

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 Section 2.33 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 or other  
14 mechanical devices may be used to trap fur-bearing mammals,  
15 in water sets only, if at least one-half of the snare noose  
16 is located underwater at all times.

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

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

26 (e) (Blank).

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

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

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

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

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

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

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

32           (m) It is unlawful to use any shotgun capable of holding  
33 more than 3 shells in the magazine or chamber combined,  
34 except on game breeding and hunting preserve areas licensed

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

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

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

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

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

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

33 (s) It is unlawful to use a silencer or other device to  
34 muffle or mute the sound of the explosion or report resulting

1 from the firing of any gun.

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

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

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

34 (w) It is unlawful for any owner of a dog to knowingly

1 or wantonly allow his or her dog to pursue, harass or kill  
2 deer.

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

7 (y) It is unlawful to hunt wild game protected by this  
8 Act between half hour after sunset and half hour before  
9 sunrise except that hunting hours between half hour after  
10 sunset and 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  
14 and otherwise irretrievable) protected by this Act when not  
15 flying. Nothing in this Section shall prohibit a person from  
16 carrying an uncased, unloaded shotgun in a boat, while in  
17 pursuit of a crippled migratory waterfowl that is incapable  
18 of normal flight, for the purpose of attempting to reduce the  
19 migratory waterfowl to possession, provided that the attempt  
20 is made immediately upon downing the migratory waterfowl and  
21 is done within 400 yards of the blind from which the  
22 migratory waterfowl was downed. This exception shall apply  
23 only to migratory game birds that are not capable of normal  
24 flight. Migratory waterfowl that are crippled may be taken  
25 only with a shotgun as regulated by subsection (j) of this  
26 Section using shotgun shells as regulated in subsection (k)  
27 of this Section.

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

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

1 from the Director.

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

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

7 (ee) It is unlawful to possess any rifle while in the  
8 field during gun deer season except as provided in Section  
9 2.26 and administrative rules.

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

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

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

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

32 Nothing contained in this Section shall prohibit the use  
33 of bow and arrow, or prevent the Director from issuing  
34 permits to use a crossbow to handicapped persons as provided

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

8 Nothing contained in this Section shall prohibit the  
9 Director from issuing permits to paraplegics or to other  
10 disabled persons who meet the requirements set forth in  
11 administrative rule persons-physically--unable--to--walk, to  
12 shoot or hunt from a standing vehicle as provided by that  
13 rule, provided that such is otherwise in accord with this  
14 Act.

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

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

28 (Source: P.A. 90-743, eff. 1-1-99; 91-654, eff. 12-15-99.)

29 Section 10. The Criminal Code of 1961 is amended by  
30 changing Section 24-2 as follows:

31 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

32 Sec. 24-2. Exemptions.

1           (a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10)  
2 and Section 24-1.6 do not apply to or affect any of the  
3 following:

4           (1) Peace officers, and any person summoned by a  
5 peace officer to assist in making arrests or preserving  
6 the peace, while actually engaged in assisting such  
7 officer.

8           (2) Wardens, superintendents and keepers of  
9 prisons, penitentiaries, jails and other institutions for  
10 the detention of persons accused or convicted of an  
11 offense, while in the performance of their official duty,  
12 or while commuting between their homes and places of  
13 employment.

14           (3) Members of the Armed Services or Reserve Forces  
15 of the United States or the Illinois National Guard or  
16 the Reserve Officers Training Corps, while in the  
17 performance of their official duty.

18           (4) Special agents employed by a railroad or a  
19 public utility to perform police functions, and guards of  
20 armored car companies, while actually engaged in the  
21 performance of the duties of their employment or  
22 commuting between their homes and places of employment;  
23 and watchmen while actually engaged in the performance of  
24 the duties of their employment.

