

102ND GENERAL ASSEMBLY State of Illinois 2021 and 2022 HB0278

Introduced 1/29/2021, by Rep. Lance Yednock

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 05160 CMG 15181 b

1 AN ACT concerning wildlife.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

- Section 5. The Wildlife Code is amended by changing Sections 2.11, 2.26, 2.33, and 2.34 as follows:
- 6 (520 ILCS 5/2.11) (from Ch. 61, par. 2.11)
- Sec. 2.11. Before any person may lawfully hunt wild turkey, he shall first obtain a "Wild Turkey Hunting Permit" in accordance with the prescribed regulations set forth in an administrative rule of the Department. The fee for a Resident
- 11 Wild Turkey Hunting Permit shall not exceed \$15.
- Upon submitting suitable evidence of legal residence in any other state, non-residents shall be charged a fee not to exceed \$125 for wild turkey hunting permits.
- The Department may by administrative rule allocate and issue non-resident Wild Turkey Permits and establish fees for such permits.
- It shall be unlawful to take wild turkey except by use of a bow and arrow or a shotgun of not larger than 10 nor smaller than 20 gauge with shot size not larger than No. 4, and no person while attempting to so take wild turkey may have in his possession any other gun unless in accordance with the Firearm
- 23 <u>Concealed Carry Act</u>.

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

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

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

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

For the purposes of taking wild turkey, nothing in this Section shall be construed to prevent the manipulation, 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)
- Sec. 2.26. Deer hunting permits. Any person attempting to take deer shall first obtain a "Deer Hunting Permit" issued by 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,
- 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
- shall not exceed \$25.00 for residents of the State. The
- 18 Department may by administrative rule provide for non-resident
- 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

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

The Department shall create a pilot program during the special 3-day, youth-only deer hunting season to allow for youth deer hunting permits that are valid statewide, excluding those counties or portions of counties closed to firearm deer hunting. The Department shall adopt rules to implement the pilot program. Nothing in this paragraph shall be construed to prohibit the Department from issuing Special Hunt Area Permits for the youth-only deer hunting season or establishing, through administrative rule, additional requirements pertaining to the youth-only deer hunting season Department-owned or Department-managed sites, including site-specific quotas or drawings. The provisions of this paragraph are inoperative on and after January 1, 2023.

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

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

Persons having a firearm deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to 1/2 hour after sunset, and only during those days for which an open season is established for the taking of

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deer by use of shotgun, handgun, or muzzle loading rifle.

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

It shall be unlawful for any person to take deer by use of dogs, horses, automobiles, aircraft or other vehicles, or by the use or aid of bait or baiting of any kind. For the purposes of this Section, "bait" means any material, whether liquid or solid, including food, salt, minerals, and other products, except pure water, that can be ingested, placed, or scattered in such a manner as to attract or lure white-tailed deer. "Baiting" means the placement or scattering of bait to attract deer. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait. Nothing in this Section shall prohibit the use of a dog to track wounded deer. Any person using a dog for tracking wounded deer must maintain physical control of the dog at all times by means of a maximum 50 foot lead attached to the dog's collar or harness. Tracking wounded deer is permissible at night, but at no time outside of legal deer hunting hours or seasons shall any person handling or accompanying a dog being used for tracking wounded deer be in possession of any firearm or archery device. Persons tracking wounded deer with a dog during the firearm deer seasons shall wear blaze orange or

- 1 solid blaze pink color as required. Dog handlers tracking
- 2 wounded deer with a dog are exempt from hunting license and
- deer permit requirements so long as they are accompanied by
- 4 the licensed deer hunter who wounded the deer.
- 5 It shall be unlawful to possess or transport any wild deer
- 6 which has been injured or killed in any manner upon a public
- 7 highway or public right-of-way of this State unless exempted
- 8 by administrative rule.
- 9 Persons hunting deer must have gun unloaded and no bow and
- 10 arrow device shall be carried with the arrow in the nocked
- 11 position during hours when deer hunting is unlawful.
- 12 It shall be unlawful for any person, having taken the
- 13 legal limit of deer by gun, to further participate with gun in
- 14 any deer hunting party.
- 15 It shall be unlawful for any person, having taken the
- legal limit of deer by bow and arrow, to further participate
- with bow and arrow in any deer hunting party.
- 18 The Department may prohibit upland game hunting during the
- 19 gun deer season by administrative rule.
- The Department shall not limit the number of non-resident,
- 21 either-sex archery deer hunting permits to less than 20,000.
- 22 Any person who violates any of the provisions of this
- 23 Section, including administrative rules, shall be guilty of a
- 24 Class B misdemeanor.
- 25 For the purposes of calculating acreage under this
- 26 Section, the Department shall, after determining the total

