



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1486

Introduced 02/10/05, by Rep. Frank J. Mautino

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.33
520 ILCS 5/2.33a

from Ch. 61, par. 2.33
from Ch. 61, par. 2.33a

Amends the Wildlife Code. Allows the use of cable restraints not powered by springs, spring poles, or mechanical devices to trap fur-bearing mammals on land with written permission from the landowner or tenant of the land. Provides that cable restraints must be visited at least once each calendar day. Provides that it is unlawful for any person to remove fur-bearing mammals from, or to move or disturb in any manner, the cable restraints owned by another person without written authorization from the owner. Allows the use of locking type cable restraints for use in water trapping. Provides that written permission is not required for water sets. Prohibits the use of cable restraints during the closed trapping season. Prohibits the use on land of cable restraints with a loop diameter exceeding 15 inches. Prohibits the use on land of cable restraints without a relaxing mechanical lock, anchor swivel, and stop device to prevent the relaxing mechanical lock from closing the noose loop to a diameter of less than 2 1/2 inches. Prohibits the use of cable restraints attached to a drag or a movable object. Makes other changes. Effective immediately.

LRB094 10666 RCE 41027 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 2.33 and 2.33a 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 cable restraint
11 ~~snare~~ or like snare-like device, deadfall, net, or pit trap to
12 take any species, except that cable restraints ~~snares~~ not
13 powered by springs, spring poles, or other mechanical devices
14 may be used to trap fur-bearing mammals on land with written
15 permission from the land owner or tenant of the land, ~~in water~~
16 ~~sets only, if at least one half of the snare noose is located~~
17 ~~underwater at all times.~~

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

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

27 (e) (Blank).

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

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

32 (h) It is unlawful to hunt adjacent to or near any peat,

1 grass, brush or other inflammable substance when it is burning.

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

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

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

26 (l) It is unlawful to take any species of wild game, except
27 white-tailed deer, with a shotgun loaded with slugs unless
28 otherwise provided for by administrative rule.

29 (m) It is unlawful to use any shotgun capable of holding
30 more than 3 shells in the magazine or chamber combined, except
31 on game breeding and hunting preserve areas licensed under
32 Section 3.27 ~~and except as permitted by the Code of Federal~~
33 ~~Regulations for the taking of waterfowl.~~ If the shotgun is
34 capable of holding more than 3 shells, it shall, while being
35 used on an area other than a game breeding and shooting
36 preserve area licensed pursuant to Section 3.27, be fitted with

1 a one piece plug that is irremovable without dismantling the
2 shotgun or otherwise altered to render it incapable of holding
3 more than 3 shells in the magazine and chamber, combined.

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

15 (o) It is unlawful to use any crossbow for the purpose of
16 taking any wild birds or mammals, except as provided for in
17 Section 2.33.

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

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

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

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

30 (t) It is unlawful for any person to trap or hunt, or allow
31 a dog to hunt, within or upon the land of another, or upon
32 waters flowing over or standing on the land of another, without
33 first obtaining permission from the owner or tenant. It shall
34 be prima facie evidence that a person does not have permission
35 of the owner or tenant if the person is unable to demonstrate
36 to the law enforcement officer in the field that permission has

1 ~~had~~ been obtained. This provision may only be rebutted by
2 testimony of the owner or tenant that permission had been
3 given. Before enforcing this Section the law enforcement
4 officer must have received notice from the owner or tenant of a
5 violation of this Section. Statements made to the law
6 enforcement officer regarding this notice shall not be rendered
7 inadmissible by the hearsay rule when offered for the purpose
8 of showing the required notice.

9 (u) It is unlawful for any person to discharge any firearm
10 for the purpose of taking any ~~of the~~ species protected by this
11 Act, or hunt with dog gun or gun dog, or allow a dog to hunt,
12 within 300 yards of an inhabited dwelling without first
13 obtaining permission from the owner or tenant, except that
14 while trapping, hunting with bow and arrow, hunting with dog
15 and shotgun using shot shells only, ~~or hunting with shotgun~~
16 ~~using shot shells only,~~ or on licensed game breeding and
17 hunting preserve areas, as defined in Section 3.27, on property
18 operated under a Migratory Waterfowl Hunting Area Permit, on
19 federally owned and managed lands and on Department owned,
20 managed, leased or controlled lands, a 100 yard restriction
21 shall apply.

