



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0297

Introduced 1/19/2007, by Rep. David Reis

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Wildlife Code. Provides that the Department of Natural Resources is responsible for the operation of a hound running areas permit program. Provides that a coyote may be held or possessed by a person who holds a hound running area permit. Provides that hound running areas approved by the Department are exempt from certain limitations in the Game Protective Article of the Wildlife Code. Limits hound running areas to a fenced area that has at least 40 acres, that is used by dogs and people to chase foxes or coyotes without the intent to kill or capture the foxes or coyotes, and that has a dog-proof escape area for the chased animals. Requires the applicant for a hound running area permit to hold or apply for a fur-bearing mammal breeder permit. Authorizes the Department to promulgate rules, make inspections, and administer this program. Provides that a person that violates the requirements for a hound running area permit is guilty of a Class B misdemeanor. Amends the Illinois Dangerous Animals Act to provide that a hound running area may be used to keep and maintain coyotes in an escape-proof enclosure. Makes other changes.

LRB095 04287 CMK 24328 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

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 2.30, 2.33, 2.36, 3.5, 3.25, 3.33, and 3.35 and by  
6 adding Sections 1.2j-5 and 3.27-a as follows:

7 (520 ILCS 5/1.2j-5 new)

8 Sec. 1.2j-5. "Hound running" means the chasing of one or  
9 more foxes or one or more coyotes by one or more dogs and one or  
10 more persons engaged in hunt-like activities.

11 (520 ILCS 5/2.30) (from Ch. 61, par. 2.30)

12 Sec. 2.30. It shall be unlawful for any person to trap or  
13 to hunt with gun, dog, dog and gun, or bow and arrow, gray fox,  
14 red fox, raccoon, weasel, mink, muskrat, badger, and opossum  
15 except during the open season which will be set annually by the  
16 Director between 12:01 a.m., November 1 to 12:00 midnight,  
17 February 15, both inclusive, and except for activities approved  
18 by the Department for hound running areas.

19 It is unlawful for any person to take bobcat or river otter  
20 in this State at any time.

21 It is unlawful to pursue any fur-bearing mammal with a dog  
22 or dogs between the hours of sunset and sunrise during the 10

1 day period preceding the opening date of the raccoon hunting  
2 season and the 10 day period following the closing date of the  
3 raccoon hunting season except that the Department may issue  
4 field trial permits in accordance with Section 2.34 of this  
5 Act. A non-resident from a state with more restrictive  
6 fur-bearer pursuit regulations for any particular species than  
7 provided for that species in this Act may not pursue that  
8 species in Illinois except during the period of time that  
9 Illinois residents are allowed to pursue that species in the  
10 non-resident's state of residence. Fenced fox hound training  
11 enclosures and hound running areas approved by the Department  
12 shall be exempt from the provisions of this Section.

13 It shall be unlawful to take beaver, weasel, mink or  
14 muskrat except during the open season set annually by the  
15 Director, and then, only with traps.

16 It shall be unlawful for any person to trap beaver with  
17 traps except during the open season which will be set annually  
18 by the Director between 12:01 a.m., November 1st and 12:00  
19 midnight, March 31.

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

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

26 For the purpose of taking fur-bearing mammals, the State

1 may be divided into management zones by administrative rule.

2 The provisions of this Section are subject to modification  
3 by administrative rule.

4 (Source: P.A. 89-341, eff. 8-17-95.)

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

6 Sec. 2.33. Prohibitions.

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

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

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

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

24 (e) (Blank).

25 (f) It is unlawful to use spears, gigs, hooks or any like

1 device to take any species protected by this Act.

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

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

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

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

22 (k) It is unlawful to use or possess in the field any  
23 shotgun shell loaded with a shot size larger than lead BB or  
24 steel T (.20 diameter) when taking or attempting to take any  
25 species of wild game mammals (excluding white-tailed deer),  
26 wild game birds, migratory waterfowl or migratory game birds

1 protected by this Act, except white-tailed deer as provided for  
2 in Section 2.26 and other species as provided for by subsection  
3 (l) or administrative rule.

