



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0109

by Rep. Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.4	from Ch. 61, par. 2.4
520 ILCS 5/2.33	from Ch. 61, par. 2.33
520 ILCS 5/3.22	from Ch. 61, par. 3.22

Amends the Wildlife Code. Provides that, any person who finds a sick, injured, orphaned, or crippled wildlife species protected by this Act may, without a permit, take possession of the wildlife in order to immediately transport it to a permitted rehabilitator. Provides that any person taking possession of sick, injured, orphaned, or crippled wildlife for the purpose of transporting it to a permitted rehabilitator assumes liability for any injury or property damage that he or she incurs from the wildlife. Exempts this activity from prohibitions on taking and retaining live species protected by the Code. Effective immediately.

LRB099 03573 MGM 23581 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 2.4, 2.33, and 3.22 as follows:

6 (520 ILCS 5/2.4) (from Ch. 61, par. 2.4)

7 Sec. 2.4. The term birds of prey shall include all species
8 of owls, falcons, hawks, kites, harriers, ospreys and eagles.
9 It shall be unlawful for any person, organization or
10 institution to take or possess a bird of prey (raptor) without
11 first obtaining a license or appropriate permit from the
12 Department. All applicants must be at least 14 years of age.
13 Regulations for the capture, use, possession and
14 transportation of birds of prey for falconry or captive
15 propagation purposes are provided by administrative rule. The
16 fee for a falconry license is \$200 for 5 years and must be
17 renewed every 5 years. The fee for a captive propagation permit
18 is \$200 for 5 years and must be renewed every 5 years. The fee
19 for a raptor capture permit for a resident of the State of
20 Illinois is \$50 per year. The fee for a non-resident raptor
21 capture permit is \$100 per year. A Scientific Collectors
22 Permit, available to qualified individuals as provided in
23 Section 3.22 of this Act, may be obtained from the Department

1 for scientific, educational or zoological purposes. Except as
2 provided in subsection (c) of Section 3.22, no ~~No~~ person may
3 have in their possession Bald Eagle, *Haliaeetus leucocephalus*;
4 Osprey, *Pandion haliaeetus*; or Barn Owl, *Tyto alba*. All
5 captive-held birds of prey must be permanently marked as
6 provided by administrative rule. The use of birds of prey for
7 the hunting of game birds, migratory birds, game mammals, and
8 furbearing mammals shall be lawful during falconry seasons,
9 which shall be set by administrative rule.

10 (Source: P.A. 97-1136, eff. 1-1-13.)

11 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

12 Sec. 2.33. Prohibitions.

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

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

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

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

5 (e) (Blank).

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

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

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

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

25 (j) It is unlawful to use any shotgun larger than 10 gauge
26 while taking or attempting to take any of the species protected

1 by this Act.

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

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

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

25 (n) It is unlawful for any person, except persons who
26 possess a permit to hunt from a vehicle as provided in this

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

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

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

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

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

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

25 (t) It is unlawful for any person to take or attempt to
26 take any species of wildlife or parts thereof, intentionally or

1 wantonly allow a dog to hunt, within or upon the land of
2 another, or upon waters flowing over or standing on the land of
3 another, or to knowingly shoot a gun or bow and arrow device at
4 any wildlife physically on or flying over the property of
5 another without first obtaining permission from the owner or
6 the owner's designee. For the purposes of this Section, the
7 owner's designee means anyone who the owner designates in a
8 written authorization and the authorization must contain (i)
9 the legal or common description of property for such authority
10 is given, (ii) the extent that the owner's designee is
11 authorized to make decisions regarding who is allowed to take
12 or attempt to take any species of wildlife or parts thereof,
13 and (iii) the owner's notarized signature. Before enforcing
14 this Section the law enforcement officer must have received
15 notice from the owner or the owner's designee of a violation of
16 this Section. Statements made to the law enforcement officer
17 regarding this notice shall not be rendered inadmissible by the
18 hearsay rule when offered for the purpose of showing the
19 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 intentionally or wantonly
23 allow a dog to hunt, within 300 yards of an inhabited dwelling
24 without first obtaining permission from the owner or tenant,
25 except that while trapping, hunting with bow and arrow, hunting
26 with dog and shotgun using shot shells only, or hunting with

1 shotgun using shot shells only, or providing outfitting
2 services under a waterfowl outfitter permit, or on licensed
3 game breeding and hunting preserve areas, as defined in Section
4 3.27, on federally owned and managed lands and on Department
5 owned, managed, leased, or controlled lands, a 100 yard
6 restriction 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 knowingly or
12 wantonly allow his or her dog to pursue, harass or kill deer,
13 except that nothing in this Section shall prohibit the tracking
14 of wounded deer with a dog in accordance with the provisions of
15 Section 2.26 of this Code.

