

SB2174



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2174

Introduced 2/26/2021, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.11	from Ch. 61, par. 2.11
520 ILCS 5/2.26	from Ch. 61, par. 2.26
520 ILCS 5/2.33	from Ch. 61, par. 2.33
520 ILCS 5/2.34	from Ch. 61, par. 2.34

Amends the Wildlife Code. Provides in various provisions an exemption to carry a firearm on Department of Natural Resources property in accordance with the Firearm Concealed Carry Act.

LRB102 14254 KMF 19606 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 2.11, 2.26, 2.33, and 2.34 as follows:

6 (520 ILCS 5/2.11) (from Ch. 61, par. 2.11)

7 Sec. 2.11. Before any person may lawfully hunt wild
8 turkey, he shall first obtain a "Wild Turkey Hunting Permit"
9 in accordance with the prescribed regulations set forth in an
10 administrative rule of the Department. The fee for a Resident
11 Wild Turkey Hunting Permit shall not exceed \$15.

12 Upon submitting suitable evidence of legal residence in
13 any other state, non-residents shall be charged a fee not to
14 exceed \$125 for wild turkey hunting permits.

15 The Department may by administrative rule allocate and
16 issue non-resident Wild Turkey Permits and establish fees for
17 such permits.

18 It shall be unlawful to take wild turkey except by use of a
19 bow and arrow or a shotgun of not larger than 10 nor smaller
20 than 20 gauge with shot size not larger than No. 4, and no
21 person while attempting to so take wild turkey may have in his
22 possession any other gun unless in accordance with the Firearm
23 Concealed Carry Act.

1 It shall be unlawful to take, or attempt to take wild
2 turkey except during the time from 1/2 hour before sunrise to
3 1/2 hour after sunset or during such lesser period of time as
4 may be specified by administrative rule, during those days for
5 which an open season is established.

6 It shall be unlawful for any person to take, or attempt to
7 take, wild turkey by use of dogs, horses, automobiles,
8 aircraft or other vehicles, or conveyances, or by the use or
9 aid of bait or baiting of any kind. For the purposes of this
10 Section, "bait" means any material, whether liquid or solid,
11 including food, salt, minerals, and other products, except
12 pure water, that can be ingested, placed, or scattered in such
13 a manner as to attract or lure wild turkeys. "Baiting" means
14 the placement or scattering of bait to attract wild turkeys.
15 An area is considered as baited during the presence of and for
16 10 consecutive days following the removal of the bait.

17 It is unlawful for any person to take in Illinois or have
18 in his possession more than one wild turkey per valid permit.

19 For the purposes of calculating acreage under this
20 Section, the Department shall, after determining the total
21 acreage of the applicable tract or tracts of land, round
22 remaining fractional portions of an acre greater than or equal
23 to half of an acre up to the next whole acre.

24 For the purposes of taking wild turkey, nothing in this
25 Section shall be construed to prevent the manipulation,
26 including mowing or cutting, of standing crops as a normal

1 agricultural or soil stabilization practice, food plots, or
2 normal agricultural practices, including planting, harvesting,
3 and maintenance such as cultivating. Such manipulation for the
4 purpose of taking wild turkey may be further modified by
5 administrative rule.

6 (Source: P.A. 98-180, eff. 8-5-13; 99-869, eff. 1-1-17.)

7 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

8 Sec. 2.26. Deer hunting permits. Any person attempting to
9 take deer shall first obtain a "Deer Hunting Permit" issued by
10 the Department in accordance with its administrative rules.
11 Those rules must provide for the issuance of the following
12 types of resident deer archery permits: (i) a combination
13 permit, consisting of one either-sex permit and one
14 antlerless-only permit, (ii) a single antlerless-only permit,
15 and (iii) a single either-sex permit. The fee for a Deer
16 Hunting Permit to take deer with either bow and arrow or gun
17 shall not exceed \$25.00 for residents of the State. The
18 Department may by administrative rule provide for non-resident
19 deer hunting permits for which the fee will not exceed \$300 in
20 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as
21 provided below for non-resident landowners and non-resident
22 archery hunters. The Department may by administrative rule
23 provide for a non-resident archery deer permit consisting of
24 not more than 2 harvest tags at a total cost not to exceed \$325
25 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. The

1 fees for a youth resident and non-resident archery deer permit
2 shall be the same.