22 (v) It is unlawful for any person to remove fur-bearing
23 mammals from, or to move or disturb in any manner, the traps or
24 cable restraints owned by another person without written
25 authorization of the owner to do so.

26 (w) It is unlawful for any owner of a dog to knowingly or
27 wantonly allow his or her dog to pursue, harass or kill deer.

28 (x) It is unlawful for any person to wantonly or carelessly
29 injure or destroy, in any manner whatsoever, any real or
30 personal property on the land of another while engaged in
31 hunting or trapping on that land ~~thereon~~.

32 (y) It is unlawful to hunt wild game protected by this Act
33 between one half hour after sunset and one half hour before
34 sunrise, except that hunting hours between one half hour after
35 sunset and one half hour before sunrise may be established by
36 administrative rule for fur-bearing mammals.

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

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

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

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

27 (dd) It is unlawful to take any species protected by this
28 Act and retain it alive.

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

32 (ff) It is unlawful for any person to take any species
33 protected by this Act, except migratory waterfowl, during the
34 gun deer hunting season in those counties open to gun deer
35 hunting, unless he or she wears, when in the field, a cap and
36 upper outer garment of a solid blaze orange color, with such

1 articles of clothing displaying a minimum of 400 square inches
2 of blaze orange material.

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

9 (hh) It shall be unlawful to kill or cripple any species
10 protected by this Act for which there is a daily bag limit
11 without making a reasonable effort to retrieve such species and
12 include such in the daily bag limit.

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

18 ~~(jj)~~ Nothing contained in this Section shall prohibit the
19 use of bow and arrow, or prevent the Director from issuing
20 permits to use a crossbow to handicapped persons as provided by
21 administrative rule. As used herein, "handicapped persons"
22 means those persons who have a permanent physical impairment
23 due to injury or disease, congenital or acquired, which renders
24 them so severely disabled as to be unable to use a conventional
25 bow and arrow device. Permits will be issued only after the
26 receipt of a physician's statement confirming the applicant is
27 handicapped as defined above.

28 ~~(kk)~~ Nothing contained in this Section shall prohibit the
29 Director from issuing permits to paraplegics or persons
30 physically unable to walk, ~~to other disabled persons who meet~~
31 ~~the requirements set forth in administrative rule~~ to shoot or
32 hunt from a vehicle as provided by that rule, provided that
33 such is otherwise in accord with this Act.

34 ~~(ll)~~ Nothing contained in this Act shall prohibit the
35 taking of aquatic life protected by the Fish and Aquatic Life
36 Code or birds and mammals protected by this Act, except deer

1 and fur-bearing mammals, from a boat not camouflaged or
2 disguised ~~to alter its identity or to further provide a place~~
3 ~~of~~ concealment and not propelled by sail or mechanical power.
4 However, only shotguns not larger than 10 gauge nor smaller
5 than .410 bore loaded with not more than 3 shells of a shot
6 size no larger than lead BB or steel T (.20 diameter) may be
7 used to take species protected by this Act.

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

11 Nothing contained in this Act shall prohibit the use of
12 locking type cable restraints for use in water trapping.
13 Written permission is not required for water sets.

14 (Source: P.A. 91-654, eff. 12-15-99; 92-325, eff. 8-9-01;
15 92-651, eff. 7-11-02.)

16 (520 ILCS 5/2.33a) (from Ch. 61, par. 2.33a)

17 Sec. 2.33a. Unlawful trapping.

18 (a) It is unlawful to fail to visit and remove all animals
19 from traps and cable restraints staked out, set, used, tended,
20 placed or maintained at least once each calendar day.