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

25 (z) It is unlawful to take any game bird (excluding wild
26 turkeys and crippled pheasants not capable of normal flight and

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

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

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

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

25 (dd) Except as provided in subsection (c) of Section 3.22
26 or by administrative rule, it ~~is~~ is unlawful to take any

1 species protected by this Act and retain it alive ~~except as~~
2 ~~provided by administrative rule.~~

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

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

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

19 (hh) It shall be unlawful to kill or cripple any species
20 protected by this Act for which there is a bag limit without
21 making a reasonable effort to retrieve such species and include
22 such in the bag limit. It shall be unlawful for any person
23 having control over harvested game mammals, game birds, or
24 migratory game birds for which there is a bag limit to wantonly
25 waste or destroy the usable meat of the game, except this shall
26 not apply to wildlife taken under Sections 2.37 or 3.22 of this

1 Code. For purposes of this subsection, "usable meat" means the
2 breast meat of a game bird or migratory game bird and the hind
3 ham and front shoulders of a game mammal. It shall be unlawful
4 for any person to place, leave, dump, or abandon a wildlife
5 carcass or parts of it along or upon a public right-of-way or
6 highway or on public or private property, including a waterway
7 or stream, without the permission of the owner or tenant. It
8 shall not be unlawful to discard game meat that is determined
9 to be unfit for human consumption.

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

15 (jj) (Blank).

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

22 (ll) Nothing contained in this Act shall prohibit the
23 taking of aquatic life protected by the Fish and Aquatic Life
24 Code or birds and mammals protected by this Act, except deer
25 and fur-bearing mammals, from a boat not camouflaged or
26 disguised to alter its identity or to further provide a place

1 of concealment and not propelled by sail or mechanical power.
2 However, only shotguns not larger than 10 gauge nor smaller
3 than .410 bore loaded with not more than 3 shells of a shot
4 size no larger than lead BB or steel T (.20 diameter) may be
5 used to take species protected by this Act.

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

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

16 (Source: P.A. 97-645, eff. 12-30-11; 97-907, eff. 8-7-12;
17 98-119, eff. 1-1-14; 98-181, eff. 8-5-13; 98-183, eff. 1-1-14;
18 98-290, eff. 8-9-13; 98-756, eff. 7-16-14; 98-914, eff.
19 1-1-15.)

20 (520 ILCS 5/3.22) (from Ch. 61, par. 3.22)

21 Sec. 3.22. Issuance of scientific and special purpose
22 permits; good samaritan actions.

23 (a) Scientific permits may be granted by the Department to
24 any properly accredited person at least 18 years of age,
25 permitting the capture, marking, handling, banding, or

1 collecting (including fur, hide, skin, teeth, feathers, claws,
2 nests, eggs, or young), for strictly scientific purposes, of
3 any of the fauna now protected under this Code. A special
4 purpose permit may be granted to qualified individuals for the
5 purpose of salvaging dead, sick, orphaned, or crippled wildlife
6 species protected by this Act for permanent donation to bona
7 fide public or state scientific, educational or zoological
8 institutions or, for the purpose of rehabilitation and
9 subsequent release to the wild, or other disposal as directed
10 by the Department. Private educational organizations may be
11 granted a special purpose permit to possess wildlife or parts
12 thereof for educational purposes. A special purpose permit is
13 required prior to treatment, administration, or both of any
14 wild fauna protected by this Code that is captured, handled, or
15 both in the wild or will be released to the wild with any type
16 of chemical or other compound (including but not limited to
17 vaccines, inhalants, medicinal agents requiring oral or dermal
18 application) regardless of means of delivery, except that
19 individuals and organizations removing or destroying wild
20 birds and wild mammals under Section 2.37 of this Code or
21 releasing game birds under Section 3.23 of this Code are not
22 required to obtain those special purpose permits. Treatment
23 under this special purpose permit means to effect a cure or
24 physiological change within the animal. The criteria,
25 definitions, application process, fees, and standards for a
26 scientific or special purpose permit shall be provided by

1 administrative rule. The annual fee for a scientific or special
2 purpose permit shall not exceed \$100. The Department shall set
3 forth applicable regulations in an administrative rule
4 covering qualifications and facilities needed to obtain both a
5 scientific and a special purpose permit. The application for
6 these permits shall be approved by the Department to determine
7 if a permit should be issued. Disposition of fauna taken under
8 the authority of this Section shall be specified by the
9 Department.

10 (b) The holder of each such scientific or special purpose
11 permit shall make to the Department a report in writing upon
12 blanks furnished by the Department. Such reports shall be made
13 (i) annually if the permit is granted for a period of more than
14 one year or (ii) within 30 days after the expiration of the
15 permit if the permit is granted for a period of one year or
16 less. Such reports shall include information which the
17 Department may consider necessary.

18 (c) Any person who finds a sick, injured, orphaned, or
19 crippled wildlife species protected by this Act may, without a
20 permit, take possession of the wildlife in order to immediately
21 transport it to a permitted rehabilitator. As handling and
22 possessing wildlife is dangerous, any person taking possession
23 of sick, injured, orphaned, or crippled wildlife for the
24 purpose of transporting it to a permitted rehabilitator assumes
25 liability for any injury or property damage he or she incurs
26 from the wildlife.

1 (Source: P.A. 96-979, eff. 7-2-10; 97-1136, eff. 1-1-13.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.