

HB3113



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3113

Introduced 2/17/2023, by Rep. Diane Blair-Sherlock

SYNOPSIS AS INTRODUCED:

520 ILCS 5/1.2g	from Ch. 61, par. 1.2g
520 ILCS 5/2.30	from Ch. 61, par. 2.30
520 ILCS 5/2.30b	
520 ILCS 5/2.33	
520 ILCS 5/2.30c rep.	

Amends the Wildlife Code. Repeals provisions allowing the taking of bobcats by hunting or trapping in this State. Makes conforming changes.

LRB103 25864 RLC 52215 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
5 Sections 1.2g, 2.30, 2.30b, and 2.33 as follows:

6 (520 ILCS 5/1.2g) (from Ch. 61, par. 1.2g)

7 Sec. 1.2g. "Fur-bearing mammals" means the following
8 specific species, mink, muskrat, raccoon, striped skunk,
9 weasel, ~~bobcat~~, opossum, beaver, river otter, badger, red fox,
10 gray fox, and coyote.

11 (Source: P.A. 81-382.)

12 (520 ILCS 5/2.30) (from Ch. 61, par. 2.30)

13 Sec. 2.30. Except as provided in this Section, it shall be
14 unlawful for any person to trap or to hunt with gun, dog, dog
15 and gun, or bow and arrow, gray fox, red fox, raccoon, weasel,
16 mink, muskrat, badger, ~~bobcat~~, and opossum except during the
17 open season which will be set annually by the Director between
18 12:01 a.m., November 1 to 12:00 midnight, February 15, both
19 inclusive.

20 It shall be unlawful for any person to hunt or trap bobcat
21 in this State ~~on and after the effective date of this~~
22 ~~amendatory Act of the 100th General Assembly in the counties~~

1 ~~of Boone, Bureau, Champaign, Cook, DeKalb, DeWitt, DuPage,~~
2 ~~Ford, Grundy, Henry, Iroquois, Kane, Kankakee, Kendall, Knox,~~
3 ~~Lake, LaSalle, Lee, Livingston, Logan, Marshall, McHenry,~~
4 ~~McLean, Ogle, Peoria, Piatt, Putnam, Stark, Stephenson,~~
5 ~~Vermilion, Will, Winnebago, and Woodford and north of U.S.~~
6 ~~Route 36 in Edgar and Douglas and north of U.S. Route 36 to the~~
7 ~~junction with Illinois Route 121 and north or east of Illinois~~
8 ~~Route 121 in Macon. For the season beginning in 2017, a total~~
9 ~~number of 350 bobcats may be hunted or trapped lawfully, or the~~
10 ~~conclusion of the season occurs, whichever is earlier. For the~~
11 ~~season beginning in 2018, a total number of 375 bobcats may be~~
12 ~~hunted or trapped lawfully, or the conclusion of the season~~
13 ~~occurs, whichever is earlier. The changes added to this~~
14 ~~Section by this amendatory Act of the 100th General Assembly,~~
15 ~~except for this sentence, are inoperative on and after June~~
16 ~~30, 2019.~~

17 It is unlawful to pursue any fur-bearing mammal with a dog
18 or dogs between the hours of sunset and sunrise during the 10
19 day period preceding the opening date of the raccoon hunting
20 season and the 10 day period following the closing date of the
21 raccoon hunting season except that the Department may issue
22 field trial permits in accordance with Section 2.34 of this
23 Act. A non-resident from a state with more restrictive
24 fur-bearer pursuit regulations for any particular species than
25 provided for that species in this Act may not pursue that
26 species in Illinois except during the period of time that

1 Illinois residents are allowed to pursue that species in the
2 non-resident's state of residence. Hound running areas
3 approved by the Department shall be exempt from the provisions
4 of this Section.

5 It shall be unlawful to take beaver, river otter, weasel,
6 mink, or muskrat except during the open season set annually by
7 the Director, and then, only with traps, except that a
8 firearm, pistol, or air rifle of a caliber not larger than a
9 .22 long rifle may be used to remove the animal from the trap.

10 It shall be unlawful for any person to trap beaver or river
11 otter with traps except during the open season which will be
12 set annually by the Director between 12:01 a.m., November 1st
13 and 12:00 midnight, March 31, both inclusive.

