

# HB5544



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

**HB5544**

by Rep. C.D. Davidsmeyer

### SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.33

from Ch. 61, par. 2.33

Amends the Wildlife Code. Removes the provision of the Code that prohibits a person from intentionally or wantonly allowing a dog to hunt (i) on the land of another, or (ii) on the waters that flow over or stand on the land of another, without first obtaining permission from the owner or the owner's designee. Effective immediately.

LRB101 18278 CMG 67724 b

A BILL FOR

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 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

1 mammals from their dens or hiding places.

2 (e) (Blank).

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

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

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

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

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

25 (k) It is unlawful to use or possess in the field any  
26 shotgun shell loaded with a shot size larger than lead BB or

1 steel T (.20 diameter) when taking or attempting to take any  
2 species of wild game mammals (excluding white-tailed deer),  
3 wild game birds, migratory waterfowl or migratory game birds  
4 protected by this Act, except white-tailed deer as provided for  
5 in Section 2.26 and other species as provided for by subsection  
6 (l) or administrative rule.

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

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

22 (n) It is unlawful for any person, except persons who  
23 possess a permit to hunt from a vehicle as provided in this  
24 Section and persons otherwise permitted by law, to have or  
25 carry any gun in or on any vehicle, conveyance or aircraft,  
26 unless such gun is unloaded and enclosed in a case, except that

1 at field trials authorized by Section 2.34 of this Act,  
2 unloaded guns or guns loaded with blank cartridges only, may be  
3 carried on horseback while not contained in a case, or to have  
4 or carry any bow or arrow device in or on any vehicle unless  
5 such bow or arrow device is unstrung or enclosed in a case, or  
6 otherwise made inoperable.

7 (o) (Blank).

8 (p) It is unlawful to take game birds, migratory game birds  
9 or migratory waterfowl with a rifle, pistol, revolver or  
10 airgun.

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

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

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

20 (t) It is unlawful for any person to (i) take or attempt to  
21 take any species of wildlife or parts thereof, ~~intentionally or~~  
22 ~~wantonly allow a dog to hunt, within or upon the land of~~  
23 ~~another, or upon waters flowing over or standing on the land of~~  
24 ~~another,~~ or (ii) to knowingly shoot a gun or bow and arrow  
25 device at any wildlife physically on or flying over the  
26 property of another without first obtaining permission from the

1 owner or the owner's designee. For the purposes of this  
2 Section, the owner's designee means anyone who the owner  
3 designates in a written authorization and the authorization  
4 must contain (i) the legal or common description of property  
5 for such authority is given, (ii) the extent that the owner's  
6 designee is authorized to make decisions regarding who is  
7 allowed to take or attempt to take any species of wildlife or  
8 parts thereof, and (iii) the owner's notarized signature.  
9 Before enforcing this Section the law enforcement officer must  
10 have received notice from the owner or the owner's designee of  
11 a violation of this Section. Statements made to the law  
12 enforcement officer regarding this notice shall not be rendered  
13 inadmissible by the hearsay rule when offered for the purpose  
14 of showing the required notice.

15 (u) It is unlawful for any person to discharge any firearm  
16 for the purpose of taking any of the species protected by this  
17 Act, or hunt with gun or dog, or intentionally or wantonly  
18 allow a dog to hunt, within 300 yards of an inhabited dwelling  
19 without first obtaining permission from the owner or tenant,  
20 except that while trapping, hunting with bow and arrow, hunting  
21 with dog and shotgun using shot shells only, or hunting with  
22 shotgun using shot shells only, or providing outfitting  
23 services under a waterfowl outfitter permit, or on licensed  
24 game breeding and hunting preserve areas, as defined in Section  
25 3.27, on federally owned and managed lands and on Department  
26 owned, managed, leased, or controlled lands, a 100 yard

1 restriction shall apply.

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

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

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

15 (y) It is unlawful to hunt wild game protected by this Act  
16 between one half hour after sunset and one half hour before  
17 sunrise, except that hunting hours between one half hour after  
18 sunset and one half hour before sunrise may be established by  
19 administrative rule for fur-bearing mammals.

20 (z) It is unlawful to take any game bird (excluding wild  
21 turkeys and crippled pheasants not capable of normal flight and  
22 otherwise irretrievable) protected by this Act when not flying.  
23 Nothing in this Section shall prohibit a person from carrying  
24 an uncased, unloaded shotgun in a boat, while in pursuit of a  
25 crippled migratory waterfowl that is incapable of normal  
26 flight, for the purpose of attempting to reduce the migratory

1 waterfowl to possession, provided that the attempt is made  
2 immediately upon downing the migratory waterfowl and is done  
3 within 400 yards of the blind from which the migratory  
4 waterfowl was downed. This exception shall apply only to  
5 migratory game birds that are not capable of normal flight.  
6 Migratory waterfowl that are crippled may be taken only with a  
7 shotgun as regulated by subsection (j) of this Section using  
8 shotgun shells as regulated in subsection (k) of this Section.

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

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

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

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

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

26 (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 or solid  
5 blaze pink color, with such articles of clothing displaying a  
6 minimum of 400 square inches of blaze orange or solid blaze  
7 pink color material.

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

14 (hh) It shall be unlawful to kill or cripple any species  
15 protected by this Act for which there is a bag limit without  
16 making a reasonable effort to retrieve such species and include  
17 such in the bag limit. It shall be unlawful for any person  
18 having control over harvested game mammals, game birds, or  
19 migratory game birds for which there is a bag limit to wantonly  
20 waste or destroy the usable meat of the game, except this shall  
21 not apply to wildlife taken under Sections 2.37 or 3.22 of this  
22 Code. For purposes of this subsection, "usable meat" means the  
23 breast meat of a game bird or migratory game bird and the hind  
24 ham and front shoulders of a game mammal. It shall be unlawful  
25 for any person to place, leave, dump, or abandon a wildlife  
26 carcass or parts of it along or upon a public right-of-way or

1 highway or on public or private property, including a waterway  
2 or stream, without the permission of the owner or tenant. It  
3 shall not be unlawful to discard game meat that is determined  
4 to be unfit for human consumption.

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

10 (jj) (Blank).

11 (kk) Nothing contained in this Section shall prohibit the  
12 Director from issuing permits to paraprofessionals or to other  
13 persons with disabilities who meet the requirements set forth  
14 in administrative rule to shoot or hunt from a vehicle as  
15 provided by that rule, provided that such is otherwise in  
16 accord with this Act.

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

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

4 (nn) It shall be unlawful to possess any species of  
5 wildlife or wildlife parts taken unlawfully in Illinois, any  
6 other state, or any other country, whether or not the wildlife  
7 or wildlife parts is indigenous to Illinois. For the purposes  
8 of this subsection, the statute of limitations for unlawful  
9 possession of wildlife or wildlife parts shall not cease until  
10 2 years after the possession has permanently ended.

11 (Source: P.A. 99-33, eff. 1-1-16; 99-143, eff. 7-27-15; 99-642,  
12 eff. 7-28-16; 100-489, eff. 9-8-17; 100-949, eff. 1-1-19.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.