3 The standards and specifications for use of guns and bow
4 and arrow for deer hunting shall be established by
5 administrative rule.

6 No person may have in his or her possession any firearm not
7 authorized by administrative rule for a specific hunting
8 season when taking deer unless in accordance with the Firearm
9 Concealed Carry Act.

10 Persons having a firearm deer hunting permit shall be
11 permitted to take deer only during the period from 1/2 hour
12 before sunrise to 1/2 hour after sunset, and only during those
13 days for which an open season is established for the taking of
14 deer by use of shotgun, handgun, or muzzle loading rifle.

15 Persons having an archery deer hunting permit shall be
16 permitted to take deer only during the period from 1/2 hour
17 before sunrise to 1/2 hour after sunset, and only during those
18 days for which an open season is established for the taking of
19 deer by use of bow and arrow.

20 It shall be unlawful for any person to take deer by use of
21 dogs, horses, automobiles, aircraft or other vehicles, or by
22 the use or aid of bait or baiting of any kind. For the purposes
23 of this Section, "bait" means any material, whether liquid or
24 solid, including food, salt, minerals, and other products,
25 except pure water, that can be ingested, placed, or scattered
26 in such a manner as to attract or lure white-tailed deer.

1 "Baiting" means the placement or scattering of bait to attract
2 deer. An area is considered as baited during the presence of
3 and for 10 consecutive days following the removal of bait.
4 Nothing in this Section shall prohibit the use of a dog to
5 track wounded deer. Any person using a dog for tracking
6 wounded deer must maintain physical control of the dog at all
7 times by means of a maximum 50 foot lead attached to the dog's
8 collar or harness. Tracking wounded deer is permissible at
9 night, but at no time outside of legal deer hunting hours or
10 seasons shall any person handling or accompanying a dog being
11 used for tracking wounded deer be in possession of any firearm
12 or archery device. Persons tracking wounded deer with a dog
13 during the firearm deer seasons shall wear blaze orange or
14 solid blaze pink color as required. Dog handlers tracking
15 wounded deer with a dog are exempt from hunting license and
16 deer permit requirements so long as they are accompanied by
17 the licensed deer hunter who wounded the deer.

18 It shall be unlawful to possess or transport any wild deer
19 which has been injured or killed in any manner upon a public
20 highway or public right-of-way of this State unless exempted
21 by administrative rule.

22 Persons hunting deer must have gun unloaded and no bow and
23 arrow device shall be carried with the arrow in the nocked
24 position during hours when deer hunting is unlawful.

25 It shall be unlawful for any person, having taken the
26 legal limit of deer by gun, to further participate with gun in

1 any deer hunting party.

2 It shall be unlawful for any person, having taken the
3 legal limit of deer by bow and arrow, to further participate
4 with bow and arrow in any deer hunting party.

5 The Department may prohibit upland game hunting during the
6 gun deer season by administrative rule.

7 The Department shall not limit the number of non-resident,
8 either-sex archery deer hunting permits to less than 20,000.

9 Any person who violates any of the provisions of this
10 Section, including administrative rules, shall be guilty of a
11 Class B misdemeanor.

12 For the purposes of calculating acreage under this
13 Section, the Department shall, after determining the total
14 acreage of the applicable tract or tracts of land, round
15 remaining fractional portions of an acre greater than or equal
16 to half of an acre up to the next whole acre.

17 For the purposes of taking white-tailed deer, nothing in
18 this Section shall be construed to prevent the manipulation,
19 including mowing or cutting, of standing crops as a normal
20 agricultural or soil stabilization practice, food plots, or
21 normal agricultural practices, including planting, harvesting,
22 and maintenance such as cultivating or the use of products
23 designed for scent only and not capable of ingestion, solid or
24 liquid, placed or scattered, in such a manner as to attract or
25 lure deer. Such manipulation for the purpose of taking
26 white-tailed deer may be further modified by administrative

1 rule.