14 Coyote may be taken by trapping methods only during the
15 period from September 1 to March 1, both inclusive, and by
16 hunting methods at any time.

17 Striped skunk may be taken by trapping methods only during
18 the period from September 1 to March 1, both inclusive, and by
19 hunting methods at any time.

20 Muskrat may be taken by trapping methods during an open
21 season set annually by the Director.

22 For the purpose of taking fur-bearing mammals, the State
23 may be divided into management zones by administrative rule.

24 It shall be unlawful to take or possess more than the
25 season limit or possession limit of fur-bearing mammals that
26 shall be set annually by the Director. ~~The season limit for~~

1 ~~bobcat shall not exceed one bobcat per permit.~~ Possession
2 limits shall not apply to fur buyers, tanners, manufacturers,
3 and taxidermists, as defined by this Act, who possess
4 fur-bearing mammals in accordance with laws governing such
5 activities.

6 Nothing in this Section shall prohibit the taking or
7 possessing of fur-bearing mammals found dead or
8 unintentionally killed by a vehicle along a roadway during the
9 open season provided the person who possesses such fur-bearing
10 mammals has all appropriate licenses, stamps, or permits; the
11 season for which the species possessed is open; and that such
12 possession and disposal of such fur-bearing mammals is
13 otherwise subject to the provisions of this Section.

14 The provisions of this Section are subject to modification
15 by administrative rule.

16 (Source: P.A. 102-837, eff. 5-13-22.)

17 (520 ILCS 5/2.30b)

18 Sec. 2.30b. River otter ~~and bobcat~~ pelts. The pelts of
19 river otters ~~and bobcats~~ shall be tagged in accordance with
20 federal regulation 50 CFR 23.69(e). The Department may require
21 harvest registration and set forth procedures, fees for
22 registration, and the process of tagging pelts in
23 administrative rules. Fees for registration and tagging shall
24 not exceed \$5 per pelt.

25 (Source: P.A. 99-33, eff. 1-1-16.)

1 (520 ILCS 5/2.33)

2 Sec. 2.33. Prohibitions.

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

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

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

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

20 (e) (Blank).

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

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

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

4 (i) It is unlawful to take, pursue or intentionally harass
5 or disturb in any manner any wild birds or mammals by use or
6 aid of any vehicle, conveyance, or unmanned aircraft as
7 defined by the Illinois Aeronautics Act, except as permitted
8 by the Code of Federal Regulations for the taking of
9 waterfowl; except that nothing in this subsection shall
10 prohibit the use of unmanned aircraft in the inspection of a
11 public utility facility, tower, or structure or a mobile
12 service facility, tower, or structure by a public utility, as
13 defined in Section 3-105 of the Public Utilities Act, or a
14 provider of mobile services as defined in Section 153 of Title
15 47 of the United States Code. It is also unlawful to use the
16 lights of any vehicle or conveyance, any light connected to
17 any vehicle or conveyance, or any other lighting device or
18 mechanism from inside or on a vehicle or conveyance in any area
19 where wildlife may be found except in accordance with Section
20 2.37 of this Act; however, nothing in this Section shall
21 prohibit the normal use of headlamps for the purpose of
22 driving upon a roadway. For purposes of this Section, any
23 other lighting device or mechanism shall include, but not be
24 limited to, any device that uses infrared or other light not
25 visible to the naked eye, electronic image intensification,
26 active illumination, thermal imaging, or night vision. Striped

1 skunk, opossum, red fox, gray fox, raccoon, ~~bobcat~~, and coyote
2 may be taken during the open season by use of a small light
3 which is worn on the body or hand-held by a person on foot and
4 not in any vehicle.

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

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

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

20 (m) It is unlawful to use any shotgun capable of holding
21 more than 3 shells in the magazine or chamber combined, except
22 on game breeding and hunting preserve areas licensed under
23 Section 3.27 and except as permitted by the Code of Federal
24 Regulations for the taking of waterfowl. If the shotgun is
25 capable of holding more than 3 shells, it shall, while being
26 used on an area other than a game breeding and shooting

1 preserve area licensed pursuant to Section 3.27, be fitted
2 with a one-piece ~~one-piece~~ plug that is irremovable without
3 dismantling the shotgun or otherwise altered to render it
4 incapable of holding more than 3 shells in the magazine and
5 chamber, combined.

