



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB1312**

Introduced 2/9/2005, by Rep. Brandon W. Phelps

**SYNOPSIS AS INTRODUCED:**

520 ILCS 5/2.30	from Ch. 61, par. 2.30
520 ILCS 5/2.30a new	
520 ILCS 5/2.33	from Ch. 61, par. 2.33
520 ILCS 5/2.33a	from Ch. 61, par. 2.33a

Amends the Wildlife Code. Authorizes the taking of bobcats and river otters. Authorizes the Department of Natural Resources, by rule, to require a Bobcat Harvest Permit, a River Otter Trapping Permit, and pelt tags. Sets fees. Makes changes concerning the open season for coyotes and striped skunks. Deletes restrictions concerning having green hides out of season. Makes changes concerning pursuing fur-bearing mammals with dogs and concerning illegal methods of trapping.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning animals.

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, 2.33, and 2.33a and by adding Section 2.30a as  
6 follows:

7 (520 ILCS 5/2.30) (from Ch. 61, par. 2.30)

8 Sec. 2.30. Fur-bearing animals; requirements. It shall be  
9 unlawful for any person to trap or to hunt with gun, dog, dog  
10 and gun, or bow and arrow, gray fox, red fox, raccoon, weasel,  
11 mink, muskrat, badger, bobcat, and opossum except during the  
12 open season which will be set annually by the Director between  
13 12:01 a.m., November 1 to 12:00 midnight, February 15, both  
14 inclusive.

15 ~~It is unlawful for any person to take bobcat or river otter~~  
16 ~~in this State at any time.~~

17 It is unlawful to pursue any fur-bearing mammal with a dog  
18 or dogs between the hours of sunset and sunrise during the  
19 5-day ~~10-day~~ period preceding the opening date of the raccoon  
20 hunting season and the 5-day ~~10-day~~ period following the  
21 closing date of the raccoon hunting season except that the  
22 Department may issue field trial permits in accordance with  
23 Section 2.34 of this Act. A non-resident from a state with more  
24 restrictive fur-bearer pursuit regulations for any particular  
25 species than provided for that species in this Act may not  
26 pursue that species in Illinois except during the period of  
27 time that Illinois residents are allowed to pursue that species  
28 in the non-resident's state of residence. Fenced fox hound  
29 training enclosures approved by the Department shall be exempt  
30 from the provisions of this Section.

31 It shall be unlawful to take beaver, weasel, mink, river  
32 otter, or muskrat except during the open season set annually by

1 the Director. Beaver, weasel, mink, badger, river otter, and  
2 muskrat may be taken only by trapping methods except that a gun  
3 may be used to kill such species when restrained by a trap  
4 during the open trapping season, and then, only with traps.

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

9 It shall be unlawful for any person to trap coyote or  
10 striped skunk except during the open season which will be set  
11 annually by the Director between 12:01 a.m., September 1 and  
12 12:00 midnight, March 1, both inclusive, and by hunting methods  
13 at any time.

14 ~~Coyote may be taken by trapping methods only during the~~  
15 ~~period from September 1 to March 1, both inclusive, and by~~  
16 ~~hunting methods at any time.~~

17 ~~Striped skunk may be taken by trapping methods only during~~  
18 ~~the period from September 1 to March 1, both inclusive, and by~~  
19 ~~hunting methods at any time.~~

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

22 The provisions of this Section are subject to modification  
23 by administrative rule.

24 (Source: P.A. 89-341, eff. 8-17-95.)

25 (520 ILCS 5/2.30a new)

26 Sec. 2.30a. Permit and registration fees; bobcat and river  
27 otter. If the Department determines that a permit system is  
28 necessary to limit the harvest of bobcats, it may require  
29 hunters and trappers to obtain a "Bobcat Harvest Permit" in  
30 accordance with the prescribed regulations set forth in an  
31 administrative rule of the Department. The fee for a Bobcat  
32 Harvest Permit shall not exceed \$5.

33 If the Department determines that a permit system is  
34 necessary to limit the harvest of river otter, it may require  
35 trappers to obtain a "River Otter Trapping Permit" in

1 accordance with the prescribed regulations set forth in an  
2 administrative rule of the Department. The fee for a River  
3 Otter Trapping Permit shall not exceed \$5.

4 The Department may require hunters and trappers to register  
5 harvested bobcats and river otters and obtain pelt tags in  
6 accordance with the prescribed regulations set forth in an  
7 administrative rule of the Department. The fee to register  
8 bobcats and river otters and obtain a pelt tags shall not  
9 exceed \$8 per animal.

