

HB0006



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0006

Introduced 1/12/2011, by Rep. John D. Cavaletto

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.30
520 ILCS 5/2.33

from Ch. 61, par. 2.30
from Ch. 61, par. 2.33

Amends the Wildlife Code. Provides that muskrats may be hunted at any time by gun. Permits muskrats to be taken by trap during an open season to be set annually by the Director of Natural Resources. Provides that it is lawful to shoot a .22 caliber rifle into the waters of this State when taking muskrats. Effective immediately.

LRB097 02910 CEL 42934 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 Sections 2.30 and 2.33 as follows:

6 (520 ILCS 5/2.30) (from Ch. 61, par. 2.30)

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

13 It is unlawful for any person to take bobcat or river otter
14 in this State at any time.

15 It is unlawful to pursue any fur-bearing mammal with a dog
16 or dogs between the hours of sunset and sunrise during the 10
17 day period preceding the opening date of the raccoon hunting
18 season and the 10 day period following the closing date of the
19 raccoon hunting season except that the Department may issue
20 field trial permits in accordance with Section 2.34 of this
21 Act. A non-resident from a state with more restrictive
22 fur-bearer pursuit regulations for any particular species than
23 provided for that species in this Act may not pursue that

1 species in Illinois except during the period of time that
2 Illinois residents are allowed to pursue that species in the
3 non-resident's state of residence. Hound running areas
4 approved by the Department shall be exempt from the provisions
5 of this Section.

6 It shall be unlawful to take beaver, weasel, or mink ~~or~~
7 ~~muskrat~~ except during the open season set annually by the
8 Director, and then, only with traps.

9 It shall be unlawful for any person to trap beaver with
10 traps except during the open season which will be set annually
11 by the Director between 12:01 a.m., November 1st and 12:00
12 midnight, March 31.

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

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

19 Muskrat may be taken by trapping methods during an open
20 season set annually by the Director. Muskrat may be taken by
21 gun from sunrise to sunset at any time.

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

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

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

1 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

2 Sec. 2.33. Prohibitions.

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

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

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

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

20 (e) (Blank).

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

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

25 (h) It is unlawful to hunt adjacent to or near any peat,

1 grass, brush or other inflammable substance when it is burning.

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

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

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

26 (l) It is unlawful to take any species of wild game, except

1 white-tailed deer, with a shotgun loaded with slugs unless
2 otherwise provided for by administrative rule.

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

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

25 (o) It is unlawful to use any crossbow for the purpose of
26 taking any wild birds or mammals, except as provided for in

1 Section 2.33.

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

5 (q) It is unlawful to fire a rifle, pistol, revolver or
6 airgun on, over or into any waters of this State, including
7 frozen waters, except when taking muskrat with a .22 caliber
8 rifle.

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

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

15 (t) It is unlawful for any person to trap or hunt, or
16 intentionally or wantonly allow a dog to hunt, within or upon
17 the land of another, or upon waters flowing over or standing on
18 the land of another, without first obtaining permission from
19 the owner or tenant. It shall be prima facie evidence that a
20 person does not have permission of the owner or tenant if the
21 person is unable to demonstrate to the law enforcement officer
22 in the field that permission had been obtained. This provision
23 may only be rebutted by testimony of the owner or tenant that
24 permission had been given. Before enforcing this Section the
25 law enforcement officer must have received notice from the
26 owner or tenant of a violation of this Section. Statements made

1 to the law enforcement officer regarding this notice shall not
2 be rendered inadmissible by the hearsay rule when offered for
3 the purpose of showing the required notice.

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

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

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

26 (x) It is unlawful for any person to wantonly or carelessly

1 injure or destroy, in any manner whatsoever, any real or
2 personal property on the land of another while engaged in
3 hunting or trapping thereon.

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

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

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

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

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

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

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

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

22 (gg) It is unlawful during the upland game season for any
23 person to take upland game with a firearm unless he or she
24 wears, while in the field, a cap of solid blaze orange color.
25 For purposes of this Act, upland game is defined as Bobwhite
26 Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern

1 Cottontail and Swamp Rabbit.

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

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

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

22 (kk) Nothing contained in this Section shall prohibit the
23 Director from issuing permits to paraplegics or to other
24 disabled persons who meet the requirements set forth in
25 administrative rule to shoot or hunt from a vehicle as provided
26 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. 95-196, eff. 1-1-08; 95-329, eff. 8-21-07;
16 95-876, eff. 8-21-08; 96-390, eff. 8-13-09.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.