



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB1409

Introduced 1/31/2025, by Sen. Patrick J. Joyce

#### SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.20  
520 ILCS 5/2.33

from Ch. 61, par. 2.20

Amends the Wildlife Code. Provides that, within one year of the effective date of the amendatory Act, to the extent permitted by federal law, the Department of Natural Resources shall adopt or amend rules effectuating an increased shooting time for waterfowl of 30 minutes after sunset on at least one day per week during seasons for the hunting of waterfowl. Provides that hunting hours between one-half hour after sunset and one-half hour before sunrise may be established by administrative rule for waterfowl, to the extent permitted by federal law.

LRB104 07393 BDA 17434 b

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 2.20 and 2.33 as follows:

6 (520 ILCS 5/2.20) (from Ch. 61, par. 2.20)

7 Sec. 2.20. It shall be unlawful to take waterfowl or any  
8 species of wildlife in any area managed by the Department  
9 unless those species are taken in compliance with the rules  
10 and regulations established by the Department of which notice  
11 is given in accordance with Section 1.13.

12 Within one year of the effective date of this amendatory  
13 Act of the 104th General Assembly, to the extent permitted by  
14 federal law, the Department shall adopt or amend rules  
15 effectuating an increased shooting time for waterfowl of 30  
16 minutes after sunset on at least one day per week during  
17 seasons for the hunting of waterfowl.

18 (Source: P.A. 81-382.)

19 (520 ILCS 5/2.33)

20 Sec. 2.33. Prohibitions.

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

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

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

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

16 (e) (Blank).

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

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

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

25 (i) It is unlawful to take, pursue or intentionally harass  
26 or disturb in any manner any wild birds or mammals by use or

1 aid of any vehicle, conveyance, or unmanned aircraft as  
2 defined by the Illinois Aeronautics Act, except as permitted  
3 by the Code of Federal Regulations for the taking of  
4 waterfowl; except that nothing in this subsection shall  
5 prohibit the use of unmanned aircraft in the inspection of a  
6 public utility facility, tower, or structure or a mobile  
7 service facility, tower, or structure by a public utility, as  
8 defined in Section 3-105 of the Public Utilities Act, or a  
9 provider of mobile services as defined in Section 153 of Title  
10 47 of the United States Code. It is also unlawful to use the  
11 lights of any vehicle or conveyance, any light connected to  
12 any vehicle or conveyance, or any other lighting device or  
13 mechanism from inside or on a vehicle or conveyance in any area  
14 where wildlife may be found except in accordance with Section  
15 2.37 of this Act; however, nothing in this Section shall  
16 prohibit the normal use of headlamps for the purpose of  
17 driving upon a roadway. For purposes of this Section, any  
18 other lighting device or mechanism shall include, but not be  
19 limited to, any device that uses infrared or other light not  
20 visible to the naked eye, electronic image intensification,  
21 active illumination, thermal imaging, or night vision. Striped  
22 skunk, opossum, red fox, gray fox, raccoon, bobcat, and coyote  
23 may be taken during the open season by use of a small light  
24 which is worn on the body or hand-held by a person on foot and  
25 not in any vehicle.

26 (j) It is unlawful to use any shotgun larger than 10 gauge

1 while taking or attempting to take any of the species  
2 protected by this Act.

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

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

15 (m) It is unlawful to use any shotgun capable of holding  
16 more than 3 shells in the magazine or chamber combined, except  
17 on game breeding and hunting preserve areas licensed under  
18 Section 3.27 and except as permitted by the Code of Federal  
19 Regulations for the taking of waterfowl. If the shotgun is  
20 capable of holding more than 3 shells, it shall, while being  
21 used on an area other than a game breeding and shooting  
22 preserve area licensed pursuant to Section 3.27, be fitted  
23 with a one-piece plug that is irremovable without dismantling  
24 the shotgun or otherwise altered to render it incapable of  
25 holding more than 3 shells in the magazine and chamber,  
26 combined.

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

13           (o) (Blank).

14           (p) It is unlawful to take game birds, migratory game  
15 birds or migratory waterfowl with a rifle, pistol, revolver,  
16 or air rifle.