2 (Source: P.A. 99-642, eff. 7-28-16; 99-869, eff. 1-1-17;
3 100-691, eff. 1-1-19; 100-949, eff. 1-1-19; revised 10-9-18.)

4 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

5 Sec. 2.33. Prohibitions.

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

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

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

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

23 (e) (Blank).

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

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

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

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

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

23 (k) It is unlawful to use or possess in the field any
24 shotgun shell loaded with a shot size larger than lead BB or
25 steel T (.20 diameter) when taking or attempting to take any
26 species of wild game mammals (excluding white-tailed deer),

1 wild game birds, migratory waterfowl or migratory game birds
2 protected by this Act, except white-tailed deer as provided
3 for in Section 2.26 and other species as provided for by
4 subsection (l) or administrative rule.

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

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

21 (n) It is unlawful for any person, except persons who
22 possess a permit to hunt from a vehicle as provided in this
23 Section and persons otherwise permitted by law, to have or
24 carry any gun in or on any vehicle, conveyance or aircraft,
25 unless such gun is unloaded and enclosed in a case, except that
26 at field trials authorized by Section 2.34 of this Act,

1 unloaded guns or guns loaded with blank cartridges only, may
2 be carried on horseback while not contained in a case, or to
3 have or carry any bow or arrow device in or on any vehicle
4 unless such bow or arrow device is unstrung or enclosed in a
5 case, or otherwise made inoperable unless in accordance with
6 the Firearm Concealed Carry Act.

7 (o) (Blank).

8 (p) It is unlawful to take game birds, migratory game
9 birds 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 take or attempt to
21 take any species of wildlife or parts thereof, intentionally
22 or 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 to knowingly shoot a gun or bow and arrow device at
25 any wildlife physically on or flying over the property of
26 another without first obtaining permission from the owner or

1 the owner's designee. For the purposes of this Section, the
2 owner's designee means anyone who the owner designates in a
3 written authorization and the authorization must contain (i)
4 the legal or common description of property for such authority
5 is given, (ii) the extent that the owner's designee is
6 authorized to make decisions regarding who is allowed to take
7 or attempt to take any species of wildlife or parts thereof,
8 and (iii) the owner's notarized signature. Before enforcing
9 this Section the law enforcement officer must have received
10 notice from the owner or the owner's designee of a violation of
11 this Section. Statements made to the law enforcement officer
12 regarding this notice shall not be rendered inadmissible by
13 the hearsay rule when offered for the purpose of showing the
14 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,
21 hunting with dog and shotgun using shot shells only, or
22 hunting with shotgun using shot shells only, or providing
23 outfitting services under a waterfowl outfitter permit, or on
24 licensed game breeding and hunting preserve areas, as defined
25 in Section 3.27, on federally owned and managed lands and on
26 Department owned, managed, leased, or controlled lands, a 100

1 yard 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
9 tracking of wounded deer with a dog in accordance with the
10 provisions of Section 2.26 of this Code.

11 (x) It is unlawful for any person to wantonly or
12 carelessly injure or destroy, in any manner whatsoever, any
13 real or personal property on the land of another while engaged
14 in 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
22 and otherwise irretrievable) protected by this Act when not
23 flying. Nothing in this Section shall prohibit a person from
24 carrying an uncased, unloaded shotgun in a boat, while in
25 pursuit of a crippled migratory waterfowl that is incapable of
26 normal flight, for the purpose of attempting to reduce the

1 migratory waterfowl to possession, provided that the attempt
2 is made immediately upon downing the migratory waterfowl and
3 is done 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
11 fur-bearing 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
17 include such in the bag limit. It shall be unlawful for any
18 person having control over harvested game mammals, game birds,
19 or migratory game birds for which there is a bag limit to
20 wantonly waste or destroy the usable meat of the game, except
21 this shall not apply to wildlife taken under Sections 2.37 or
22 3.22 of this Code. For purposes of this subsection, "usable
23 meat" means the breast meat of a game bird or migratory game
24 bird and the hind ham and front shoulders of a game mammal. It
25 shall be unlawful for any person to place, leave, dump, or
26 abandon a wildlife carcass or parts of it along or upon a

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

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) (Blank).

