



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4996

Introduced 2/18/2020, by Rep. Charles Meier

SYNOPSIS AS INTRODUCED:

520 ILCS 5/1.2s-1 new	
520 ILCS 5/2.2	from Ch. 61, par. 2.2
520 ILCS 5/2.30	from Ch. 61, par. 2.30
520 ILCS 5/2.33	from Ch. 61, par. 2.33

Amends the Wildlife Code. Includes wild swine as a protected species covered by the Code. Sets forth definitions of "wild swine" for purposes of the Code. Provides that wild swine may be taken by hunting methods at any time. Provides further that wild swine may be taken during the open season by use of a small light that is worn on the body or hand-held by a person not in any vehicle. Effectively immediately.

LRB101 16760 CMG 66151 b

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 2.30, 2.2, and 2.33 and by adding Section 1.2s-1 as
6 follows:

7 (520 ILCS 5/1.2s-1 new)

8 Sec. 1.2s-1. "Wild swine" means feral swine, Eurasian wild
9 boar (Sus scrofa, including subspecies), and hybrids between
10 feral swine and Eurasian wild boar. "Feral swine" means
11 populations or individuals of any swine that are unrestrained
12 and are living in a wild or free-roaming environment.

13 (520 ILCS 5/2.2) (from Ch. 61, par. 2.2)

14 Sec. 2.2. This Act shall apply only to the wild birds and
15 parts of wild birds (including, but not limited to, their nests
16 and eggs), and wild mammals and parts of wild mammals, which
17 shall include their green hides, in the State of Illinois, or
18 which may be brought into the State.

19 Wildlife protected by this Act, hereby defined as protected
20 species, include the following wild species and all wild
21 species contained in listed families, including, but not
22 limited to, groups of wild species preceding each family name:

1 (except the House Sparrow, *Passer domesticus*; European
2 Starling, *Sturnus vulgaris*; and Rock Pigeon, Domestic Pigeon,
3 *Columba livia*; Purple Swamphen, *Porphyrio porphyrio*; or Muscovy
4 Duck, *Cairina moschata*). GAME BIRDS-Ruffed grouse, *Bonasa
5 umbellus*; Sharp-tailed grouse, *Tympanuchus phasianellus*;
6 Northern Bobwhite, *Colinus virginianus*; Gray Partridge, *Perdix
7 perdix*; Chukar, *Alectoris chukar*; Ring-necked Pheasant,
8 *Phasianus colchicus*; Greater Prairie Chicken, *Tympanuchus
9 cupido*; Wild Turkey, *Meleagris gallopavo*. MIGRATORY GAME
10 BIRDS-Waterfowl including brant, ducks, geese, and swans,
11 Anatidae; wild species of the families Rallidae, Scolopacidae,
12 Columbidae, and Corvidae that may be legally hunted as provided
13 for in Section 2.18 of this Act. RESIDENT AND MIGRATORY
14 NON-GAME BIRDS-Loons, Gaviidae; grebes, Podicipedidae;
15 pelicans, Pelecanidae; gannets, Sulidae; cormorants,
16 Phalacrocoracidae; anhingas, Anhingidae; frigatebirds,
17 Fregatidae; herons, bitterns and egrets, Ardeidae; ibises and
18 spoonbills, Threskiornithidae; storks, Ciconiidae; vultures,
19 Cathartidae; kites, hawks, ospreys, and eagles, Accipitridae;
20 falcons, merlins, and kestrels, Falconidae; rails, gallinules,
21 and moorhens, which may not be legally hunted, Rallidae;
22 cranes, Gruidae; all shorebirds that may not be legally hunted,
23 of the families Charadriidae, Scolopacidae, and
24 Recurvirostridae gulls, terns, jaegers, skimmers, and
25 kittiwakes, Laridae; dovebies and murrelets, Alcidae; doves
26 and pigeons, which may not be legally hunted, Columbidae;