- 1 acreage of the applicable tract or tracts of land, round
- 2 remaining fractional portions of an acre greater than or equal
- 3 to half of an acre up to the next whole acre.
- 4 For the purposes of taking white-tailed deer, nothing in
- 5 this Section shall be construed to prevent the manipulation,
- 6 including mowing or cutting, of standing crops as a normal
- 7 agricultural or soil stabilization practice, food plots, or
- 8 normal agricultural practices, including planting, harvesting,
- 9 and maintenance such as cultivating or the use of products
- 10 designed for scent only and not capable of ingestion, solid or
- liquid, placed or scattered, in such a manner as to attract or
- 12 lure deer. Such manipulation for the purpose of taking
- 13 white-tailed deer may be further modified by administrative
- 14 rule.
- 15 (Source: P.A. 100-691, eff. 1-1-19; 100-949, eff. 1-1-19;
- 16 101-81, eff. 7-12-19; 101-444, eff. 6-1-20.)
- 17 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)
- 18 Sec. 2.33. Prohibitions.
- 19 (a) It is unlawful to carry or possess any gun in any State
- 20 refuge unless otherwise permitted by administrative rule.
- 21 (b) It is unlawful to use or possess any snare or
- 22 snare-like device, deadfall, net, or pit trap to take any
- 23 species, except that snares not powered by springs or other
- 24 mechanical devices may be used to trap fur-bearing mammals, in
- 25 water sets only, if at least one-half of the snare noose is

- 1 located underwater at all times.
- 2 (c) It is unlawful for any person at any time to take a
 3 wild mammal protected by this Act from its den by means of any
 4 mechanical device, spade, or digging device or to use smoke or
 5 other gases to dislodge or remove such mammal except as
 6 provided in Section 2.37.
 - (d) It is unlawful to use a ferret or any other small mammal which is used in the same or similar manner for which ferrets are used for the purpose of frightening or driving any mammals from their dens or hiding places.
- 11 (e) (Blank).

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- 12 (f) It is unlawful to use spears, gigs, hooks or any like 13 device to take any species protected by this Act.
- 14 (g) It is unlawful to use poisons, chemicals or explosives 15 for the purpose of taking any species protected by this Act.
 - (h) It is unlawful to hunt adjacent to or near any peat, grass, brush or other inflammable substance when it is burning.
 - (i) It is unlawful to take, pursue or intentionally harass or disturb in any manner any wild birds or mammals by use or aid of any vehicle or conveyance, except as permitted by the Code of Federal Regulations for the taking of waterfowl. It is also unlawful to use the lights of any vehicle or conveyance or any light from or any light connected to the vehicle or conveyance in any area where wildlife may be found except in accordance with Section 2.37 of this Act; however, nothing in

- this Section shall prohibit the normal use of headlamps for the purpose of driving upon a roadway. Striped skunk, opossum, red fox, gray fox, raccoon, bobcat, and coyote may be taken
- 4 during the open season by use of a small light which is worn on
- 5 the body or hand-held by a person on foot and not in any
- 6 vehicle.