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

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

1 used to take species protected by this Act.

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

5 (nn) It shall be unlawful to possess any species of
6 wildlife or wildlife parts taken unlawfully in Illinois, any
7 other state, or any other country, whether or not the wildlife
8 or wildlife parts is indigenous to Illinois. For the purposes
9 of this subsection, the statute of limitations for unlawful
10 possession of wildlife or wildlife parts shall not cease until
11 2 years after the possession has permanently ended.

12 (Source: P.A. 99-33, eff. 1-1-16; 99-143, eff. 7-27-15;
13 99-642, eff. 7-28-16; 100-489, eff. 9-8-17; 100-949, eff.
14 1-1-19.)

15 (520 ILCS 5/2.34) (from Ch. 61, par. 2.34)

16 Sec. 2.34. Dog Trials.

17 (a) Dogs of any breed may be trained the year round in
18 accordance with the provisions of this Act.

19 (b) During the periods of time when it is unlawful to take
20 species protected by this Act, the only firearms which shall
21 be used in the training of dogs from sunrise to sunset shall be
22 pistols with blank cartridges. No other gun or ammunition may
23 be in immediate possession during this time. No person or
24 persons in, along with, or accompanying the dog training
25 party, shall be in possession of any firearm or live

1 ammunition, except pistols capable of firing only blank
2 cartridges during the hours from sunset to sunrise. All
3 organized field trials or training grounds approved by the
4 Department shall be exempt from this provision unless in
5 accordance with the Firearm Concealed Carry Act.

6 (c) No field trial shall be held without a permit from the
7 Department.

8 The following Department areas shall be designated as
9 horseback field trial sites; Lee County Conservation Area, Des
10 Plaines Conservation Area, Moraine View State Park, Middle
11 Fork Fish and Wildlife Area, Hamilton County Conservation
12 Area, and Wayne Fitzgerald State Park. The Department shall
13 provide and maintain quality wildlife habitat on these sites.

14 Field trials shall be scheduled only from September 1
15 through April 30 in the Northern Zone and September 1 through
16 April 15 in the Southern Zone. The Department maintains the
17 authority to schedule and administer field trials. The
18 boundary between the Northern Zone and the Southern Zone shall
19 be U.S. Route 36. However, (i) if the opening date of the field
20 trial season falls on Sunday, the season will begin on
21 Saturday of that weekend; and (ii) if the closing date of the
22 field trial season falls on Saturday, the season will conclude
23 on Sunday of that weekend; and (iii) if during the final days
24 of the field trial season a field trial organization begins a
25 field trial which is subsequently interrupted due to inclement
26 weather, the field trial organization may complete the trial,

1 subject to the Department's approval, even though the field
2 trial season has ended. The field trial organization must
3 complete the trial on the first possible day or days. Field
4 trials for the retrieving breeds are exempt from these field
5 trials season provisions and shall have no closed season.

6 The fee for field trials shall be established by the
7 Department by rule.

8 (d) The Department is authorized to designate dog training
9 areas and to grant permits for all field trials including
10 those field trials where game birds reared under Section 3.23
11 are released and taken in accordance with the rules and
12 regulations set forth by the Department. Applications for
13 permits for such trials and training areas shall be
14 accompanied by detailed information as to the date and the
15 location of the grounds where such trial area or training
16 grounds is located. Applicants for field trial or dog training
17 permits must have the consent of the landowner prior to
18 applying for such permit. Fees and other regulations will be
19 set by administrative rule.

20 (e) All permits for designated dog training areas shall
21 expire March 31st of each year.

22 (f) Permit holders for designated dog training areas must
23 possess a wild game breeder's permit or a game breeding and
24 hunting preserve area permit and may utilize live bird recall
25 devices on such areas.

26 (g) Nothing shall prevent an individual from using a dog

1 in the taking of squirrel during the open season.

2 (h) All hand reared game released and shot at field trials
3 shall be properly identified with tags as provided for by this
4 Act and such birds shall be banded before they are removed from
5 the field trial area.

6 (Source: P.A. 86-920; 87-1051.)