter.

1 The standards and specifications for use of guns and bow
2 and arrow for deer hunting shall be established by
3 administrative rule.

4 No person may have in his or her possession any firearm not
5 authorized by administrative rule for a specific hunting season
6 when taking deer unless in accordance with the Firearm
7 Concealed Carry Act.

8 Persons having a firearm deer hunting permit shall be
9 permitted to take deer only during the period from 1/2 hour
10 before sunrise to 1/2 hour after sunset, and only during those
11 days for which an open season is established for the taking of
12 deer by use of shotgun, handgun, or muzzle loading rifle.

13 Persons having an archery deer hunting permit shall be
14 permitted to take deer only during the period from 1/2 hour
15 before sunrise to 1/2 hour after sunset, and only during those
16 days for which an open season is established for the taking of
17 deer by use of bow and arrow.

18 It shall be unlawful for any person to take deer by use of
19 dogs, horses, automobiles, aircraft or other vehicles, or by
20 the use or aid of bait or baiting of any kind. For the purposes
21 of this Section, "bait" means any material, whether liquid or
22 solid, including food, salt, minerals, and other products,
23 except pure water, that can be ingested, placed, or scattered
24 in such a manner as to attract or lure white-tailed deer.
25 "Baiting" means the placement or scattering of bait to attract
26 deer. An area is considered as baited during the presence of

1 and for 10 consecutive days following the removal of bait.
2 Nothing in this Section shall prohibit the use of a dog to
3 track wounded deer. Any person using a dog for tracking wounded
4 deer must maintain physical control of the dog at all times by
5 means of a maximum 50 foot lead attached to the dog's collar or
6 harness. Tracking wounded deer is permissible at night, but at
7 no time outside of legal deer hunting hours or seasons shall
8 any person handling or accompanying a dog being used for
9 tracking wounded deer be in possession of any firearm or
10 archery device. Persons tracking wounded deer with a dog during
11 the firearm deer seasons shall wear blaze orange as required.
12 Dog handlers tracking wounded deer with a dog are exempt from
13 hunting license and deer permit requirements so long as they
14 are accompanied by the licensed deer hunter who wounded the
15 deer.

16 It shall be unlawful to possess or transport any wild deer
17 which has been injured or killed in any manner upon a public
18 highway or public right-of-way of this State unless exempted by
19 administrative rule.

20 Persons hunting deer must have gun unloaded and no bow and
21 arrow device shall be carried with the arrow in the nocked
22 position during hours when deer hunting is unlawful.

23 It shall be unlawful for any person, having taken the legal
24 limit of deer by gun, to further participate with gun in any
25 deer hunting party.

26 It shall be unlawful for any person, having taken the legal

1 limit of deer by bow and arrow, to further participate with bow
2 and arrow in any deer hunting party.

3 The Department may prohibit upland game hunting during the
4 gun deer season by administrative rule.

5 The Department shall not limit the number of non-resident,
6 either-sex archery deer hunting permits to less than 20,000.

7 Any person who violates any of the provisions of this
8 Section, including administrative rules, shall be guilty of a
9 Class B misdemeanor.

10 For the purposes of calculating acreage under this Section,
11 the Department shall, after determining the total acreage of
12 the applicable tract or tracts of land, round remaining
13 fractional portions of an acre greater than or equal to half of
14 an acre up to the next whole acre.

15 For the purposes of taking white-tailed deer, nothing in
16 this Section shall be construed to prevent the manipulation,
17 including mowing or cutting, of standing crops as a normal
18 agricultural or soil stabilization practice, food plots, or
19 normal agricultural practices, including planting, harvesting,
20 and maintenance such as cultivating or the use of products
21 designed for scent only and not capable of ingestion, solid or
22 liquid, placed or scattered, in such a manner as to attract or
23 lure deer. Such manipulation for the purpose of taking
24 white-tailed deer may be further modified by administrative
25 rule.

26 (Source: P.A. 98-180, eff. 8-5-13; 99-642, eff. 7-28-16;

1 99-869, eff. 1-1-17.)

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 unless in accordance with the Firearm

1 Concealed Carry Act.

2 (o) (Blank).

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

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

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

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

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

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

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

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. 99-33, eff. 1-1-16; 99-143, eff. 7-27-15; 99-642,
6 eff. 7-28-16; 100-489, eff. 9-8-17.)

7 (520 ILCS 5/2.34) (from Ch. 61, par. 2.34)

8 Sec. 2.34. Dog Trials.

9 (a) Dogs of any breed may be trained the year round in
10 accordance with the provisions of this Act.

11 (b) During the periods of time when it is unlawful to take
12 species protected by this Act, the only firearms which shall be
13 used in the training of dogs from sunrise to sunset shall be
14 pistols with blank cartridges. No other gun or ammunition may
15 be in immediate possession during this time. No person or
16 persons in, along with, or accompanying the dog training party,
17 shall be in possession of any firearm or live ammunition,
18 except pistols capable of firing only blank cartridges during
19 the hours from sunset to sunrise. All organized field trials or
20 training grounds approved by the Department shall be exempt
21 from this provision unless in accordance with the Firearm
22 Concealed Carry Act.

23 (c) No field trial shall be held without a permit from the
24 Department.

25 The following Department areas shall be designated as

1 horseback field trial sites; Lee County Conservation Area, Des
2 Plains Conservation Area, Moraine View State Park, Middle Fork
3 Fish and Wildlife Area, Hamilton County Conservation Area, and
4 Wayne Fitzgerald State Park. The Department shall provide and
5 maintain quality wildlife habitat on these sites.

6 Field trials shall be scheduled only from September 1
7 through April 30 in the Northern Zone and September 1 through
8 April 15 in the Southern Zone. The Department maintains the
9 authority to schedule and administer field trials. The boundary
10 between the Northern Zone and the Southern Zone shall be U.S.
11 Route 36. However, (i) if the opening date of the field trial
12 season falls on Sunday, the season will begin on Saturday of
13 that weekend; and (ii) if the closing date of the field trial
14 season falls on Saturday, the season will conclude on Sunday of
15 that weekend; and (iii) if during the final days of the field
16 trial season a field trial organization begins a field trial
17 which is subsequently interrupted due to inclement weather, the
18 field trial organization may complete the trial, subject to the
19 Department's approval, even though the field trial season has
20 ended. The field trial organization must complete the trial on
21 the first possible day or days. Field trials for the retrieving
22 breeds are exempt from these field trials season provisions and
23 shall have no closed season.

24 The fee for field trials shall be established by the
25 Department by rule.

26 (d) The Department is authorized to designate dog training

1 areas and to grant permits for all field trials including those
2 field trials where game birds reared under Section 3.23 are
3 released and taken in accordance with the rules and regulations
4 set forth by the Department. Applications for permits for such
5 trials and training areas shall be accompanied by detailed
6 information as to the date and the location of the grounds
7 where such trial area or training grounds is located.
8 Applicants for field trial or dog training permits must have
9 the consent of the landowner prior to applying for such permit.
10 Fees and other regulations will be set by administrative rule.

11 (e) All permits for designated dog training areas shall
12 expire March 31st of each year.

13 (f) Permit holders for designated dog training areas must
14 possess a wild game breeder's permit or a game breeding and
15 hunting preserve area permit and may utilize live bird recall
16 devices on such areas.

17 (g) Nothing shall prevent an individual from using a dog in
18 the taking of squirrel during the open season.

19 (h) All hand reared game released and shot at field trials
20 shall be properly identified with tags as provided for by this
21 Act and such birds shall be banded before they are removed from
22 the field trial area.

23 (Source: P.A. 86-920; 87-1051.)