1 cuckoos and anis, Cuculidae; owls, Tytonidae and Strigidae;
2 whip-poor-wills, chuck-will's-widows, and nighthawks,
3 Caprimulgidae; swifts, Apodidae; hummingbirds, Trochilidae,
4 Kingfishers, Alcedinidae; woodpeckers, flickers, and
5 sapsuckers, Picidae; kingbirds, pewees, phoebes, and
6 flycatchers, Tyrannidae shrikes, Laniidae; vireos, Vireonidae;
7 magpies, ravens, and jays, Corvidae; larks, Alaudidae;
8 swallows and martins, Hirundinidae; chickadees and titmice,
9 Paridae; nuthatches, Sittidae; creepers, Certhiidae; wrens,
10 Troglodytidae; kinglets, Regulidae; gnatcatchers, Sylviidae;
11 robins, bluebirds, solitaires, veerys, and thrushes, Turdidae;
12 mockingbirds, catbirds, and thrashers, Mimidae; pipits,
13 Motacillidae; waxwings, Bombycillidae; warblers, parulas,
14 redstarts, ovenbirds, waterthrushes, yellowthroats, and chats,
15 Parulidae; tanagers, Thraupidae; towhees, longspurs, sparrows,
16 buntings, and juncos, Emberizidae; dickcissels, cardinals,
17 buntings, and grosbeaks, Cardinalidae; blackbirds,
18 meadowlarks, bobolinks, grackles, cowbirds, and orioles,
19 Icteridae; grosbeaks, finches, crossbills, redpolls, and
20 siskins, Fringillidae. GAME MAMMALS-Woodchuck, *Marmota monax*;
21 Gray squirrel, *Sciurus carolinensis*; Fox squirrel, *Sciurus*
22 *niger*; Eastern cottontail, *Sylvilagus floridanus*; Swamp
23 rabbit, *Sylvilagus aquaticus*; White-tailed deer, *Odocoileus*
24 *virginianus*. FUR-BEARING MAMMALS-Muskrat, *Ondatra zibethicus*;
25 Beaver, *Castor canadensis*; Raccoon, *Procyon lotor*; Opossum,
26 *Didelphis virginiana*; Least weasel, *Mustela nivalis*;

1 Long-tailed weasel, *Mustela frenata*; Mink, *Mustela vison*;
2 River otter, *Lontra canadensis*; Striped skunk, *Mephitis*
3 *mephitis*; Badger, *Taxidea taxus*; Red fox, *Vulpes vulpes*; Gray
4 fox, *Urocyon cinereoargenteus*; Coyote, *Canis latrans*; Bobcat,
5 *Lynx rufus*. OTHER MAMMALS-Flying squirrel, *Glaucomys volans*;
6 Red squirrel, *Tamiasciurus hudsonicus*; Eastern Woodrat,
7 *Neotoma floridana*; Golden Mouse, *Ochrotomys nuttalli*; Rice
8 Rat, *Oryzomys palustris*; Franklin's Ground Squirrel,
9 *Spermophilus franklinii*; Bats, *Vespertilionidae*; Gray wolf,
10 *Canis lupus*; American black bear, *Ursus americanus*; Cougar,
11 *Puma concolor*, wild swine.

12 It shall be unlawful for any person at any time to take,
13 possess, sell, or offer for sale, propagate, or release into
14 the wild, any of these wild birds (dead or alive) and parts of
15 wild birds (including, but not limited to, their nests and
16 eggs), wild mammals (dead or alive) and parts of wild mammals,
17 including their green hides contrary to the provisions of this
18 Act. However, nothing in this Act shall prohibit bona-fide
19 public or state scientific, educational or zoological
20 institutions from receiving, holding, and displaying protected
21 species that were salvaged or legally obtained.

22 It shall be unlawful for any person to take any other
23 living wildlife animal not covered by this Act without the
24 permission of the landowner or tenant.

25 (Source: P.A. 97-431, eff. 8-16-11; 98-1033, eff. 1-1-15.)

1 (520 ILCS 5/2.30) (from Ch. 61, par. 2.30)

2 Sec. 2.30. Except as provided in this Section, it shall be
3 unlawful for any person to trap or to hunt with gun, dog, dog
4 and gun, or bow and arrow, gray fox, red fox, raccoon, weasel,
5 mink, muskrat, badger, bobcat, and opossum except during the
6 open season which will be set annually by the Director between
7 12:01 a.m., November 1 to 12:00 midnight, February 15, both
8 inclusive.

9 It shall be unlawful for any person to hunt or trap bobcat
10 in this State on and after the effective date of this
11 amendatory Act of the 100th General Assembly in the counties of
12 Boone, Bureau, Champaign, Cook, DeKalb, DeWitt, DuPage, Ford,
13 Grundy, Henry, Iroquois, Kane, Kankakee, Kendall, Knox, Lake,
14 LaSalle, Lee, Livingston, Logan, Marshall, McHenry, McLean,
15 Ogle, Peoria, Piatt, Putnam, Stark, Stephenson, Vermilion,
16 Will, Winnebago, and Woodford and north of U.S. Route 36 in
17 Edgar and Douglas and north of U.S. Route 36 to the junction
18 with Illinois Route 121 and north or east of Illinois Route 121
19 in Macon. For the season beginning in 2017, a total number of
20 350 bobcats may be hunted or trapped lawfully, or the
21 conclusion of the season occurs, whichever is earlier. For the
22 season beginning in 2018, a total number of 375 bobcats may be
23 hunted or trapped lawfully, or the conclusion of the season
24 occurs, whichever is earlier. The changes added to this Section
25 by this amendatory Act of the 100th General Assembly, except
26 for this sentence, are inoperative on and after June 30, 2019.

