

HB3098



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3098

by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.33

from Ch. 61, par. 2.33

Amends the Wildlife Code. Provides that unloaded guns may be carried in or on any vehicle or conveyance on game breeding and hunting preserve areas authorized by specified provisions of the Act.

LRB099 08864 MGM 29036 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 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 and coyote may be taken during the open
20 season by use of a small light which is worn on the body or
21 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, and except
4 that on game breeding and hunting preserve areas authorized by
5 Sections 3.27 through 3.35 of this Act, unloaded guns may be
6 carried in or on any vehicle or conveyance, or to have or carry
7 any bow or arrow device in or on any vehicle unless such bow or
8 arrow device is unstrung or enclosed in a case, or otherwise
9 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) It is unlawful to take any species protected by this
26 Act and retain it alive except as provided by administrative

1 rule.

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

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

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

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

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

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

14 (jj) (Blank).

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

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

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

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

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

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