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

18 (o) (Blank).

19 (p) It is unlawful to take game birds, migratory game
20 birds or migratory waterfowl with a rifle, pistol, revolver,
21 or air rifle.

22 (q) It is unlawful to fire a rifle, pistol, revolver, or
23 air rifle on, over, or into any waters of this State, including
24 frozen waters.

25 (r) It is unlawful to discharge any gun or bow and arrow
26 device along, upon, across, or from any public right-of-way or

1 highway in this State.

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

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

25 (u) It is unlawful for any person to discharge any firearm
26 for the purpose of taking any of the species protected by this

1 Act, or hunt with gun or dog, or allow a dog to hunt, within
2 300 yards of an inhabited dwelling without first obtaining
3 permission from the owner or tenant, except that while
4 trapping, hunting with bow and arrow, hunting with dog and
5 shotgun using shot shells only, or hunting with shotgun using
6 shot shells only, or providing outfitting services under a
7 waterfowl outfitter permit, or on licensed game breeding and
8 hunting preserve areas, as defined in Section 3.27, on
9 federally owned and managed lands and on Department owned,
10 managed, leased, or controlled lands, a 100 yard restriction
11 shall apply.

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

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

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

25 (y) It is unlawful to hunt wild game protected by this Act
26 between one-half ~~one-half~~ hour after sunset and one-half ~~one~~

1 ~~half~~ hour before sunrise, except that hunting hours between
2 one-half ~~one-half~~ hour after sunset and one-half ~~one-half~~ hour
3 before sunrise may be established by administrative rule for
4 fur-bearing mammals.

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

20 (aa) It is unlawful to use or possess any device that may
21 be used for tree climbing or cutting~~r~~ while hunting
22 fur-bearing mammals, excluding coyotes. However, coyotes may
23 not be hunted utilizing these devices during open season for
24 deer except by properly licensed deer hunters.

25 (bb) It is unlawful for any person, except licensed game
26 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
11 during gun deer season except as provided in Sections 2.25 and
12 2.26 and 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
16 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
25 is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked
26 Pheasant, Eastern 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 bag limit without
3 making a reasonable effort to retrieve such species and
4 include such in the bag limit. It shall be unlawful for any
5 person having control over harvested game mammals, game birds,
6 or migratory game birds for which there is a bag limit to
7 wantonly waste or destroy the usable meat of the game, except
8 this shall not apply to wildlife taken under Sections 2.37 or
9 3.22 of this Code. For purposes of this subsection, "usable
10 meat" means the breast meat of a game bird or migratory game
11 bird and the hind ham and front shoulders of a game mammal. It
12 shall be unlawful for any person to place, leave, dump, or
13 abandon a wildlife carcass or parts of it along or upon a
14 public right-of-way or highway or on public or private
15 property, including a waterway or stream, without the
16 permission of the owner or tenant. It shall not be unlawful to
17 discard game meat that is determined to be unfit for human
18 consumption.

19 (ii) This Section shall apply only to those species
20 protected by this Act taken within the State. Any species or
21 any parts thereof, legally taken in and transported from other
22 states or countries, may be possessed within the State, except
23 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 (ll) 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
10 of concealment and not propelled by sail or mechanical power.
11 However, only shotguns not larger than 10 gauge nor smaller
12 than .410 bore loaded with not more than 3 shells of a shot
13 size no larger than lead BB or steel T (.20 diameter) may be
14 used to take species protected by this Act.

15 (mm) Nothing contained in this Act shall prohibit the use
16 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
21 or wildlife parts are ~~is~~ indigenous to Illinois. For the
22 purposes of this subsection, the statute of limitations for
23 unlawful possession of wildlife or wildlife parts shall not
24 cease until 2 years after the possession has permanently
25 ended.

26 (oo) It is unlawful while deer hunting:

1 (1) to possess or be in close proximity to a rifle that
2 is not centerfire; or

3 (2) to be in possession of or in close proximity to a
4 magazine that is capable of making a rifle not a single
5 shot.

6 (Source: P.A. 102-237, eff. 1-1-22; 102-837, eff. 5-13-22;
7 102-932, eff. 1-1-23; revised 12-14-22.)

8 (520 ILCS 5/2.30c rep.)

9 Section 10. The Wildlife Code is amended by repealing
10 Section 2.30c.