10 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

11 Sec. 2.33. Prohibitions.

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

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

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

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

29 (e) (Blank).

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

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

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

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

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

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

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

28 (m) It is unlawful to use any shotgun capable of holding  
29 more than 3 shells in the magazine or chamber combined, except  
30 on game breeding and hunting preserve areas licensed under  
31 Section 3.27 and except as permitted by the Code of Federal  
32 Regulations for the taking of waterfowl. If the shotgun is  
33 capable of holding more than 3 shells, it shall, while being  
34 used on an area other than a game breeding and shooting  
35 preserve area licensed pursuant to Section 3.27, be fitted with  
36 a one piece plug that is irremovable without dismantling the

1 shotgun or otherwise altered to render it incapable of holding  
2 more than 3 shells in the magazine and chamber, combined.

3 (n) It is unlawful for any person, except persons who  
4 possess a permit to hunt from a vehicle as provided in this  
5 Section and persons otherwise permitted by law, to have or  
6 carry any gun in or on any vehicle, conveyance or aircraft,  
7 unless such gun is unloaded and enclosed in a case, except that  
8 at field trials authorized by Section 2.34 of this Act,  
9 unloaded guns or guns loaded with blank cartridges only, may be  
10 carried on horseback while not contained in a case, or to have  
11 or carry any bow or arrow device in or on any vehicle unless  
12 such bow or arrow device is unstrung or enclosed in a case, or  
13 otherwise made inoperable.

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 2.33.

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, except that trappers authorized by Section 3.3  
23 of this Act may kill fur-bearing mammals restrained by traps in  
24 water sets during the open season.

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

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

31 (t) It is unlawful for any person to trap or hunt, or allow  
32 a dog to hunt, within or upon the land of another, or upon  
33 waters flowing over or standing on the land of another, without  
34 first obtaining permission from the owner or tenant. It shall  
35 be prima facie evidence that a person does not have permission  
36 of the owner or tenant if the person is unable to demonstrate

1 to the law enforcement officer in the field that permission had  
2 been obtained. This provision may only be rebutted by testimony  
3 of the owner or tenant that permission had been given. Before  
4 enforcing this Section the law enforcement officer must have  
5 received notice from the owner or tenant of a violation of this  
6 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 allow a dog to hunt, within 300  
13 yards of an inhabited dwelling without first obtaining  
14 permission from the owner or tenant, except that while  
15 trapping, hunting with bow and arrow, hunting with dog and  
16 shotgun using shot shells only, or hunting with shotgun using  
17 shot shells only, or on licensed game breeding and hunting  
18 preserve areas, as defined in Section 3.27, on property  
19 operated under a Migratory Waterfowl Hunting Area Permit, on  
20 federally owned and managed lands and on Department owned,  
21 managed, leased or controlled lands, a 100 yard restriction  
22 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.

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

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

36 (y) It is unlawful to hunt wild game protected by this Act

1 between one half hour after sunset and one half hour before  
2 sunrise, except that hunting hours between one half hour after  
3 sunset and one half hour before sunrise may be established by  
4 administrative rule for fur-bearing mammals.

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

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

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

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

31 (dd) It is unlawful to take any species protected by this  
32 Act and retain it alive.

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

36 (ff) It is unlawful for any person to take any species



1 protected by this Act, except migratory waterfowl, during the  
2 gun deer hunting season in those counties open to gun deer  
3 hunting, unless he or she wears, when in the field, a cap and  
4 upper outer garment of a solid blaze orange color, with such  
5 articles of clothing displaying a minimum of 400 square inches  
6 of blaze orange material.

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

13 (hh) It shall be unlawful to kill or cripple any species  
14 protected by this Act for which there is a daily bag limit  
15 without making a reasonable effort to retrieve such species and  
16 include such in the daily bag limit.

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

22 (jj) Nothing contained in this Section shall prohibit the  
23 use of bow and arrow, or prevent the Director from issuing  
24 permits to use a crossbow to handicapped persons as provided by  
25 administrative rule. As used herein, "handicapped persons"  
26 means those persons who have a permanent physical impairment  
27 due to injury or disease, congenital or acquired, which renders  
28 them so severely disabled as to be unable to use a conventional  
29 bow and arrow device. Permits will be issued only after the  
30 receipt of a physician's statement confirming the applicant is  
31 handicapped as defined above.

32 (kk) Nothing contained in this Section shall prohibit the  
33 Director from issuing permits to paraplegics or to other  
34 disabled persons who meet the requirements set forth in  
35 administrative rule to shoot or hunt from a vehicle as provided  
36 by that rule, provided that such is otherwise in accord with

1 this Act.

