

SB1704



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1704

Introduced 2/9/2011, by Sen. Dan Duffy

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.33a

from Ch. 61, par. 2.33a

Amends the Wildlife Code. Makes it unlawful to place, set, or maintain a body-gripping trap (other than an underwater set) within 30 feet of bait that is not completely covered and concealed from sight and (ii) to place, set, use, or maintain certain types of traps within one-quarter mile of a residence, school, picnic area, playground, beach, campground, road, highway, public trail, golf course, or parking lot. Exempts certain government employees as well as their duly authorized agents from the latter of these prohibitions if certain conditions are met. Redefines the term "bait" to include certain types of oils. Effective July 1, 2011.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Section
5 2.33a as follows:

6 (520 ILCS 5/2.33a) (from Ch. 61, par. 2.33a)

7 Sec. 2.33a. (a) It is unlawful to fail to visit and remove
8 all animals from traps staked out, set, used, tended, placed or
9 maintained at least once each calendar day.

10 (b) It is unlawful for any person to place, set, use, or
11 maintain a leghold trap or one of similar construction on land,
12 that has a jaw spread of larger than 6 1/2 inches (16.6 CM), or
13 a body-gripping trap or one of similar construction having a
14 jaw spread larger than 7 inches (17.8 CM) on a side if square
15 and 8 inches (20.4 CM) if round;

16 (c) It is unlawful for any person to place, set, use, or
17 maintain a leghold trap or one of similar construction in
18 water, that has a jaw spread of larger than 7 1/2 inches (19.1
19 CM), or a body-gripping trap or one of similar construction
20 having a jaw spread larger than 10 inches (25.4 CM) on a side
21 if square and 12 inches (30.5 CM) if round;

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

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

7 (f) It is unlawful to trap beaver with: (1) a leghold trap
8 or one of similar construction having a jaw spread of less than
9 5 1/2 inches (13.9 CM) or more than 7 1/2 inches (19.1 CM), or
10 (2) a body-gripping trap or one of similar construction having
11 a jaw spread of less than 7 inches (17.7 CM) or more than 10
12 inches (25.4 CM) on a side if square and 12 inches (30.5 CM) if
13 round, except that these restrictions shall not apply during
14 the open season for trapping muskrats;

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

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

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

1 (j) It is unlawful to place, set, or maintain any leghold
2 or body-gripping trap or one of similar construction within
3 thirty (30) feet (9.14 m) of bait placed in such a manner or
4 position that it is not completely covered and concealed from
5 sight, except that this shall not apply to underwater sets.
6 Bait shall mean and include any bait composed of mammal, bird,
7 or fish oils, flesh, fur, hide, entrails, or feathers.

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

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

21 (m) It is unlawful to place, set, use, or maintain a
22 body-crushing conibear kill-type trap, a leg-hold trap, or a
23 trap of similar construction to either of those traps within
24 one-quarter mile of a residence, school, picnic area,
25 playground, beach, campground, road, highway, public trail,
26 golf course, or parking lot. However, it is not unlawful for

1 federal, State, county, or municipal government employees
2 acting in the course of their employment or duly authorized
3 agents of those persons to engage in these activities if doing
4 so is the only method available to protect public health and
5 safety.

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

7 Section 99. Effective date. This Act takes effect July 1,
8 2011.