

1 AN ACT concerning hunting.

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
9 State refuge unless otherwise permitted by administrative
10 rule.

11 (b) It is unlawful to use or possess any snare or
12 snare-like device, deadfall, net, or pit trap to take any
13 species, except that snares not powered by springs, spring
14 poles, or other mechanical devices may be used to trap
15 fur-bearing mammals on land without written permission from
16 the land owner or tenant of the land or in water~~7--in--water~~
17 ~~sets-only7-if-at-least-one-half-of-the-snare-noose-is-located~~
18 ~~underwater-at-all-times.~~

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

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

28 (e) (Blank).

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

31 (g) It is unlawful to use poisons, chemicals or

1 explosives for the purpose of taking any species protected by
2 this Act.

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

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

19 (j) It is unlawful to use any shotgun larger than 10
20 gauge while taking or attempting to take any of the species
21 protected 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
27 protected by this Act, except white-tailed deer as provided
28 for in Section 2.26 and other species as provided for by
29 subsection (l) or administrative rule.

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

33 (m) It is unlawful to use any shotgun capable of holding
34 more than 3 shells in the magazine or chamber combined,

1 except on game breeding and hunting preserve areas licensed
2 under Section 3.27. If the shotgun is capable of holding
3 more than 3 shells, it shall, while being used on an area
4 other than a game breeding and shooting preserve area
5 licensed pursuant to Section 3.27, be fitted with a one piece
6 plug that is irremovable without dismantling the shotgun or
7 otherwise altered to render it incapable of holding more than
8 3 shells in the magazine and chamber, combined.

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

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

22 (p) It is unlawful to take game birds, migratory game
23 birds or migratory waterfowl with a rifle, pistol, revolver
24 or airgun.

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

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

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

34 (t) It is unlawful for any person to trap or hunt, or

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

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

28 (v) It is unlawful for any person to remove fur-bearing
29 mammals from, or to move or disturb in any manner, the traps
30 or snares owned by another person without written
31 authorization of the owner to do so.

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

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

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

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

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

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

1 (cc) It is unlawful for any person to have in their
2 possession any freshly killed species protected by this Act
3 during the season closed for taking.

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

6 (ee) It is unlawful to possess any rifle while in the
7 field during gun deer season except as provided in Section
8 2.26 and administrative rules.

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

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

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

26 This Section shall apply only to those species protected
27 by this Act taken within the State. Any species or any parts
28 thereof, legally taken in and transported from other states
29 or countries may be possessed within the State, except as
30 provided in this Section and Sections 2.35, 2.36 and 3.21.

31 Nothing contained in this Section shall prohibit the use
32 of bow and arrow, or prevent the Director from issuing
33 permits to use a crossbow to handicapped persons. As used
34 herein, "handicapped persons" means those persons who have a

1 permanent physical impairment due to injury or disease,
2 congenital or acquired, which renders them so severely
3 disabled as to be unable to use a conventional bow and arrow
4 device. Permits will be issued only after the receipt of a
5 physician's statement confirming the applicant is handicapped
6 as defined above.

7 Nothing contained in this Section shall prohibit the
8 Director from issuing permits to paraplegics or persons
9 physically unable to walk, to shoot or hunt from a standing
10 vehicle, provided that such is otherwise in accord with this
11 Act.

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

22 Nothing contained in this Act shall prohibit the use of a
23 shotgun, not larger than 10 gauge nor smaller than a 20
24 gauge, with a rifled barrel.

25 (Source: P.A. 89-341, eff. 8-17-95; 90-743, eff. 1-1-99.)

26 (520 ILCS 5/2.33a) (from Ch. 61, par. 2.33a)

27 Sec. 2.33a. Unlawful trapping.

28 (a) It is unlawful to fail to visit and remove all
29 animals from traps and snares staked out, set, used, tended,
30 placed, or maintained at least once each calendar day.

31 (b) It is unlawful for any person to place, set, use, or
32 maintain a leghold trap or one of similar construction on
33 land, that has a jaw spread of larger than 6 1/2 inches (16.6

1 CM), or a body-gripping trap or one of similar construction
2 having a jaw spread larger than 7 inches (17.8 CM) on a side
3 if square and 8 inches (20.4 CM) if round;

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

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

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

18 (f) It is unlawful to trap beaver with: (1) a leghold
19 trap or one of similar construction having a jaw spread of
20 less than 5 1/2 inches (13.9 CM) or more than 7 1/2 inches
21 (19.1 CM), or (2) a body-gripping trap or one of similar
22 construction having a jaw spread of less than 7 inches (17.7
23 CM) or more than 10 inches (25.4 CM) on a side if square and
24 12 inches (30.5 CM) if round, except that these restrictions
25 shall not apply during the open season for trapping muskrats;

26 (g) It is unlawful to set traps closer than 10 feet
27 (3.05 M) from any hole or den which may be occupied by a game
28 mammal or fur-bearing mammal except that this restriction
29 shall not apply to water sets.

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

34 (i) It is unlawful for any person to set or place any

1 trap or snare designed to take any fur-bearing mammal
2 protected by this Act during the closed trapping season.
3 Proof that any trap or snare was placed during the closed
4 trapping season shall be deemed prima facie evidence of a
5 violation of this provision.

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

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

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

27 (m) It is unlawful for any person to place, set, use, or
28 maintain on land a snare trap or one of similar construction
29 that has a loop diameter exceeding 15 inches (38.1 cm). It
30 is unlawful for any person to place, set, use, or maintain on
31 land a snare trap or one of similar construction that does
32 not have a relaxing mechanical lock, anchor swivel, and stop
33 device to prevent the relaxing mechanical lock from closing
34 the noose loop to a diameter of less than 2 1/2 inches (6.4

1 cm).

2 (n) It is unlawful for any person to place, set, use, or
3 maintain a snare trap or one of similar construction within
4 10 feet on either side of any public highway fence.

5 (o) It is unlawful for an person to place, set, use, or
6 maintain a snare trap that has a relaxing lock or a trap of
7 similar construction in water.

8 (p) It is unlawful for any person to place, set, use, or
9 maintain on land or in water a snare that is attached to a
10 drag or a movable object.

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