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

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

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

1 such bow or arrow device is unstrung or enclosed in a case, or  
2 otherwise made inoperable.

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

6 (p) It is unlawful to take game birds, migratory game birds  
7 or migratory waterfowl with a rifle, pistol, revolver or  
8 airgun.

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

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

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

18 (t) It is unlawful for any person to trap or hunt, or  
19 intentionally or wantonly allow a dog to hunt, within or upon  
20 the land of another, or upon waters flowing over or standing on  
21 the land of another, without first obtaining permission from  
22 the owner or tenant. It shall be prima facie evidence that a  
23 person does not have permission of the owner or tenant if the  
24 person is unable to demonstrate to the law enforcement officer  
25 in the field that permission had been obtained. This provision  
26 may only be rebutted by testimony of the owner or tenant that

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

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

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

24 (w) It is unlawful for any owner of a dog to knowingly or  
25 wantonly allow his or her dog to pursue, harass or kill deer,  
26 except that nothing in this Section shall prohibit the tracking



1 of wounded deer with a dog in accordance with the provisions of  
2 Section 2.26 of this Code.

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

7 (y) It is unlawful to hunt wild game protected by this Act  
8 between one half hour after sunset and one half hour before  
9 sunrise, except that hunting hours between one half hour after  
10 sunset and one half hour before sunrise may be established by  
11 administrative rule for fur-bearing mammals.

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

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

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

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

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

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

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

25 (gg) It is unlawful during the upland game season for any  
26 person to take upland game with a firearm unless he or she

1 wears, while in the field, a cap of solid blaze orange color.  
2 For purposes of this Act, upland game is defined as Bobwhite  
3 Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern  
4 Cottontail and Swamp Rabbit.

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

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

24 (kk) Nothing contained in this Section shall prohibit the  
25 Director from issuing permits to paraplegics or to other  
26 disabled persons who meet the requirements set forth in

1 administrative rule to shoot or hunt from a vehicle as provided  
2 by that rule, provided that such is otherwise in accord with  
3 this Act.

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

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

17 (Source: P.A. 93-807, eff. 7-24-04; 94-764, eff. 1-1-07.)

18 (520 ILCS 5/2.36) (from Ch. 61, par. 2.36)

19 Sec. 2.36. It shall be unlawful to buy, sell or barter, or  
20 offer to buy, sell or barter, and for a commercial institution,  
21 other than a regularly operated refrigerated storage  
22 establishment, to have in its possession any of the wild birds,  
23 or any part thereof (and their eggs), or wild mammals or any  
24 parts thereof, protected by this Act unless done as hereinafter  
25 provided:

1 Game birds or any parts thereof (and their eggs), may be  
2 held, possessed, raised and sold, or otherwise dealt with, as  
3 provided in Section 3.23 of this Act or when legally produced  
4 under similar special permit in another state or country and  
5 legally transported into the State of Illinois; provided that  
6 such imported game birds or any parts thereof, shall be marked  
7 with permanent irremovable tags, or similar devices, to  
8 establish and retain their origin and identity;

9 Rabbits may be legally taken and possessed as provided in  
10 Sections 3.23 and 3.24 of this Act;

11 Deer, or any parts thereof, may be held, possessed, sold or  
12 otherwise dealt with as provided in this Section and Sections  
13 3.23 and 3.24 of this Act;

14 Fur-bearing mammals, or any parts thereof, may be held,  
15 possessed, sold or otherwise dealt with as provided in Sections  
16 3.16, ~~and~~ 3.24, and 3.27-a of this Act or when legally taken  
17 and possessed in Illinois or legally taken and possessed in and  
18 transported from other states or countries;

19 The inedible parts of game mammals may be held, possessed,  
20 sold or otherwise dealt with when legally taken, in Illinois or  
21 legally taken and possessed in and transported from other  
22 states or countries.

23 Failure to establish proof of the legality of possession in  
24 another state or country and importation into the State of  
25 Illinois, shall be prima facie evidence that such game birds or  
26 any parts thereof, and their eggs, game mammals and fur-bearing

1 mammals, or any parts thereof, were taken within the State of  
2 Illinois.