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

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

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

26           (t) It is unlawful for any person to take or attempt to

1 take any species of wildlife or parts thereof, or allow a dog  
2 to hunt, within or upon the land of another, or upon waters  
3 flowing over or standing on the land of another, or to  
4 knowingly shoot a gun or bow and arrow device at any wildlife  
5 physically on or flying over the property of another without  
6 first obtaining permission from the owner or the owner's  
7 designee. For the purposes of this Section, the owner's  
8 designee means anyone who the owner designates in a written  
9 authorization and the authorization must contain (i) the legal  
10 or common description of property for which such authority is  
11 given, (ii) the extent that the owner's designee is authorized  
12 to make decisions regarding who is allowed to take or attempt  
13 to take any species of wildlife or parts thereof, and (iii) the  
14 owner's notarized signature. Before enforcing this Section,  
15 the law enforcement officer must have received notice from the  
16 owner or the owner's designee of a violation of this Section.  
17 Statements made to the law enforcement officer regarding this  
18 notice shall not be rendered inadmissible by the hearsay rule  
19 when offered for the purpose of showing the required notice.

20 (u) It is unlawful for any person to discharge any firearm  
21 for the purpose of taking any of the species protected by this  
22 Act, or hunt with gun or dog, or allow a dog to hunt, within  
23 300 yards of an inhabited dwelling without first obtaining  
24 permission from the owner or tenant, except that while  
25 trapping, hunting with bow and arrow, hunting with dog and  
26 shotgun using shot shells only, or hunting with shotgun using

1 shot shells only, or providing outfitting services under a  
2 waterfowl outfitter permit, or on licensed game breeding and  
3 hunting preserve areas, as defined in Section 3.27, on  
4 federally owned and managed lands and on Department owned,  
5 managed, leased, or controlled lands, a 100 yard restriction  
6 shall apply.

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

11 (w) It is unlawful for any owner of a dog to allow his or  
12 her dog to pursue, harass, or kill deer, except that nothing in  
13 this Section shall prohibit the tracking of wounded deer with  
14 a dog in accordance with the provisions of Section 2.26 of this  
15 Code.

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

20 (y) It is unlawful to hunt wild game protected by this Act  
21 between one-half hour after sunset and one-half hour before  
22 sunrise, except that hunting hours between one-half hour after  
23 sunset and one-half hour before sunrise may be established by  
24 administrative rule for waterfowl, to the extent permitted by  
25 federal law, and for fur-bearing mammals.

26 (z) It is unlawful to take any game bird (excluding wild

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

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

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

1 during the season closed for taking.

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

5 (ee) It is unlawful to possess any rifle while in the field  
6 during gun deer season except as provided in Sections 2.25 and  
7 2.26 and administrative rules.

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

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

22 (hh) It shall be unlawful to kill or cripple any species  
23 protected by this Act for which there is a bag limit without  
24 making a reasonable effort to retrieve such species and  
25 include such in the bag limit. It shall be unlawful for any  
26 person having control over harvested game mammals, game birds,

1 or migratory game birds for which there is a bag limit to  
2 wantonly waste or destroy the usable meat of the game, except  
3 this shall not apply to wildlife taken under Sections 2.37 or  
4 3.22 of this Code. For purposes of this subsection, "usable  
5 meat" means the breast meat of a game bird or migratory game  
6 bird and the hind ham and front shoulders of a game mammal. It  
7 shall be unlawful for any person to place, leave, dump, or  
8 abandon a wildlife carcass or parts of it along or upon a  
9 public right-of-way or highway or on public or private  
10 property, including a waterway or stream, without the  
11 permission of the owner or tenant. It shall not be unlawful to  
12 discard game meat that is determined to be unfit for human  
13 consumption.

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) (Blank).

20 (kk) Nothing contained in this Section shall prohibit the  
21 Director from issuing permits to paraplegics or to other  
22 persons with disabilities who meet the requirements set forth  
23 in administrative rule to shoot or hunt from a vehicle as  
24 provided by that rule, provided that such is otherwise in  
25 accord with this Act.

26 (ll) Nothing contained in this Act shall prohibit the

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

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

13 (nn) It shall be unlawful to possess any species of  
14 wildlife or wildlife parts taken unlawfully in Illinois, any  
15 other state, or any other country, whether or not the wildlife  
16 or wildlife parts are indigenous to Illinois. For the purposes  
17 of this subsection, the statute of limitations for unlawful  
18 possession of wildlife or wildlife parts shall not cease until  
19 2 years after the possession has permanently ended.

20 (oo) It is unlawful while deer hunting:

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

23 (2) to be in possession of or in close proximity to a  
24 magazine that is capable of making a rifle not a single  
25 shot.

26 (Source: P.A. 102-237, eff. 1-1-22; 102-837, eff. 5-13-22;

1 102-932, eff. 1-1-23; 103-154, eff. 6-30-23.)