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

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

15 (Source: P.A. 92-325, eff. 8-9-01; 92-651, eff. 7-11-02;  
16 93-807, eff. 7-24-04.)

17 (520 ILCS 5/2.33a) (from Ch. 61, par. 2.33a)

18 Sec. 2.33a. Illegal methods; trapping.

19 (a) It is unlawful to fail to visit and remove all animals  
20 from traps staked out, set, used, tended, placed or maintained  
21 at least once each calendar day.

22 (b) It is unlawful for any person to place, set, use, or  
23 maintain a leghold trap or one of similar construction on land,  
24 that has an inside ~~a~~ jaw spread of larger than 6 1/2 inches  
25 (16.6 CM), or a body-gripping trap or one of similar  
26 construction having an inside ~~a~~ jaw spread larger than 7 inches  
27 (17.8 CM) on a side if square and 8 inches (20.4 CM) if round;

28 (c) It is unlawful for any person to place, set, use, or  
29 maintain a leghold trap or one of similar construction in  
30 water, that has an inside ~~a~~ jaw spread of larger than 7 1/2  
31 inches (19.1 CM), or a body-gripping trap or one of similar  
32 construction having an inside ~~a~~ jaw spread larger than ~~10~~  
33 ~~inches (25.4 CM) on a side if square and 12 inches (30.5 CM;~~  
34 maximum inside opening of 144 square inches) if round;

35 (d) It is unlawful to use any trap with saw-toothed,

1 spiked, or toothed jaws;

2 (e) It is unlawful to destroy, disturb or in any manner  
3 interfere with dams, lodges, burrows or feed beds of beaver  
4 while trapping for beaver or to set a trap inside a muskrat  
5 house or beaver lodge, except that this shall not apply to  
6 Drainage Districts who are acting pursuant to the provisions of  
7 Section 2.37;

8 (f) It is unlawful to trap beaver or river otter with: (1)  
9 a leghold trap or one of similar construction having an inside  
10 ~~a~~ jaw spread of less than 5 1/2 inches (13.9 CM) or more than 7  
11 1/2 inches (19.1 CM), or (2) a body-gripping trap or one of  
12 similar construction having an inside ~~a~~ jaw spread of less than  
13 7 inches (17.7 CM) or more than ~~10 inches (25.4 CM) on a side if~~  
14 ~~square and~~ 12 inches (30.5 CM; maximum inside opening of 144  
15 square inches) ~~if round~~, except that these restrictions shall  
16 not apply during the open season for trapping muskrats;

17 (g) It is unlawful to set traps closer than 10 feet (3.05  
18 M) from any hole or den which may be occupied by a game mammal  
19 or fur-bearing mammal except that this restriction shall not  
20 apply to water sets.

21 (h) It is unlawful to trap or attempt to trap any  
22 fur-bearing mammal with any colony, cage, box, or stove-pipe  
23 trap designed to take more than one mammal at a single setting.

24 (i) It is unlawful for any person to set or place any trap  
25 designed to take any fur-bearing mammal protected by this Act  
26 during the closed trapping season. Proof that any trap was  
27 placed during the closed trapping season shall be deemed prima  
28 facie evidence of a violation of this provision.

29 (j) It is unlawful to place, set, or maintain any leghold  
30 trap or one of similar construction within thirty (30) feet  
31 (9.14 m) of bait placed in such a manner or position that it is  
32 not completely covered and concealed from sight, except that  
33 this shall not apply to underwater sets. Bait shall mean and  
34 include any bait composed of mammal, bird, or fish flesh, fur,  
35 hide, entrails or feathers.

36 (k) (Blank). ~~It shall be unlawful for hunters or trappers~~

1 ~~to have the green hides of fur bearing mammals, protected by~~  
2 ~~this Act, in their possession except during the open season and~~  
3 ~~for an additional period of 10 days succeeding such open~~  
4 ~~season.~~

5 (1) It is unlawful for any person to place, set, use or  
6 maintain a snare trap or one of similar construction in water,  
7 that has a loop diameter exceeding 15 inches (38.1 CM) or a  
8 cable or wire diameter of more than 1/8 inch (3.2 MM) or less  
9 than 5/64 inch (2.0 MM), that is constructed of stainless steel  
10 metal cable or wire, and that does not have a mechanical lock,  
11 anchor swivel and stop device to prevent the mechanical lock  
12 from closing the noose loop to a diameter of less than 2 1/2  
13 inches (6.4 CM).

14 (Source: P.A. 85-152; 86-1354.)