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- 7 (j) It is unlawful to use any shotgun larger than 10 gauge 8 while taking or attempting to take any of the species 9 protected by this Act.
- 10 (k) It is unlawful to use or possess in the field any 11 shotgun shell loaded with a shot size larger than lead BB or 12 steel T (.20 diameter) when taking or attempting to take any species of wild game mammals (excluding white-tailed deer), 13 14 wild game birds, migratory waterfowl or migratory game birds 15 protected by this Act, except white-tailed deer as provided for in Section 2.26 and other species as provided for by 16 17 subsection (1) or administrative rule.
 - (1) It is unlawful to take any species of wild game, except white-tailed deer and fur-bearing mammals, with a shotgun loaded with slugs unless otherwise provided for by administrative rule.
 - (m) It is unlawful to use any shotgun capable of holding more than 3 shells in the magazine or chamber combined, except on game breeding and hunting preserve areas licensed under Section 3.27 and except as permitted by the Code of Federal Regulations for the taking of waterfowl. If the shotgun is

- capable of holding more than 3 shells, it shall, while being used on an area other than a game breeding and shooting preserve area licensed pursuant to Section 3.27, be fitted with a one piece plug that is irremovable without dismantling the shotgun or otherwise altered to render it incapable of holding more than 3 shells in the magazine and chamber, combined.
- 8 (n) It is unlawful for any person, except persons who 9 possess a permit to hunt from a vehicle as provided in this 10 Section and persons otherwise permitted by law, to have or 11 carry any gun in or on any vehicle, conveyance or aircraft, 12 unless such gun is unloaded and enclosed in a case, except that 13 at field trials authorized by Section 2.34 of this Act, 14 unloaded guns or guns loaded with blank cartridges only, may 15 be carried on horseback while not contained in a case, or to 16 have or carry any bow or arrow device in or on any vehicle 17 unless such bow or arrow device is unstrung or enclosed in a case, or otherwise made inoperable unless in accordance with 18 19 the Firearm Concealed Carry Act.
- 20 (o) (Blank).
- 21 (p) It is unlawful to take game birds, migratory game 22 birds or migratory waterfowl with a rifle, pistol, revolver or 23 airgun.
- 24 (q) It is unlawful to fire a rifle, pistol, revolver or 25 airgun on, over or into any waters of this State, including 26 frozen waters.

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- 1 (r) It is unlawful to discharge any gun or bow and arrow 2 device along, upon, across, or from any public right-of-way or 3 highway in this State.
 - (s) It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun.
 - (t) It is unlawful for any person to take or attempt to take any species of wildlife or parts thereof, intentionally or wantonly allow a dog to hunt, within or upon the land of another, or upon waters flowing over or standing on the land of another, or to knowingly shoot a gun or bow and arrow device at any wildlife physically on or flying over the property of another without first obtaining permission from the owner or the owner's designee. For the purposes of this Section, the owner's designee means anyone who the owner designates in a written authorization and the authorization must contain (i) the legal or common description of property for such authority is given, (ii) the extent that the owner's designee is authorized to make decisions regarding who is allowed to take or attempt to take any species of wildlife or parts thereof, and (iii) the owner's notarized signature. Before enforcing this Section the law enforcement officer must have received notice from the owner or the owner's designee of a violation of this Section. Statements made to the law enforcement officer regarding this notice shall not be rendered inadmissible by the hearsay rule when offered for the purpose of showing the

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- 1 required notice.
- 2 (u) It is unlawful for any person to discharge any firearm 3 for the purpose of taking any of the species protected by this Act, or hunt with gun or dog, or intentionally or wantonly 4 5 allow a dog to hunt, within 300 yards of an inhabited dwelling without first obtaining permission from the owner or tenant, 6 except that while trapping, hunting with bow and arrow, 7 8 hunting with dog and shotgun using shot shells only, or 9 hunting with shotgun using shot shells only, or providing 10 outfitting services under a waterfowl outfitter permit, or on 11 licensed game breeding and hunting preserve areas, as defined 12 in Section 3.27, on federally owned and managed lands and on 13 Department owned, managed, leased, or controlled lands, a 100 14 yard restriction shall apply.
 - (v) It is unlawful for any person to remove fur-bearing mammals from, or to move or disturb in any manner, the traps owned by another person without written authorization of the owner to do so.
 - (w) It is unlawful for any owner of a dog to knowingly or wantonly allow his or her dog to pursue, harass or kill deer, except that nothing in this Section shall prohibit the tracking of wounded deer with a dog in accordance with the provisions of Section 2.26 of this Code.
 - (x) It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged

