



Adopted in House Comm. on Feb 23, 2005

09400HB1486ham001

LRB094 10666 JAM 41984 a

1 AMENDMENT TO HOUSE BILL 1486

2 AMENDMENT NO. _____. Amend House Bill 1486 by replacing
3 everything after the enacting clause with the following:

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

1 ferrets are used for the purpose of frightening or driving any
2 mammals from their dens or hiding places.

3 (e) (Blank).

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

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

8 (h) It is unlawful to hunt adjacent to or near any peat,
9 grass, brush or other inflammable substance when it is 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 the
19 purpose of driving upon a roadway. Striped skunk, opossum, red
20 fox, gray fox, raccoon and coyote may be taken during the open
21 season by use of a small light which is worn on the body or
22 hand-held by a person on foot and not in any vehicle.

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

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

34 (l) It is unlawful to take any species of wild game, except

1 white-tailed deer, with a shotgun loaded with slugs unless
2 otherwise provided for by administrative rule.

3 (m) It is unlawful to use any shotgun capable of holding
4 more than 3 shells in the magazine or chamber combined, except
5 on game breeding and hunting preserve areas licensed under
6 Section 3.27 and except as permitted by the Code of Federal
7 Regulations for the taking of waterfowl. If the shotgun is
8 capable of holding more than 3 shells, it shall, while being
9 used on an area other than a game breeding and shooting
10 preserve area licensed pursuant to Section 3.27, be fitted with
11 a one piece plug that is irremovable without dismantling the
12 shotgun or otherwise altered to render it incapable of holding
13 more than 3 shells in the magazine and chamber, combined.

14 (n) It is unlawful for any person, except persons who
15 possess a permit to hunt from a vehicle as provided in this
16 Section and persons otherwise permitted by law, to have or
17 carry any gun in or on any vehicle, conveyance or aircraft,
18 unless such gun is unloaded and enclosed in a case, except that
19 at field trials authorized by Section 2.34 of this Act,
20 unloaded guns or guns loaded with blank cartridges only, may be
21 carried on horseback while not contained in a case, or to have
22 or carry any bow or arrow device in or on any vehicle unless
23 such bow or arrow device is unstrung or enclosed in a case, or
24 otherwise made inoperable.

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

28 (p) It is unlawful to take game birds, migratory game birds
29 or migratory waterfowl with a rifle, pistol, revolver, or
30 airgun.

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

34 (r) It is unlawful to discharge any gun or bow and arrow

1 device along, upon, across, or from any public right-of-way or
2 highway in this State.

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

6 (t) It is unlawful for any person to trap or hunt, or allow
7 a dog to hunt, within or upon the land of another, or upon
8 waters flowing over or standing on the land of another, without
9 first obtaining permission from the owner or tenant. It shall
10 be prima facie evidence that a person does not have permission
11 of the owner or tenant if the person is unable to demonstrate
12 to the law enforcement officer in the field that permission has
13 ~~had~~ been obtained. This provision may only be rebutted by
14 testimony of the owner or tenant that permission had been
15 given. Before enforcing this Section the law enforcement
16 officer must have received notice from the owner or tenant of a
17 violation of this Section. Statements made to the law
18 enforcement officer regarding this notice shall not be rendered
19 inadmissible by the hearsay rule when offered for the purpose
20 of showing the required notice.

21 (u) It is unlawful for any person to discharge any firearm
22 for the purpose of taking any ~~of the~~ species protected by this
23 Act, or hunt with dog gun or gun dog, or allow a dog to hunt,
24 within 300 yards of an inhabited dwelling without first
25 obtaining permission from the owner or tenant, except that
26 while trapping, hunting with bow and arrow, hunting with dog
27 and shotgun using shot shells only, or hunting with shotgun
28 using shot shells only, or on licensed game breeding and
29 hunting preserve areas, as defined in Section 3.27, on property
30 operated under a Migratory Waterfowl Hunting Area Permit, on
31 federally owned and managed lands and on Department owned,
32 managed, leased or controlled lands, a 100 yard restriction
33 shall apply.

34 (v) It is unlawful for any person to remove fur-bearing

1 mammals from, or to move or disturb in any manner, the traps or
2 cable restraints owned by another person without written
3 authorization of the owner to do so.

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

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

13 (y) It is unlawful to hunt wild game protected by this Act
14 between one half hour after sunset and one half hour before
15 sunrise, except that hunting hours between one half hour after
16 sunset and one half hour before sunrise may be established by
17 administrative rule for fur-bearing mammals.

18 (z) It is unlawful to take any game bird (excluding wild
19 turkeys and crippled pheasants not capable of normal flight and
20 otherwise irretrievable) protected by this Act when not flying.
21 Nothing in this Section shall prohibit a person from carrying
22 an uncased, unloaded shotgun in a boat, while in pursuit of a
23 crippled migratory waterfowl that is incapable of normal
24 flight, for the purpose of attempting to reduce the migratory
25 waterfowl to possession, provided that the attempt is made
26 immediately upon downing the migratory waterfowl and is done
27 within 400 yards of the blind from which the migratory
28 waterfowl was downed. This exception shall apply only to
29 migratory game birds that are not capable of normal flight.
30 Migratory waterfowl that are crippled may be taken only with a
31 shotgun as regulated by subsection (j) of this Section using
32 shotgun shells as regulated in subsection (k) of this Section.