3 (Source: P.A. 82-434.)

4 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

5 Sec. 3.5. Penalties; probation.

6 (a) Any person who violates any of the provisions of  
7 Section 2.36a, including administrative rules, shall be guilty  
8 of a Class 3 felony, except as otherwise provided in subsection  
9 (b) of this Section and subsection (a) of Section 2.36a.

10 (b) Whenever any person who has not previously been  
11 convicted of, or placed on probation or court supervision for,  
12 any offense under Section 1.22, 2.36, or 2.36a or subsection  
13 (i) or (cc) of Section 2.33, the court may, without entering a  
14 judgment and with the person's consent, sentence the person to  
15 probation for a violation of Section 2.36a.

16 (1) When a person is placed on probation, the court  
17 shall enter an order specifying a period of probation of 24  
18 months and shall defer further proceedings in the case  
19 until the conclusion of the period or until the filing of a  
20 petition alleging violation of a term or condition of  
21 probation.

22 (2) The conditions of probation shall be that the  
23 person:

24 (A) Not violate any criminal statute of any  
25 jurisdiction.

1           (B) Perform no less than 30 hours of community  
2 service, provided community service is available in  
3 the jurisdiction and is funded and approved by the  
4 county board.

5           (3) The court may, in addition to other conditions:

6           (A) Require that the person make a report to and  
7 appear in person before or participate with the court  
8 or courts, person, or social service agency as directed  
9 by the court in the order of probation.

10           (B) Require that the person pay a fine and costs.

11           (C) Require that the person refrain from  
12 possessing a firearm or other dangerous weapon.

13           (D) Prohibit the person from associating with any  
14 person who is actively engaged in any of the activities  
15 regulated by the permits issued or privileges granted  
16 by the Department of Natural Resources.

17           (4) Upon violation of a term or condition of probation,  
18 the court may enter a judgment on its original finding of  
19 guilt and proceed as otherwise provided.

20           (5) Upon fulfillment of the terms and conditions of  
21 probation, the court shall discharge the person and dismiss  
22 the proceedings against the person.

23           (6) A disposition of probation is considered to be a  
24 conviction for the purposes of imposing the conditions of  
25 probation, for appeal, and for administrative revocation  
26 and suspension of licenses and privileges; however,

1 discharge and dismissal under this Section is not a  
2 conviction for purposes of disqualification or  
3 disabilities imposed by law upon conviction of a crime.

4 (7) Discharge and dismissal under this Section may  
5 occur only once with respect to any person.

6 (8) If a person is convicted of an offense under this  
7 Act within 5 years subsequent to a discharge and dismissal  
8 under this Section, the discharge and dismissal under this  
9 Section shall be admissible in the sentencing proceeding  
10 for that conviction as a factor in aggravation.

11 (9) The Circuit Clerk shall notify the Department of  
12 State Police of all persons convicted of or placed under  
13 probation for violations of Section 2.36a.

14 (c) Any person who violates any of the provisions of  
15 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,  
16 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),  
17 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 - 3.16, 3.19 - 3.21  
18 (except subsections (b), (c), (d), (e), (f), (f.5), (g), (h),  
19 and (i)), ~~and 3.24 - 3.26, and 3.27-a (except subsection (f))~~,  
20 including administrative rules, shall be guilty of a Class B  
21 misdemeanor.

22 Any person who violates any of the provisions of Sections  
23 1.22, 2.4, 2.36 and 2.38, including administrative rules, shall  
24 be guilty of a Class A misdemeanor. Any second or subsequent  
25 violations of Sections 2.4 and 2.36 shall be a Class 4 felony.

26 Any person who violates any of the provisions of this Act,



1 including administrative rules, during such period when his  
2 license, privileges, or permit is revoked or denied by virtue  
3 of Section 3.36, shall be guilty of a Class A misdemeanor.

4 Any person who violates subsection (g), (i), (o), (p), (y),  
5 or (cc) of Section 2.33 shall be guilty of a Class A  
6 misdemeanor and subject to a fine of no less than \$500 and no  
7 more than \$5,000 in addition to other statutory penalties.