25           (5) Persons licensed as private security  
26 contractors, private detectives, or private alarm  
27 contractors, or employed by an agency certified by the  
28 Department of Professional Regulation, if their duties  
29 include the carrying of a weapon under the provisions of  
30 the Private Detective, Private Alarm, and Private  
31 Security Act of 1983, while actually engaged in the  
32 performance of the duties of their employment or  
33 commuting between their homes and places of employment,  
34 provided that such commuting is accomplished within one



1 hour from departure from home or place of employment, as  
2 the case may be. Persons exempted under this subdivision  
3 (a)(5) shall be required to have completed a course of  
4 study in firearms handling and training approved and  
5 supervised by the Department of Professional Regulation  
6 as prescribed by Section 28 of the Private Detective,  
7 Private Alarm, and Private Security Act of 1983, prior to  
8 becoming eligible for this exemption. The Department of  
9 Professional Regulation shall provide suitable  
10 documentation demonstrating the successful completion of  
11 the prescribed firearms training. Such documentation  
12 shall be carried at all times when such persons are in  
13 possession of a concealable weapon.

14 (6) Any person regularly employed in a commercial  
15 or industrial operation as a security guard for the  
16 protection of persons employed and private property  
17 related to such commercial or industrial operation, while  
18 actually engaged in the performance of his or her duty or  
19 traveling between sites or properties belonging to the  
20 employer, and who, as a security guard, is a member of a  
21 security force of at least 5 persons registered with the  
22 Department of Professional Regulation; provided that such  
23 security guard has successfully completed a course of  
24 study, approved by and supervised by the Department of  
25 Professional Regulation, consisting of not less than 40  
26 hours of training that includes the theory of law  
27 enforcement, liability for acts, and the handling of  
28 weapons. A person shall be considered eligible for this  
29 exemption if he or she has completed the required 20  
30 hours of training for a security officer and 20 hours of  
31 required firearm training, and has been issued a firearm  
32 authorization card by the Department of Professional  
33 Regulation. Conditions for the renewal of firearm  
34 authorization cards issued under the provisions of this

1 Section shall be the same as for those cards issued under  
2 the provisions of the Private Detective, Private Alarm  
3 and Private Security Act of 1983. Such firearm  
4 authorization card shall be carried by the security guard  
5 at all times when he or she is in possession of a  
6 concealable weapon.

7 (7) Agents and investigators of the Illinois  
8 Legislative Investigating Commission authorized by the  
9 Commission to carry the weapons specified in subsections  
10 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
11 any investigation for the Commission.

12 (8) Persons employed by a financial institution for  
13 the protection of other employees and property related to  
14 such financial institution, while actually engaged in the  
15 performance of their duties, commuting between their  
16 homes and places of employment, or traveling between  
17 sites or properties owned or operated by such financial  
18 institution, provided that any person so employed has  
19 successfully completed a course of study, approved by and  
20 supervised by the Department of Professional Regulation,  
21 consisting of not less than 40 hours of training which  
22 includes theory of law enforcement, liability for acts,  
23 and the handling of weapons. A person shall be considered  
24 to be eligible for this exemption if he or she has  
25 completed the required 20 hours of training for a  
26 security officer and 20 hours of required firearm  
27 training, and has been issued a firearm authorization  
28 card by the Department of Professional Regulation.  
29 Conditions for renewal of firearm authorization cards  
30 issued under the provisions of this Section shall be the  
31 same as for those issued under the provisions of the  
32 Private Detective, Private Alarm and Private Security Act  
33 of 1983. Such firearm authorization card shall be  
34 carried by the person so trained at all times when such

1 person is in possession of a concealable weapon. For  
2 purposes of this subsection, "financial institution"  
3 means a bank, savings and loan association, credit union  
4 or company providing armored car services.

5 (9) Any person employed by an armored car company  
6 to drive an armored car, while actually engaged in the  
7 performance of his duties.

8 (10) Persons who have been classified as peace  
9 officers pursuant to the Peace Officer Fire Investigation  
10 Act.

11 (11) Investigators of the Office of the State's  
12 Attorneys Appellate Prosecutor authorized by the board of  
13 governors of the Office of the State's Attorneys  
14 Appellate Prosecutor to carry weapons pursuant to Section  
15 7.06 of the State's Attorneys Appellate Prosecutor's Act.

16 (12) Special investigators appointed by a State's  
17 Attorney under Section 3-9005 of the Counties Code.

18 (13) Court Security Officers while in the  
19 performance of their official duties, or while commuting  
20 between their homes and places of employment, with the  
21 consent of the Sheriff.

