



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2334

Introduced 1/12/2006, by Sen. David Luechtefeld

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.33

from Ch. 61, par. 2.33

Amends the Wildlife Code. Provides that it is unlawful to intentionally or wantonly allow a dog to hunt, within or upon the land of another, or upon waters flowing over or standing on the land of another, without first obtaining permission from the owner or tenant. Provides that it is unlawful to intentionally or wantonly allow a dog to hunt within 300 yards of an inhabited dwelling, without first obtaining permission from the owner or tenant.

LRB094 17150 RSP 52438 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 Section
5 2.33 as follows:

6 (520 ILCS 5/2.33) (from Ch. 61, par. 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
24 mammals from their dens or hiding places.

25 (e) (Blank).

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

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

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

32 (i) It is unlawful to take, pursue or intentionally harass

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

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

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

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

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

1 more than 3 shells in the magazine and chamber, combined.

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

13 (o) It is unlawful to use any crossbow for the purpose of
14 taking any wild birds or mammals, except as provided for in
15 Section 2.33.

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

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

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

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

28 (t) It is unlawful for any person to trap or hunt, or
29 intentionally or wantonly allow a dog to hunt, within or upon
30 the land of another, or upon waters flowing over or standing on
31 the land of another, without first obtaining permission from
32 the owner or tenant. It shall be prima facie evidence that a
33 person does not have permission of the owner or tenant if the
34 person is unable to demonstrate to the law enforcement officer
35 in the field that permission had been obtained. This provision
36 may only be rebutted by testimony of the owner or tenant that

1 permission had been given. Before enforcing this Section the
2 law enforcement officer must have received notice from the
3 owner or tenant of a violation of this Section. Statements made
4 to the law enforcement officer regarding this notice shall not
5 be rendered inadmissible by the hearsay rule when offered for
6 the purpose of showing the required notice.

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

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

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

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

33 (y) It is unlawful to hunt wild game protected by this Act
34 between one half hour after sunset and one half hour before
35 sunrise, except that hunting hours between one half hour after
36 sunset and one half hour before sunrise may be established by

1 administrative rule for fur-bearing mammals.

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

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

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

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

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

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

33 (ff) It is unlawful for any person to take any species
34 protected by this Act, except migratory waterfowl, during the
35 gun deer hunting season in those counties open to gun deer
36 hunting, unless he or she wears, when in the field, a cap and

1 upper outer garment of a solid blaze orange color, with such
2 articles of clothing displaying a minimum of 400 square inches
3 of blaze orange 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.
7 For purposes of this Act, upland game is defined as Bobwhite
8 Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern
9 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 daily bag limit
12 without making a reasonable effort to retrieve such species and
13 include such in the daily bag limit.

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

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

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

35 (ll) Nothing contained in this Act shall prohibit the
36 taking of aquatic life protected by the Fish and Aquatic Life

1 Code or birds and mammals protected by this Act, except deer
2 and fur-bearing mammals, from a boat not camouflaged or
3 disguised to alter its identity or to further provide a place
4 of concealment and not propelled by sail or mechanical power.
5 However, only shotguns not larger than 10 gauge nor smaller
6 than .410 bore loaded with not more than 3 shells of a shot
7 size no larger than lead BB or steel T (.20 diameter) may be
8 used to take species protected by this Act.

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

12 (Source: P.A. 92-325, eff. 8-9-01; 92-651, eff. 7-11-02;
13 93-807, eff. 7-24-04.)