8 Any person who violates any other of the provisions of this  
9 Act including administrative rules, unless otherwise stated,  
10 shall be guilty of a petty offense. Offenses committed by  
11 minors under the direct control or with the consent of a parent  
12 or guardian may subject the parent or guardian to the penalties  
13 prescribed in this Section.

14 In addition to any fines imposed pursuant to the provisions  
15 of this Section or as otherwise provided in this Act, any  
16 person found guilty of unlawfully taking or possessing any  
17 species protected by this Act, shall be assessed a civil  
18 penalty for such species in accordance with the values  
19 prescribed in Section 2.36a of this Act. This civil penalty  
20 shall be imposed by the Circuit Court for the county within  
21 which the offense was committed at the time of the conviction.  
22 All penalties provided for in this Section shall be remitted to  
23 the Department in accordance with the same provisions provided  
24 for in Section 1.18 of this Act.

25 (Source: P.A. 94-222, eff. 7-14-05.)

1 (520 ILCS 5/3.25) (from Ch. 61, par. 3.25)

2 Sec. 3.25. Any individual who, within the State of  
3 Illinois, holds, possesses or engages in the breeding or  
4 raising of live fur-bearing mammals, protected by this Act,  
5 except as provided in Sections 1.6 or 1.7, shall be a  
6 fur-bearing mammal breeder in the meaning of this Act. Before  
7 any individual shall hold, possess or engage in the breeding or  
8 raising of live fur-bearing mammals, he shall first procure a  
9 fur-bearing mammal breeder permit. Fur-bearing mammal breeder  
10 permits shall be issued by the Department. The annual fee for  
11 each fur-bearing mammal breeder permit shall be \$25. All  
12 fur-bearing mammal breeder permits shall expire on March 31 of  
13 each year.

14 Holders of fur-bearing mammal breeder permits may hold,  
15 possess, engage in the breeding or raising, sell, or otherwise  
16 dispose of live fur-bearing mammals or their green hides,  
17 possessed thereunder, at any time of the year.

18 Fur-bearing mammal breeders shall keep a record for 2 years  
19 from the date of the acquisition, sale or other disposition of  
20 each live fur-bearing mammal or its green hide so raised or  
21 propagated, showing the date of such transaction, the name and  
22 address of the individual receiving or buying such live  
23 fur-bearing mammal or its green hide, and when requested to do  
24 so, shall furnish such individual with a certificate of  
25 purchase showing the number and kinds of live fur-bearing  
26 mammals or green hides so disposed of, the date of the

1 transaction, the name and permit number of the breeder, and the  
2 name of the individual receiving, collecting, or buying such  
3 live fur-bearing mammals or green hides, and such other  
4 information as the Department may require. Such records and  
5 certificates of purchase shall be immediately presented to  
6 officers or authorized employees of the Department, any  
7 sheriff, deputy sheriff, or other peace officer when request is  
8 made for same. Failure to produce such records or certificates  
9 of purchase shall be prima facie evidence that such live  
10 fur-bearing mammals or green hides are contraband with the  
11 State of Illinois. The holder of a fur-bearing mammal breeder  
12 permit may exhibit fur-bearing mammals commercially.

13 Nothing in this Section shall be construed to give any such  
14 permittee authority to take fur-bearing mammals in their wild  
15 state contrary to other provisions of this Act, or to remove  
16 such permittee from responsibility for the observance of any  
17 Federal Laws, rules or regulations which may apply to such  
18 fur-bearing mammals.

19 Holders of fur-bearing mammal breeder permits may import  
20 fur-bearing mammals into the State of Illinois but may release  
21 the same only after health and disease prevention requirements  
22 set forth by the Director and other State agencies have been  
23 met and permission of the Director has been granted.