21 (b) It is unlawful for any person to place, set, use, or
22 maintain a leghold trap or one of similar construction on land,
23 that has a jaw spread of larger than 6 1/2 inches (16.6 CM), or
24 a body-gripping trap or one of similar construction having a
25 jaw spread larger than 7 inches (17.8 CM) on a side if square
26 and 8 inches (20.4 CM) if round;

27 (c) It is unlawful for any person to place, set, use, or
28 maintain a leghold trap or one of similar construction in
29 water, that has a jaw spread of larger than 7 1/2 inches (19.1
30 CM), or a body-gripping trap or one of similar construction
31 having a jaw spread larger than 10 inches (25.4 CM) on a side
32 if square and 12 inches (30.5 CM) if round;

33 (d) It is unlawful to use any trap with saw-toothed,
34 spiked, or toothed jaws;

35 (e) It is unlawful to destroy, disturb or in any manner

1 interfere with dams, lodges, burrows or feed beds of beaver
2 while trapping for beaver or to set a trap inside a muskrat
3 house or beaver lodge, except that this shall not apply to
4 Drainage Districts who are acting pursuant to the provisions of
5 Section 2.37;

6 (f) It is unlawful to trap beaver with: (1) a leghold trap
7 or one of similar construction having a jaw spread of less than
8 5 1/2 inches (13.9 CM) or more than 7 1/2 inches (19.1 CM), or
9 (2) a body-gripping trap or one of similar construction having
10 a jaw spread of less than 7 inches (17.7 CM) or more than 10
11 inches (25.4 CM) on a side if square and 12 inches (30.5 CM) if
12 round, except that these restrictions shall not apply during
13 the open season for trapping muskrats;

14 (g) It is unlawful to set traps closer than 10 feet (3.05
15 M) from any hole or den which may be occupied by a game mammal
16 or fur-bearing mammal except that this restriction shall not
17 apply to water sets.

18 (h) It is unlawful to trap or attempt to trap any
19 fur-bearing mammal with any colony, cage, box, or stove-pipe
20 trap designed to take more than one mammal at a single setting.

21 (i) It is unlawful for any person to set or place any trap
22 or cable restraint designed to take any fur-bearing mammal
23 protected by this Act during the closed trapping season. Proof
24 that any trap or cable restraint was placed during the closed
25 trapping season shall be deemed prima facie evidence of a
26 violation of this provision.

27 (j) It is unlawful to place, set, or maintain any leghold
28 trap or one of similar construction within thirty (30) feet
29 (9.14 m) of bait placed in such a manner or position that it is
30 not completely covered and concealed from sight, except that
31 this shall not apply to underwater sets. Bait shall mean and
32 include any bait composed of mammal, bird, or fish flesh, fur,
33 hide, entrails or feathers.

34 (k) It shall be unlawful for hunters or trappers to have
35 the green hides of fur-bearing mammals, protected by this Act,
36 in their possession except during the open season and for an

1 additional period of 10 days succeeding such open season.

2 (l) It is unlawful for any person to place, set, use, or
3 maintain a cable restraint ~~snare trap~~ or one of similar
4 construction in water, that has a loop diameter exceeding 15
5 inches (38.1 CM) or a cable or wire diameter of more than 1/8
6 inch (3.2 MM) or less than 5/64 inch (2.0 MM), that is
7 constructed of stainless steel metal cable or wire, and that
8 does not have a mechanical lock, anchor swivel and stop device
9 to prevent the mechanical lock from closing the noose loop to a
10 diameter of less than 2 1/2 inches (6.4 CM).

11 (m) It is unlawful for any person to place, set, use, or
12 maintain on land a cable restraint or one of similar
13 construction that has a loop diameter exceeding 15 inches (38.1
14 cm). It is unlawful for any person to place, set, or maintain
15 on land a cable restraint or one of similar construction that
16 does not have a relaxing mechanical lock, anchor swivel, and
17 stop device to prevent the relaxing mechanical lock from
18 closing the noose loop to a diameter of less than 2 1/2 inches
19 (6.4 cm).

20 (n) It is unlawful for any person to place, set, use, or
21 maintain a cable restraint or one of similar construction that
22 would reach any fence when fully extended.

23 (o) It is unlawful for any person to place, set, use or
24 maintain on land or in water a cable restraint that is attached
25 to a drag or a movable object. It is unlawful to set a cable
26 restraint on land without an in-line swivel between the cable
27 restraint lock and the end swivel at the point of fastening.

28 (Source: P.A. 85-152; 86-1354.)

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.