- 1 in hunting or trapping thereon.
 - (y) It is unlawful to hunt wild game protected by this Act between one half hour after sunset and one half hour before sunrise, except that hunting hours between one half hour after sunset and one half hour before sunrise may be established by administrative rule for fur-bearing mammals.
 - (z) It is unlawful to take any game bird (excluding wild turkeys and crippled pheasants not capable of normal flight and otherwise irretrievable) protected by this Act when not flying. Nothing in this Section shall prohibit a person from carrying an uncased, unloaded shotgun in a boat, while in pursuit of a crippled migratory waterfowl that is incapable of normal flight, for the purpose of attempting to reduce the migratory waterfowl to possession, provided that the attempt is made immediately upon downing the migratory waterfowl and is done within 400 yards of the blind from which the migratory waterfowl was downed. This exception shall apply only to migratory game birds that are not capable of normal flight. Migratory waterfowl that are crippled may be taken only with a shotgun as regulated by subsection (j) of this Section using shotgun shells as regulated in subsection (k) of this Section.
 - (aa) It is unlawful to use or possess any device that may be used for tree climbing or cutting, while hunting fur-bearing mammals, excluding coyotes.
 - (bb) It is unlawful for any person, except licensed game breeders, pursuant to Section 2.29 to import, carry into, or

- 1 possess alive in this State any species of wildlife taken
- 2 outside of this State, without obtaining permission to do so
- 3 from the Director.
- 4 (cc) It is unlawful for any person to have in his or her
- 5 possession any freshly killed species protected by this Act
- 6 during the season closed for taking.
- 7 (dd) It is unlawful to take any species protected by this
- 8 Act and retain it alive except as provided by administrative
- 9 rule.
- 10 (ee) It is unlawful to possess any rifle while in the field
- during gun deer season except as provided in Section 2.26 and
- 12 administrative rules.
- 13 (ff) It is unlawful for any person to take any species
- 14 protected by this Act, except migratory waterfowl, during the
- 15 gun deer hunting season in those counties open to gun deer
- hunting, unless he or she wears, when in the field, a cap and
- 17 upper outer garment of a solid blaze orange color or solid
- 18 blaze pink color, with such articles of clothing displaying a
- 19 minimum of 400 square inches of blaze orange or solid blaze
- 20 pink color 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 or
- 24 solid blaze pink color. For purposes of this Act, upland game
- is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked
- Pheasant, Eastern Cottontail and Swamp Rabbit.

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- (hh) It shall be unlawful to kill or cripple any species protected by this Act for which there is a bag limit without making a reasonable effort to retrieve such species and include such in the bag limit. It shall be unlawful for any person having control over harvested game mammals, game birds, or migratory game birds for which there is a bag limit to wantonly waste or destroy the usable meat of the game, except this shall not apply to wildlife taken under Sections 2.37 or 3.22 of this Code. For purposes of this subsection, "usable meat" means the breast meat of a game bird or migratory game bird and the hind ham and front shoulders of a game mammal. It shall be unlawful for any person to place, leave, dump, or abandon a wildlife carcass or parts of it along or upon a public right-of-way or highway or on public or private including a waterway or stream, without the permission of the owner or tenant. It shall not be unlawful to discard game meat that is determined to be unfit for human consumption.
- (ii) This Section shall apply only to those species protected by this Act taken within the State. Any species or any parts thereof, legally taken in and transported from other states or countries, may be possessed within the State, except as provided in this Section and Sections 2.35, 2.36 and 3.21.
- 24 (jj) (Blank).
- 25 (kk) Nothing contained in this Section shall prohibit the 26 Director from issuing permits to paraplegics or to other