24 The breeding, raising and producing in captivity, and the  
25 marketing, by the producer, of mink (*Mustela vison*), red fox  
26 (*Vulpes vulpes*) or arctic fox (*Alopex lagopus*), as live

1 animals, or as animal pelts or carcasses shall be deemed an  
2 agricultural pursuit, and all such animals so raised in  
3 captivity shall be deemed domestic animals, subject to all the  
4 laws of the State with reference to possession and ownership as  
5 are applicable at any time to domestic animals. All individuals  
6 engaged in the foregoing activities are fur farmers and engaged  
7 in farming for all statutory purposes. Such individuals are  
8 exempt from the fur-bearing mammal breeder permit requirements  
9 set forth in this Section if: (1) they are defined as farmers  
10 for Federal income tax purposes, and (2) at least 20 percent of  
11 their gross farm income as reported on Federal tax form  
12 Schedule F (Form 1040) for the previous year is generated from  
13 the sale of mink, red fox or arctic fox as live animals, animal  
14 pelts or carcasses.

15 No fur-bearing mammal breeder permits will be issued to  
16 hold, possess, or engage in the breeding and raising of striped  
17 skunks acquired after July 1, 1975, or coyotes acquired after  
18 July 1, 1978, except for a coyote that is held or possessed by  
19 a person who holds a hound running area permit under Section  
20 3.27-a of this Act.

21 (Source: P.A. 86-920.)

22 (520 ILCS 5/3.27-a new)

23 Sec. 3.27-a. Hound running area permits; requirements.

24 (a) Any person owning, holding, or controlling by lease any  
25 contiguous tract of land having an area of not less than 40

1 acres who desires to establish a hound running area, to  
2 propagate and preserve foxes, coyotes, or both, and to run  
3 hounds in a hunt-like activity that is not designed to capture  
4 or kill any fox or coyote, shall apply to the Department for a  
5 hound running area permit under this Section. The application  
6 shall be made under oath of the applicant or under oath of one  
7 of its principal officers if the applicant is not an  
8 individual. The application shall be accompanied by an annual  
9 permit fee established by the Department by rule, which annual  
10 fee shall not exceed \$250. All hound running area permits  
11 expire on April 30 of each year.

12 Every applicant under this Section must hold a fur-bearing  
13 mammal breeder permit or apply for a fur-bearing mammal breeder  
14 permit at the time that the applicant submits the application  
15 for a hound running area permit.

16 Upon receipt of an application, the Department is  
17 authorized to inspect the area proposed to be a hound running  
18 area, as described in the application, the general premises,  
19 the facilities where the foxes and coyotes are to be maintained  
20 or propagated, and the habitat for foxes and coyotes. As part  
21 of the application and inspection process, the Department shall  
22 assess the ability of the applicant to operate a property of  
23 this character. If the Department finds that the area meets the  
24 requirements of all applicable laws and rules, that the foxes  
25 and coyotes are or will be reasonably healthy and disease free,  
26 and that the issuing of the permit will otherwise be in the

1 public interest, the Department shall approve the application  
2 and issue the permit for the operation of the property  
3 described in the application with the rights and subject to the  
4 limitations prescribed in this Section.

5 The holder of a hound running area permit may maintain  
6 foxes and coyotes in temporary confinement facilities on the  
7 hound running area or at another location inspected by the  
8 Department and specified on the permit. Foxes and coyotes held  
9 by a permit holder may be released only into a hound running  
10 area. No fox or coyote held by a permit holder may be released  
11 to the wild, exported, or given to a person that does not hold  
12 a hound running area permit or a fur-bearing mammal breeder  
13 permit, except with written authorization of the Director.

14 (b) No hound running area shall be operated in a manner  
15 inconsistent with the following:

16 (1) Foxes and coyotes in a hound running area may be  
17 chased with dogs, but not in a manner or with the intent to  
18 capture or kill. The Department shall promulgate rules that  
19 describe appropriate and prohibited activities for a hound  
20 running area.

21 (2) Every hound running area must have a minimum of one  
22 dog-proof escape area for each 20 acres or remaining  
23 fraction thereof of hound running area. A dog-proof escape  
24 area must be available for use by a fox or a coyote any  
25 time dogs are present on the area. "Dog-proof escape area"  
26 means a culvert, brush pile, fenced refuge, or other

1 structure suitable for use by a fox or coyote to safely  
2 escape from dogs present on the hound running area.  
3 Dog-proof escape areas shall not be located immediately  
4 adjacent to each other.