33 (aa) It is unlawful to use or possess any device that may
34 be used for tree climbing or cutting, while hunting fur-bearing

1 mammals.

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

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

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

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

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

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

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

32 ~~(ii)~~ This Section shall apply only to those species
33 protected by this Act taken within the State. Any species or
34 any parts thereof, legally taken in and transported from other

1 states or countries, may be possessed within the State, except
2 as provided in this Section and Sections 2.35, 2.36 and 3.21.

3 ~~(jjj)~~ Nothing contained in this Section shall prohibit the
4 use of bow and arrow, or prevent the Director from issuing
5 permits to use a crossbow to handicapped persons as provided by
6 administrative rule. As used herein, "handicapped persons"
7 means those persons who have a permanent physical impairment
8 due to injury or disease, congenital or acquired, which renders
9 them so severely disabled as to be unable to use a conventional
10 bow and arrow device. Permits will be issued only after the
11 receipt of a physician's statement confirming the applicant is
12 handicapped as defined above.

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

19 ~~(ll)~~ Nothing contained in this Act shall prohibit the
20 taking of aquatic life protected by the Fish and Aquatic Life
21 Code or birds and mammals protected by this Act, except deer
22 and fur-bearing mammals, from a boat not camouflaged or
23 disguised to alter its identity or to further provide a place
24 of concealment and not propelled by sail or mechanical power.
25 However, only shotguns not larger than 10 gauge nor smaller
26 than .410 bore loaded with not more than 3 shells of a shot
27 size no larger than lead BB or steel T (.20 diameter) may be
28 used to take species protected by this Act.

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

32 Nothing contained in this Act shall prohibit the use of
33 locking type cable restraints for use in water trapping.
34 Written permission of the owner of the land over which the

1 water is standing or flowing is not required for water sets.

2 (Source: P.A. 92-325, eff. 8-9-01; 92-651, eff. 7-11-02;
3 93-807, eff. 7-24-04.)

4 (520 ILCS 5/2.33a) (from Ch. 61, par. 2.33a)
5 Sec. 2.33a. Unlawful trapping.

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

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

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

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

23 (e) It is unlawful to destroy, disturb or in any manner
24 interfere with dams, lodges, burrows or feed beds of beaver
25 while trapping for beaver or to set a trap inside a muskrat
26 house or beaver lodge, except that this shall not apply to
27 Drainage Districts who are acting pursuant to the provisions of
28 Section 2.37;

29 (f) It is unlawful to trap beaver with: (1) a leghold trap
30 or one of similar construction having a jaw spread of less than
31 5 1/2 inches (13.9 CM) or more than 7 1/2 inches (19.1 CM), or
32 (2) a body-gripping trap or one of similar construction having
33 a jaw spread of less than 7 inches (17.7 CM) or more than 10

1 inches (25.4 CM) on a side if square and 12 inches (30.5 CM) if
2 round, except that these restrictions shall not apply during
3 the open season for trapping muskrats;

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

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

11 (i) It is unlawful for any person to set or place any trap
12 or cable restraint designed to take any fur-bearing mammal
13 protected by this Act during the closed trapping season. Proof
14 that any trap or cable restraint was placed during the closed
15 trapping season shall be deemed prima facie evidence of a
16 violation of this provision.

17 (j) It is unlawful to place, set, or maintain any leghold
18 trap or one of similar construction within thirty (30) feet
19 (9.14 m) of bait placed in such a manner or position that it is
20 not completely covered and concealed from sight, except that
21 this shall not apply to underwater sets. Bait shall mean and
22 include any bait composed of mammal, bird, or fish flesh, fur,
23 hide, entrails or feathers.

24 (k) It shall be unlawful for hunters or trappers to have
25 the green hides of fur-bearing mammals, protected by this Act,
26 in their possession except during the open season and for an
27 additional period of 10 days succeeding such open season.

28 (l) It is unlawful for any person to place, set, use, or
29 maintain a cable restraint ~~snare trap~~ or one of similar
30 construction in water, that has a loop diameter exceeding 15
31 inches (38.1 CM) or a cable or wire diameter of more than 1/8
32 inch (3.2 MM) or less than 5/64 inch (2.0 MM), that is
33 constructed of stainless steel metal cable or wire, and that
34 does not have a mechanical lock, anchor swivel and stop device

1 to prevent the mechanical lock from closing the noose loop to a
2 diameter of less than 2 1/2 inches (6.4 CM).

3 (m) It is unlawful for any person to place, set, use, or
4 maintain on land a cable restraint or one of similar
5 construction that has a loop diameter exceeding 15 inches (38.1
6 cm). It is unlawful for any person to place, set, or maintain
7 on land a cable restraint or one of similar construction that
8 does not have a relaxing mechanical lock, anchor swivel, and
9 stop device to prevent the relaxing mechanical lock from
10 closing the noose loop to a diameter of less than 2 1/2 inches
11 (6.4 cm).

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

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

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."