



## 95TH GENERAL ASSEMBLY

### State of Illinois

### 2007 and 2008

### HB4632

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.

LRB095 16904 RCE 42947 b

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

1 restrictive fur-bearer pursuit regulations for any particular  
2 species than provided for that species in this Act may not  
3 pursue that species in Illinois except during the period of  
4 time that Illinois residents are allowed to pursue that species  
5 in the non-resident's state of residence. Hound running areas  
6 approved by the Department shall be exempt from the provisions  
7 of this Section.

8 It shall be unlawful to take beaver, weasel, mink, river  
9 otter, or muskrat except during the open season set annually by  
10 the Director. Beaver, weasel, mink, badger, river otter, and  
11 muskrat may be taken only by trapping methods except that a gun  
12 may be used to kill such species when restrained by a trap  
13 during the open trapping season, and then, only with traps.

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

18 It shall be unlawful for any person to trap coyote or  
19 striped skunk except during the open season which will be set  
20 annually by the Director between 12:01 a.m., September 1 and  
21 12:00 midnight, March 1, both inclusive, and by hunting methods  
22 at any time.

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

26 ~~Striped skunk may be taken by trapping methods only during~~

1 ~~the period from September 1 to March 1, both inclusive, and by~~  
2 ~~hunting methods at any time.~~

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

5 The provisions of this Section are subject to modification  
6 by administrative rule.

7 (Source: P.A. 95-196, eff. 1-1-08.)

8 (520 ILCS 5/2.30a new)

9 Sec. 2.30a. Permit and registration fees; bobcat and river  
10 otter. If the Department determines that a permit system is  
11 necessary to limit the harvest of bobcats, it may require  
12 hunters and trappers to obtain a "Bobcat Harvest Permit" in  
13 accordance with the prescribed regulations set forth in an  
14 administrative rule of the Department. The fee for a Bobcat  
15 Harvest Permit shall not exceed \$5.

16 If the Department determines that a permit system is  
17 necessary to limit the harvest of river otter, it may require  
18 trappers to obtain a "River Otter Trapping Permit" in  
19 accordance with the prescribed regulations set forth in an  
20 administrative rule of the Department. The fee for a River  
21 Otter Trapping Permit shall not exceed \$5.

22 The Department may require hunters and trappers to register  
23 harvested bobcats and river otters and obtain pelt tags in  
24 accordance with the prescribed regulations set forth in an  
25 administrative rule of the Department. The fee to register

1 bobcats and river otters and obtain a pelt tags shall not  
2 exceed \$8 per animal.

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 and coyote may be taken during the open  
15 season by use of a small light which is worn on the body or  
16 hand-held by a person on foot and not in any vehicle.

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

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

1 (l) or administrative rule.

2 (l) It is unlawful to take any species of wild game, except  
3 white-tailed deer, with a shotgun loaded with slugs unless  
4 otherwise provided for by 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.

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

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

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

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

18           (t) It is unlawful for any person to trap or hunt, or  
19 intentionally or wantonly allow a dog to hunt, within or upon  
20 the land of another, or upon waters flowing over or standing on  
21 the land of another, without first obtaining permission from  
22 the owner or tenant. It shall be prima facie evidence that a  
23 person does not have permission of the owner or tenant if the  
24 person is unable to demonstrate to the law enforcement officer  
25 in the field that permission had been obtained. This provision  
26 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

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

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

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

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

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

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

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

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

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

18           (ff) It is unlawful for any person to take any species  
19 protected by this Act, except migratory waterfowl, during the  
20 gun deer hunting season in those counties open to gun deer  
21 hunting, unless he or she wears, when in the field, a cap and  
22 upper outer garment of a solid blaze orange color, with such  
23 articles of clothing displaying a minimum of 400 square inches  
24 of blaze orange material.

25           (gg) It is unlawful during the upland game season for any  
26 person to take upland game with a firearm unless he or she

1 wears, while in the field, a cap of solid blaze orange color.  
2 For purposes of this Act, upland game is defined as Bobwhite  
3 Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern  
4 Cottontail and Swamp Rabbit.

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

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

14 (jj) Nothing contained in this Section shall prohibit the  
15 use of bow and arrow, prohibit the use of a crossbow by persons  
16 age 62 or older, or prevent the Director from issuing permits  
17 to use a crossbow to handicapped persons as provided by  
18 administrative rule. As used herein, "handicapped persons"  
19 means those persons who have a permanent physical impairment  
20 due to injury or disease, congenital or acquired, which renders  
21 them so severely disabled as to be unable to use a conventional  
22 bow and arrow device. Permits will be issued only after the  
23 receipt of a physician's statement confirming the applicant is  
24 handicapped as defined above.

25 (kk) Nothing contained in this Section shall prohibit the  
26 Director from issuing permits to paraplegics or to other

1 disabled persons who meet the requirements set forth in  
2 administrative rule to shoot or hunt from a vehicle as provided  
3 by that rule, provided that such is otherwise in accord with  
4 this Act.

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

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

18 (Source: P.A. 94-764, eff. 1-1-07; 95-196, eff. 1-1-08; 95-329,  
19 eff. 8-21-07; revised 10-25-07.)

20 (520 ILCS 5/2.33a) (from Ch. 61, par. 2.33a)

21 Sec. 2.33a. Illegal methods; trapping.

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

25 (b) It is unlawful for any person to place, set, use, or

1 maintain a leghold trap or one of similar construction on land,  
2 that has an inside a jaw spread of larger than 6 1/2 inches  
3 (16.6 CM), or a body-gripping trap or one of similar  
4 construction having an inside a jaw spread larger than 7 inches  
5 (17.8 CM) on a side if square and 8 inches (20.4 CM) if round;

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

13 (d) It is unlawful to use any trap with saw-toothed,  
14 spiked, or toothed jaws;

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

21 (f) It is unlawful to trap beaver or river otter with: (1)  
22 a leghold trap or one of similar construction having an inside  
23 ~~a~~ jaw spread of less than 5 1/2 inches (13.9 CM) or more than 7  
24 1/2 inches (19.1 CM), or (2) a body-gripping trap or one of  
25 similar construction having an inside a jaw spread of less than  
26 7 inches (17.7 CM) or more than ~~10 inches (25.4 CM) on a side if~~

1 ~~square and~~ 12 inches (30.5 CM; maximum inside opening of 144  
2 square inches) ~~if round~~, except that these restrictions shall  
3 not apply during the open season for trapping muskrats;

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

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

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

16 (j) It is unlawful to place, set, or maintain any leghold  
17 trap or one of similar construction within thirty (30) feet  
18 (9.14 m) of bait placed in such a manner or position that it is  
19 not completely covered and concealed from sight, except that  
20 this shall not apply to underwater sets. Bait shall mean and  
21 include any bait composed of mammal, bird, or fish flesh, fur,  
22 hide, entrails or feathers.

23 (k) (Blank). ~~It shall be unlawful for hunters or trappers~~  
24 ~~to have the green hides of fur bearing mammals, protected by~~  
25 ~~this Act, in their possession except during the open season and~~  
26 ~~for an additional period of 10 days succeeding such open~~

1 ~~season.~~

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

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