5 (3) Every hound running area shall promptly post on the  
6 hound running area, at intervals of not more than 500 feet,  
7 signs prescribed by the Department by rule. The boundaries  
8 of the land on which the hound running area is located  
9 shall also be clearly defined by fencing, natural or  
10 artificial boundaries, or barriers and signs pursuant to  
11 standards prescribed by the Department by rule. The fencing  
12 or barriers on the hound running area shall be designed to  
13 prohibit any fox or coyote in the hound running area from  
14 escaping the area. The fencing or barriers on the area  
15 shall also be designed to prevent any other foxes or  
16 coyotes from entering the area. The area, signage, fencing,  
17 barriers, boundary marking, dog-proof escape areas, and  
18 facilities to maintain the foxes and coyotes in the area  
19 and prevent other foxes and coyotes from entering the area  
20 are subject to inspection by an officer, employee, or agent  
21 of the Department at any reasonable time.

22 (4) The holder of a hound running area permit may  
23 maintain foxes and coyotes in temporary confinement  
24 facilities on the hound running area or at another location  
25 inspected by the Department and specified on the permit.  
26 Foxes and coyotes held by a permit holder may only be

1 released into a hound running area. No fox or coyote held  
2 by a permit holder may be released to the wild, exported,  
3 or given to a person that does not hold a hound running  
4 area permit or a fur-bearing mammal breeder permit, except  
5 with written authorization of the Director. Prior to being  
6 released into a hound running area, all newly acquired  
7 foxes and coyotes shall be provided a minimum of 7 days to  
8 acclimate to the hound running area in which the animal  
9 will be chased. Any fox or coyote held under a permit is  
10 subject to inspection by an agent of the Department and  
11 this inspection may include removal of reasonable samples  
12 from the fox or coyote for examination.

13 (5) Any person, as a permit holder or an employee of a  
14 permit holder, who releases dogs on a hound running area  
15 shall have in his or her possession a valid Illinois  
16 hunting license, except that Illinois residents 15 years of  
17 age or under and 65 years of age or over are exempt from  
18 this requirement.

19 (6) The hound running area permit holder shall keep  
20 accurate permanent records on forms prescribed by the  
21 Department. The permanent record shall include, as to each  
22 supplier of foxes or coyotes, (i) the supplier's full name,  
23 address, and telephone number, (ii) the number, sex, and  
24 ear tag designation of each animal purchased, donated,  
25 sold, traded, or given to the permit holder by that  
26 supplier, and (iii) the date of the event or transaction.



1       The permanent record shall also include the identification  
2       of all foxes and coyotes, while under the control of the  
3       permit holder on the area or elsewhere, by ear tag  
4       designation and sex, along with information for each fox or  
5       coyote that gave birth, was born, died, or was disposed of  
6       in some other manner or that was sold, traded, donated, or  
7       conveyed in some other manner, and the dates on which those  
8       events occurred.

9           (7) Every permit holder shall attach individually  
10       marked ear tags provided by the Department to each fox or  
11       coyote maintained by the permit holder. The permit holder  
12       shall pay a fee for each ear tag as established by the  
13       Department by rule, but the fee shall not exceed one dollar  
14       per tag. The permit holder shall record the ear tag number  
15       for each animal maintained on the area or elsewhere or  
16       released into the area.

17           (8) Any person using the hound running area as part of  
18       a hound running activity shall at all times respect the  
19       rights of persons who own the area and those persons who  
20       own the land adjacent to the area, and shall not injure or  
21       destroy any livestock or property of these land owners.  
22       Trees or shrubs shall not be mutilated or cut, nor shall  
23       berries, fruits, or nuts be picked within the hound running  
24       area, except by permission of the permit holder. Springs  
25       and streams shall not be contaminated or polluted in any  
26       manner by persons using the hound running area; however,

1 the natural use of springs and streams by dogs using the  
2 area shall not constitute contamination or pollution.

