



Sen. William E. Brady

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LRB098 10610 CEL 42272 a

1 AMENDMENT TO SENATE BILL 1831

2 AMENDMENT NO. _____. Amend Senate Bill 1831 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Wildlife Code is amended by changing
5 Section 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

1 wild mammal protected by this Act from its den by means of any
2 mechanical device, spade, or digging device or to use smoke or
3 other gases to dislodge or remove such mammal except as
4 provided in Section 2.37.

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

9 (e) (Blank).

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

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

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

16 (i) It is unlawful to take, pursue or intentionally harass
17 or disturb in any manner any wild birds or mammals by use or
18 aid of any vehicle or conveyance, except as permitted by the
19 Code of Federal Regulations for the taking of waterfowl. It is
20 also unlawful to use the lights of any vehicle or conveyance or
21 any light from or any light connected to the vehicle or
22 conveyance in any area where wildlife may be found except in
23 accordance with Section 2.37 of this Act; however, nothing in
24 this Section shall prohibit the normal use of headlamps for the
25 purpose of driving upon a roadway. Striped skunk, opossum, red
26 fox, gray fox, raccoon and coyote may be taken during the open

1 season by use of a small light which is worn on the body or
2 hand-held by a person on foot and not in any vehicle.

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

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

14 (l) It is unlawful to take any species of wild game, except
15 white-tailed deer, with a shotgun loaded with slugs unless
16 otherwise provided for by administrative rule.

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

1 more than 3 shells in the magazine and chamber, combined.

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

13 (o) It is unlawful to use any crossbow for the purpose of
14 taking any wild birds or mammals, except as provided for in
15 Section 2.5.

16 (p) It is unlawful to take game birds, migratory game birds
17 or migratory waterfowl with a rifle, pistol, revolver or
18 airgun.

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

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

25 (s) It is unlawful to use a silencer or other device to
26 muffle or mute the sound of the explosion or report resulting

1 from the firing of any gun.

2 (t) It is unlawful for any person to take trap or attempt
3 to take any species of wildlife or parts thereof ~~hunt~~, or
4 intentionally or wantonly allow a dog to hunt, within or upon
5 the land of another, or upon waters flowing over or standing on
6 the land of another, or to knowingly shoot a gun, bow and
7 arrow, or crossbow onto the property of another for the
8 purposes of taking or attempting to take any species of
9 wildlife, without first obtaining permission from the owner or
10 the owner's designee. For the purposes of this Section, the
11 owner's designee means anyone who the owner designates in a
12 written authorization and the authorization must contain (i)
13 the legal or common description of property for such authority
14 is given, (ii) the extent that the owner's designee is
15 authorized to make decisions regarding who is allowed to take
16 or attempt to take any species of wildlife or parts thereof,
17 and (iii) the owner's notarized signature. ~~tenant. It shall be~~
18 ~~prima facie evidence that a person does not have permission of~~
19 ~~the owner or tenant if the person is unable to demonstrate to~~
20 ~~the law enforcement officer in the field that permission had~~
21 ~~been obtained. This provision may only be rebutted by testimony~~
22 ~~of the owner or tenant that permission had been given.~~ Before
23 enforcing this Section the law enforcement officer must have
24 received notice from the owner or the owner's designee ~~tenant~~
25 of a violation of this Section. Statements made to the law
26 enforcement officer regarding this notice shall not be rendered

1 inadmissible by the hearsay rule when offered for the purpose
2 of showing the required notice.

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

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

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

25 (x) It is unlawful for any person to wantonly or carelessly
26 injure or destroy, in any manner whatsoever, any real or

1 personal property on the land of another while engaged in
2 hunting or trapping thereon.

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

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

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

26 (bb) It is unlawful for any person, except licensed game

1 breeders, pursuant to Section 2.29 to import, carry into, or
2 possess alive in this State any species of wildlife taken
3 outside of this State, without obtaining permission to do so
4 from the Director.

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

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

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

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

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

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

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 paraplegics or to other
13 disabled persons who meet the requirements set forth in
14 administrative rule to shoot or hunt from a vehicle as provided
15 by that rule, provided that such is otherwise in accord with
16 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 (Source: P.A. 96-390, eff. 8-13-09; 97-645, eff. 12-30-11;
5 97-907, eff. 8-7-12.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."