1 It is unlawful to pursue any fur-bearing mammal with a dog
2 or dogs between the hours of sunset and sunrise during the 10
3 day period preceding the opening date of the raccoon hunting
4 season and the 10 day period following the closing date of the
5 raccoon hunting season except that the Department may issue
6 field trial permits in accordance with Section 2.34 of this
7 Act. A non-resident from a state with more restrictive
8 fur-bearer pursuit regulations for any particular species than
9 provided for that species in this Act may not pursue that
10 species in Illinois except during the period of time that
11 Illinois residents are allowed to pursue that species in the
12 non-resident's state of residence. Hound running areas
13 approved by the Department shall be exempt from the provisions
14 of this Section.

15 It shall be unlawful to take beaver, river otter, weasel,
16 mink, or muskrat except during the open season set annually by
17 the Director, and then, only with traps, except that a firearm,
18 pistol, or airgun of a caliber not larger than a .22 long rifle
19 may be used to remove the animal from the trap.

20 It shall be unlawful for any person to trap beaver or river
21 otter with traps except during the open season which will be
22 set annually by the Director between 12:01 a.m., November 1st
23 and 12:00 midnight, March 31, both inclusive.

24 Coyote may be taken by trapping methods only during the
25 period from September 1 to March 1, both inclusive, and by
26 hunting methods at any time.

1 Wild swine may be taken by hunting methods at any time.

2 Striped skunk may be taken by trapping methods only during
3 the period from September 1 to March 1, both inclusive, and by
4 hunting methods at any time.

5 Muskrat may be taken by trapping methods during an open
6 season set annually by the Director.

7 For the purpose of taking fur-bearing mammals, the State
8 may be divided into management zones by administrative rule.

9 It shall be unlawful to take or possess more than the
10 season limit or possession limit of fur-bearing mammals that
11 shall be set annually by the Director. The season limit for
12 bobcat shall not exceed one bobcat per permit. Possession
13 limits shall not apply to fur buyers, tanners, manufacturers,
14 and taxidermists, as defined by this Act, who possess
15 fur-bearing mammals in accordance with laws governing such
16 activities.

17 Nothing in this Section shall prohibit the taking or
18 possessing of fur-bearing mammals found dead or
19 unintentionally killed by a vehicle along a roadway during the
20 open season provided the person who possesses such fur-bearing
21 mammals has all appropriate licenses, stamps, or permits; the
22 season for which the species possessed is open; and that such
23 possession and disposal of such fur-bearing mammals is
24 otherwise subject to the provisions of this Section.

25 The provisions of this Section are subject to modification
26 by administrative rule.

1 (Source: P.A. 99-33, eff. 1-1-16; 100-524, eff. 9-22-17;
2 100-779, eff. 8-10-18.)

3 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

4 Sec. 2.33. Prohibitions.

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

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

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

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

22 (e) (Blank).

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

25 (g) It is unlawful to use poisons, chemicals or explosives

1 for the purpose of taking any species protected by this Act.

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

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

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

21 (k) It is unlawful to use or possess in the field any
22 shotgun shell loaded with a shot size larger than lead BB or
23 steel T (.20 diameter) when taking or attempting to take any
24 species of wild game mammals (excluding white-tailed deer),
25 wild game birds, migratory waterfowl or migratory game birds
26 protected by this Act, except white-tailed deer as provided for

1 in Section 2.26 and other species as provided for by subsection
2 (l) or administrative rule.

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

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

18 (n) It is unlawful for any person, except persons who
19 possess a permit to hunt from a vehicle as provided in this
20 Section and persons otherwise permitted by law, to have or
21 carry any gun in or on any vehicle, conveyance or aircraft,
22 unless such gun is unloaded and enclosed in a case, except that
23 at field trials authorized by Section 2.34 of this Act,
24 unloaded guns or guns loaded with blank cartridges only, may be
25 carried on horseback while not contained in a case, or to have
26 or carry any bow or arrow device in or on any vehicle unless

1 such bow or arrow device is unstrung or enclosed in a case, or
2 otherwise made inoperable.

3 (o) (Blank).

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

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

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

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

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

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

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

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

1 owner to do so.

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

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

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

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

1 migratory game birds that are not capable of normal flight.
2 Migratory waterfowl that are crippled may be taken only with a
3 shotgun as regulated by subsection (j) of this Section using
4 shotgun shells as regulated in subsection (k) of this Section.

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

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

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

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

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

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

1 blaze pink color, with such articles of clothing displaying a
2 minimum of 400 square inches of blaze orange or solid blaze
3 pink color material.

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

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

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

6 (jj) (Blank).

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

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

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

26 (nn) It shall be unlawful to possess any species of

1 wildlife or wildlife parts taken unlawfully in Illinois, any
2 other state, or any other country, whether or not the wildlife
3 or wildlife parts is indigenous to Illinois. For the purposes
4 of this subsection, the statute of limitations for unlawful
5 possession of wildlife or wildlife parts shall not cease until
6 2 years after the possession has permanently ended.

7 (Source: P.A. 99-33, eff. 1-1-16; 99-143, eff. 7-27-15; 99-642,
8 eff. 7-28-16; 100-489, eff. 9-8-17; 100-949, eff. 1-1-19.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.