3 (c) Except as otherwise provided in this Section, it is  
4 unlawful for any person, except by special permission of a duly  
5 authorized representative of the Department, to enter or go  
6 upon a hound running area at any time of the year with a  
7 firearm, bow and arrow, or trap.

8 (d) A hound running area permit is not transferable from  
9 one person to another. When a permit holder sells or leases the  
10 property that comprises or includes a hound running area and  
11 the purchaser or lessee intends to continue to use the hound  
12 running area pursuant to this Section, the purchaser or lessee  
13 must apply for a permit as provided in subsection (a) of this  
14 Section.

15 (e) All foxes and coyotes acquired in conjunction with the  
16 operation of a hound running area must be from legal sources.

17 (f) A person breeding or otherwise maintaining a fox or  
18 coyote in conjunction with a hound running area must have the  
19 fox or coyote inspected and certified to be a coyote, Red fox,  
20 or Gray fox and to be disease free by a licensed Illinois  
21 veterinarian. Anyone violating this subsection is guilty of a  
22 business offense and shall be fined an amount not exceeding  
23 \$5,000.

24 (520 ILCS 5/3.33) (from Ch. 61, par. 3.33)

25 Sec. 3.33. The Department may either refuse to issue or

1 refuse to renew or may suspend or may revoke any game breeding  
2 and hunting preserve area license or hound running area permit.

3 if the Department finds that such licensed area or the operator  
4 thereof is not complying or does not comply with the provisions  
5 of Section 3.35 of this Act, or that such property~~r~~ or area is  
6 operated in violation of other provisions of this Act, or in an  
7 unlawful or illegal manner; however, the Department shall not  
8 refuse to issue, refuse to renew nor suspend or revoke any  
9 license for any of these causes, unless the licensee affected  
10 has been given at least 15 days notice, in writing, of the  
11 reasons for the action of the Department and an opportunity to  
12 appear before the Department or a representative thereof in  
13 opposition to the action of the Department. Upon the hearing of  
14 any such proceeding, the person designated by the Department to  
15 conduct the hearing may administer oaths and the Department may  
16 procure, by its subpoena, the attendance of witnesses and the  
17 production of relevant books and papers. The Circuit Court upon  
18 application either of the licensee affected, or of the  
19 Department, may, on order duly entered, require the attendance  
20 of witnesses and the production of relevant books and papers  
21 before the Department or its representative in any such  
22 hearing. Upon refusal or neglect to obey its order, the Court  
23 may compel obedience by proceedings for contempt of court.

24 (Source: P.A. 84-150.)

25 (520 ILCS 5/3.35) (from Ch. 61, par. 3.35)

1           Sec. 3.35. Any licensee, or any other person, who willfully  
2 and intentionally transfers or permits the transfer of the tags  
3 issued to the operator of one licensed game breeding and  
4 hunting preserve area to the operator of another licensed game  
5 breeding and hunting preserve area, or to any other person, or  
6 who affixes such tags to game birds not taken from a licensed  
7 game breeding and hunting preserve area or to game birds taken  
8 from any area other than the area for which such tags were  
9 issued, is guilty of a Class B misdemeanor.

10           Any hound running area permit holder, or any other person,  
11 who intentionally transfers a permit ear tag issued to the  
12 permit holder for a hound running area to another permit holder  
13 for a hound running area, or to any other person, or who  
14 affixes such a tag to a fox or coyote that was not maintained  
15 at a hound running area, is guilty of a Class B misdemeanor.

16           (Source: P.A. 84-150.)

17           Section 10. The Illinois Dangerous Animals Act is amended  
18 by changing Section 1 as follows:

19           (720 ILCS 585/1) (from Ch. 8, par. 241)

20           Sec. 1. No person shall have a right of property in, keep,  
21 harbor, care for, act as custodian of or maintain in his  
22 possession any dangerous animal except at a properly maintained  
23 zoological park, federally licensed exhibit, circus,  
24 scientific or educational institution, research laboratory,

1 veterinary hospital, hound running area, or animal refuge in an  
2 escape-proof enclosure.

3 (Source: P.A. 84-28.)

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3	520 ILCS 5/1.2j-5 new	
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