- 1 persons with disabilities who meet the requirements set forth
- 2 in administrative rule to shoot or hunt from a vehicle as
- 3 provided by that rule, provided that such is otherwise in
- 4 accord with this Act.
- 5 (11) Nothing contained in this Act shall prohibit the
- 6 taking of aquatic life protected by the Fish and Aquatic Life
- 7 Code or birds and mammals protected by this Act, except deer
- 8 and fur-bearing mammals, from a boat not camouflaged or
- 9 disguised to alter its identity or to further provide a place
- of concealment and not propelled by sail or mechanical power.
- 11 However, only shotguns not larger than 10 gauge nor smaller
- than .410 bore loaded with not more than 3 shells of a shot
- size no larger than lead BB or steel T (.20 diameter) may be
- used to take species protected by this Act.
- 15 (mm) Nothing contained in this Act shall prohibit the use
- of a shotgun, not larger than 10 gauge nor smaller than a 20
- 17 gauge, with a rifled barrel.
- 18 (nn) It shall be unlawful to possess any species of
- 19 wildlife or wildlife parts taken unlawfully in Illinois, any
- 20 other state, or any other country, whether or not the wildlife
- or wildlife parts is indigenous to Illinois. For the purposes
- of this subsection, the statute of limitations for unlawful
- 23 possession of wildlife or wildlife parts shall not cease until
- 24 2 years after the possession has permanently ended.
- 25 (Source: P.A. 99-33, eff. 1-1-16; 99-143, eff. 7-27-15;
- 26 99-642, eff. 7-28-16; 100-489, eff. 9-8-17; 100-949, eff.

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- 2 (520 ILCS 5/2.34) (from Ch. 61, par. 2.34)
- 3 Sec. 2.34. Dog Trials.
- 4 (a) Dogs of any breed may be trained the year round in accordance with the provisions of this Act.
- 6 (b) During the periods of time when it is unlawful to take 7 species protected by this Act, the only firearms which shall be used in the training of dogs from sunrise to sunset shall be 8 9 pistols with blank cartridges. No other gun or ammunition may 10 be in immediate possession during this time. No person or 11 persons in, along with, or accompanying the dog training 12 shall be in possession of any firearm or ammunition, except pistols capable of firing only blank 1.3 14 cartridges during the hours from sunset to sunrise. All 15 organized field trials or training grounds approved by the 16 Department shall be exempt from this provision unless in accordance with the Firearm Concealed Carry Act. 17
- 18 (c) No field trial shall be held without a permit from the 19 Department.

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

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Field trials shall be scheduled only from September 1 through April 30 in the Northern Zone and September 1 through April 15 in the Southern Zone. The Department maintains the authority to schedule and administer field trials. boundary between the Northern Zone and the Southern Zone shall be U.S. Route 36. However, (i) if the opening date of the field trial season falls on Sunday, the season will begin on Saturday of that weekend; and (ii) if the closing date of the field trial season falls on Saturday, the season will conclude on Sunday of that weekend; and (iii) if during the final days of the field trial season a field trial organization begins a field trial which is subsequently interrupted due to inclement weather, the field trial organization may complete the trial, subject to the Department's approval, even though the field trial season has ended. The field trial organization must complete the trial on the first possible day or days. Field trials for the retrieving breeds are exempt from these field trials season provisions and shall have no closed season.

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

(d) The Department is authorized to designate dog training areas and to grant permits for all field trials including those field trials where game birds reared under Section 3.23 are released and taken in accordance with the rules and regulations set forth by the Department. Applications for permits for such trials and training areas shall be

- 1 accompanied by detailed information as to the date and the
- 2 location of the grounds where such trial area or training
- 3 grounds is located. Applicants for field trial or dog training
- 4 permits must have the consent of the landowner prior to
- 5 applying for such permit. Fees and other regulations will be
- 6 set by administrative rule.
- 7 (e) All permits for designated dog training areas shall
- 8 expire March 31st of each year.
- 9 (f) Permit holders for designated dog training areas must
- 10 possess a wild game breeder's permit or a game breeding and
- 11 hunting preserve area permit and may utilize live bird recall
- devices on such areas.
- 13 (g) Nothing shall prevent an individual from using a dog
- in the taking of squirrel during the open season.
- 15 (h) All hand reared game released and shot at field trials
- shall be properly identified with tags as provided for by this
- 17 Act and such birds shall be banded before they are removed from
- 18 the field trial area.
- 19 (Source: P.A. 86-920; 87-1051.)