

HB1517



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1517

Introduced 1/31/2023, by Rep. Anna Moeller

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.33

Amends the Wildlife Code. In provisions concerning prohibitions, provides that it is unlawful to discharge a firearm for hunting, hunt with a gun or dog, or allow a dog to hunt within 500 yards of an inhabited dwelling if the inhabited dwelling is in a residential area with 25 or more homes within a one-half square mile.

LRB103 24890 RJT 51223 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 Section 2.33 as follows:

6 (520 ILCS 5/2.33)

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
6 explosives for the purpose of taking any species protected by
7 this Act.

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

11 (i) It is unlawful to take, pursue or intentionally harass
12 or disturb in any manner any wild birds or mammals by use or
13 aid of any vehicle, conveyance, or unmanned aircraft as
14 defined by the Illinois Aeronautics Act, except as permitted
15 by the Code of Federal Regulations for the taking of
16 waterfowl; except that nothing in this subsection shall
17 prohibit the use of unmanned aircraft in the inspection of a
18 public utility facility, tower, or structure or a mobile
19 service facility, tower, or structure by a public utility, as
20 defined in Section 3-105 of the Public Utilities Act, or a
21 provider of mobile services as defined in Section 153 of Title
22 47 of the United States Code. It is also unlawful to use the
23 lights of any vehicle or conveyance, any light connected to
24 any vehicle or conveyance, or any other lighting device or
25 mechanism from inside or on a vehicle or conveyance in any area
26 where wildlife may be found except in accordance with Section

1 2.37 of this Act; however, nothing in this Section shall
2 prohibit the normal use of headlamps for the purpose of
3 driving upon a roadway. For purposes of this Section, any
4 other lighting device or mechanism shall include, but not be
5 limited to, any device that uses infrared or other light not
6 visible to the naked eye, electronic image intensification,
7 active illumination, thermal imaging, or night vision. Striped
8 skunk, opossum, red fox, gray fox, raccoon, bobcat, and coyote
9 may be taken during the open season by use of a small light
10 which is worn on the body or hand-held by a person on foot and
11 not in any vehicle.

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

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

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

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

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

25 (o) (Blank).

26 (p) It is unlawful to take game birds, migratory game

1 birds or migratory waterfowl with a rifle, pistol, revolver,
2 or air rifle.

3 (q) It is unlawful to fire a rifle, pistol, revolver, or
4 air rifle on, over, or into any waters of this State, including
5 frozen waters.

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

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

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

1 the law enforcement officer must have received notice from the
2 owner or the owner's designee of a violation of this Section.
3 Statements made to the law enforcement officer regarding this
4 notice shall not be rendered inadmissible by the hearsay rule
5 when offered for the purpose of showing the required notice.

6 (u) It is unlawful for any person to discharge any firearm
7 for the purpose of taking any of the species protected by this
8 Act, or hunt with gun or dog, or allow a dog to hunt, within
9 300 yards of an inhabited dwelling without first obtaining
10 permission from the owner or tenant or 500 yards of an
11 inhabited dwelling if the inhabited dwelling is in a
12 residential area with 25 or more homes within a one-half
13 square mile, except that while trapping, hunting with bow and
14 arrow, hunting with dog and shotgun using shot shells only, or
15 hunting with shotgun using shot shells only, or providing
16 outfitting services under a waterfowl outfitter permit, or on
17 licensed game breeding and hunting preserve areas, as defined
18 in Section 3.27, on federally owned and managed lands and on
19 Department owned, managed, leased, or controlled lands, a 100
20 yard restriction shall apply.

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

25 (w) It is unlawful for any owner of a dog to allow his or
26 her dog to pursue, harass, or kill deer, except that nothing in

1 this Section shall prohibit the tracking of wounded deer with
2 a dog in accordance with the provisions of Section 2.26 of this
3 Code.

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

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

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

1 shotgun as regulated by subsection (j) of this Section using
2 shotgun shells as regulated in subsection (k) of this Section.

3 (aa) It is unlawful to use or possess any device that may
4 be used for tree climbing or cutting, while hunting
5 fur-bearing mammals, excluding coyotes. However, coyotes may
6 not be hunted utilizing these devices during open season for
7 deer except by properly licensed deer hunters.

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 Sections 2.25 and
21 2.26 and 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
13 include such in the bag limit. It shall be unlawful for any
14 person having control over harvested game mammals, game birds,
15 or migratory game birds for which there is a bag limit to
16 wantonly waste or destroy the usable meat of the game, except
17 this shall not apply to wildlife taken under Sections 2.37 or
18 3.22 of this Code. For purposes of this subsection, "usable
19 meat" means the breast meat of a game bird or migratory game
20 bird and the hind ham and front shoulders of a game mammal. It
21 shall be unlawful for any person to place, leave, dump, or
22 abandon a wildlife carcass or parts of it along or upon a
23 public right-of-way or highway or on public or private
24 property, including a waterway or stream, without the
25 permission of the owner or tenant. It shall not be unlawful to
26 discard game meat that is determined to be unfit for human

1 consumption.

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

7 (jj) (Blank).

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

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

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

1 (nn) It shall be unlawful to possess any species of
2 wildlife or wildlife parts taken unlawfully in Illinois, any
3 other state, or any other country, whether or not the wildlife
4 or wildlife parts are ~~is~~ indigenous to Illinois. For the
5 purposes of this subsection, the statute of limitations for
6 unlawful possession of wildlife or wildlife parts shall not
7 cease until 2 years after the possession has permanently
8 ended.

9 (oo) It is unlawful while deer hunting:

10 (1) to possess or be in close proximity to a rifle that
11 is not centerfire; or

12 (2) to be in possession of or in close proximity to a
13 magazine that is capable of making a rifle not a single
14 shot.

15 (Source: P.A. 102-237, eff. 1-1-22; 102-837, eff. 5-13-22;
16 102-932, eff. 1-1-23; revised 12-14-22.)