

# HB3718



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB3718**

Introduced 2/22/2021, by Rep. C.D. Davidsmeyer

#### SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.33

from Ch. 61, par. 2.33

Amends the Wildlife Code. Deletes language providing that it is unlawful for a person intentionally or wantonly to allow a dog to hunt, within or upon the land of another, or upon waters flowing over or standing on the land of another. Provides instead that it is unlawful for an owner to send a hunting dog onto property without the permission of the owner or tenant. Imposes a fine of \$75 for a first offense is \$75, \$250 for a second offense on the same property, and \$5,000 for a third or subsequent offense on the same property. Effective immediately.

LRB102 12965 KMF 18308 b

A BILL FOR

1 AN ACT concerning animals.

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 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  
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  
9 burning.

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

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

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

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

13          (m) It is unlawful to use any shotgun capable of holding  
14          more than 3 shells in the magazine or chamber combined, except  
15          on game breeding and hunting preserve areas licensed under  
16          Section 3.27 and except as permitted by the Code of Federal  
17          Regulations for the taking of waterfowl. If the shotgun is  
18          capable of holding more than 3 shells, it shall, while being  
19          used on an area other than a game breeding and shooting  
20          preserve area licensed pursuant to Section 3.27, be fitted  
21          with a one piece plug that is irremovable without dismantling  
22          the shotgun or otherwise altered to render it incapable of  
23          holding more than 3 shells in the magazine and chamber,  
24          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  
6 be carried on horseback while not contained in a case, or to  
7 have or carry any bow or arrow device in or on any vehicle  
8 unless such bow or arrow device is unstrung or enclosed in a  
9 case, or otherwise made inoperable.

10 (o) (Blank).

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

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

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

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

23 (t) It is unlawful for any person to (i) take or attempt to  
24 take any species of wildlife or parts thereof, ~~intentionally~~  
25 ~~or wantonly allow a dog to hunt, within or upon the land of~~  
26 ~~another, or upon waters flowing over or standing on the land of~~

1 ~~another,~~ or (ii) to knowingly shoot a gun or bow and arrow  
2 device at any wildlife physically on or flying over the  
3 property of another without first obtaining permission from  
4 the owner or the owner's designee. For the purposes of this  
5 Section, the owner's designee means anyone who the owner  
6 designates in a written authorization and the authorization  
7 must contain (i) the legal or common description of property  
8 for such authority is given, (ii) the extent that the owner's  
9 designee is authorized to make decisions regarding who is  
10 allowed to take or attempt to take any species of wildlife or  
11 parts thereof, and (iii) the owner's notarized signature.  
12 Before enforcing this Section the law enforcement officer must  
13 have received notice from the owner or the owner's designee of  
14 a violation of this Section. Statements made to the law  
15 enforcement officer regarding this notice shall not be  
16 rendered inadmissible by the hearsay rule when offered for the  
17 purpose of showing the required notice.

18 (u) It is unlawful for any person to discharge any firearm  
19 for the purpose of taking any of the species protected by this  
20 Act, or hunt with gun or dog, or intentionally or wantonly  
21 allow a dog to hunt, within 300 yards of an inhabited dwelling  
22 without first obtaining permission from the owner or tenant,  
23 except that while trapping, hunting with bow and arrow,  
24 hunting with dog and shotgun using shot shells only, or  
25 hunting with shotgun using shot shells only, or providing  
26 outfitting services under a waterfowl outfitter permit, or on

1 licensed game breeding and hunting preserve areas, as defined  
2 in Section 3.27, on federally owned and managed lands and on  
3 Department owned, managed, leased, or controlled lands, a 100  
4 yard restriction shall apply.

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

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

14 (x) It is unlawful for any person to wantonly or  
15 carelessly injure or destroy, in any manner whatsoever, any  
16 real or personal property on the land of another while engaged  
17 in hunting or trapping thereon.

18 (y) It is unlawful to hunt wild game protected by this Act  
19 between one half hour after sunset and one half hour before  
20 sunrise, except that hunting hours between one half hour after  
21 sunset and one half hour before sunrise may be established by  
22 administrative rule for fur-bearing mammals.

23 (z) It is unlawful to take any game bird (excluding wild  
24 turkeys and crippled pheasants not capable of normal flight  
25 and otherwise irretrievable) protected by this Act when not  
26 flying. Nothing in this Section shall prohibit a person from

1 carrying an uncased, unloaded shotgun in a boat, while in  
2 pursuit of a crippled migratory waterfowl that is incapable of  
3 normal flight, for the purpose of attempting to reduce the  
4 migratory waterfowl to possession, provided that the attempt  
5 is made immediately upon downing the migratory waterfowl and  
6 is done within 400 yards of the blind from which the migratory  
7 waterfowl was downed. This exception shall apply only to  
8 migratory game birds that are not capable of normal flight.  
9 Migratory waterfowl that are crippled may be taken only with a  
10 shotgun as regulated by subsection (j) of this Section using  
11 shotgun shells as regulated in subsection (k) of this Section.

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

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

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

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

26 (ee) It is unlawful to possess any rifle while in the field



1 during gun deer season except as provided in Section 2.26 and  
2 administrative rules.

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

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

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

1 bird and the hind ham and front shoulders of a game mammal. It  
2 shall be unlawful for any person to place, leave, dump, or  
3 abandon a wildlife carcass or parts of it along or upon a  
4 public right-of-way or highway or on public or private  
5 property, including a waterway or stream, without the  
6 permission of the owner or tenant. It shall not be unlawful to  
7 discard game meat that is determined to be unfit for human  
8 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 persons with disabilities who meet the requirements set forth  
18 in administrative rule to shoot or hunt from a vehicle as  
19 provided by that rule, provided that such is otherwise in  
20 accord with 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 (oo) It is unlawful for an owner to send a hunting dog onto  
16 property without the permission of the owner or tenant. The  
17 first offense is punishable by a \$75 fine. The second offense  
18 on the same property is punishable by a \$250 fine. A third or  
19 subsequent offense on the same property is punishable by a  
20 \$5,000 fine.

21 (Source: P.A. 99-33, eff. 1-1-16; 99-143, eff. 7-27-15;  
22 99-642, eff. 7-28-16; 100-489, eff. 9-8-17; 100-949, eff.  
23 1-1-19.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.