22 (13.5) A person employed as an armed security guard  
23 at a nuclear energy, storage, weapons or development site  
24 or facility regulated by the Nuclear Regulatory  
25 Commission who has completed the background screening and  
26 training mandated by the rules and regulations of the  
27 Nuclear Regulatory Commission.

28 (14) Manufacture, transportation, or sale of  
29 weapons to persons authorized under subdivisions (1)  
30 through (13.5) of this subsection to possess those  
31 weapons.

32 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
33 24-1.6 do not apply to or affect any of the following:

34 (1) Members of any club or organization organized

1 for the purpose of practicing shooting at targets upon  
2 established target ranges, whether public or private, and  
3 patrons of such ranges, while such members or patrons are  
4 using their firearms on those target ranges.

5 (2) Duly authorized military or civil organizations  
6 while parading, with the special permission of the  
7 Governor.

8 (3) Licensed Hunters, trappers or fishermen with a  
9 license or permit while engaged in hunting, trapping or  
10 fishing.

11 (4) Transportation of weapons that are broken down  
12 in a non-functioning state or are not immediately  
13 accessible.

14 (c) Subsection 24-1(a)(7) does not apply to or affect  
15 any of the following:

16 (1) Peace officers while in performance of their  
17 official duties.

18 (2) Wardens, superintendents and keepers of  
19 prisons, penitentiaries, jails and other institutions for  
20 the detention of persons accused or convicted of an  
21 offense.

22 (3) Members of the Armed Services or Reserve Forces  
23 of the United States or the Illinois National Guard,  
24 while in the performance of their official duty.

25 (4) Manufacture, transportation, or sale of machine  
26 guns to persons authorized under subdivisions (1) through  
27 (3) of this subsection to possess machine guns, if the  
28 machine guns are broken down in a non-functioning state  
29 or are not immediately accessible.

30 (5) Persons licensed under federal law to  
31 manufacture any weapon from which 8 or more shots or  
32 bullets can be discharged by a single function of the  
33 firing device, or ammunition for such weapons, and  
34 actually engaged in the business of manufacturing such

1 weapons or ammunition, but only with respect to  
2 activities which are within the lawful scope of such  
3 business, such as the manufacture, transportation, or  
4 testing of such weapons or ammunition. This exemption  
5 does not authorize the general private possession of any  
6 weapon from which 8 or more shots or bullets can be  
7 discharged by a single function of the firing device, but  
8 only such possession and activities as are within the  
9 lawful scope of a licensed manufacturing business  
10 described in this paragraph.

11 During transportation, such weapons shall be broken  
12 down in a non-functioning state or not immediately  
13 accessible.

14 (6) The manufacture, transport, testing, delivery,  
15 transfer or sale, and all lawful commercial or  
16 experimental activities necessary thereto, of rifles,  
17 shotguns, and weapons made from rifles or shotguns, or  
18 ammunition for such rifles, shotguns or weapons, where  
19 engaged in by a person operating as a contractor or  
20 subcontractor pursuant to a contract or subcontract for  
21 the development and supply of such rifles, shotguns,  
22 weapons or ammunition to the United States government or  
23 any branch of the Armed Forces of the United States, when  
24 such activities are necessary and incident to fulfilling  
25 the terms of such contract.

26 The exemption granted under this subdivision (c)(6)  
27 shall also apply to any authorized agent of any such  
28 contractor or subcontractor who is operating within the  
29 scope of his employment, where such activities involving  
30 such weapon, weapons or ammunition are necessary and  
31 incident to fulfilling the terms of such contract.

32 During transportation, any such weapon shall be  
33 broken down in a non-functioning state, or not  
34 immediately accessible.

1           (d) Subsection 24-1(a)(1) does not apply to the  
2 purchase, possession or carrying of a black-jack or  
3 slung-shot by a peace officer.

4           (e) Subsection 24-1(a)(8) does not apply to any owner,  
5 manager or authorized employee of any place specified in that  
6 subsection nor to any law enforcement officer.

7           (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and  
8 Section 24-1.6 do not apply to members of any club or  
9 organization organized for the purpose of practicing shooting  
10 at targets upon established target ranges, whether public or  
11 private, while using their firearms on those target ranges.

12           (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not  
13 apply to:

14           (1) Members of the Armed Services or Reserve Forces  
15 of the United States or the Illinois National Guard,  
16 while in the performance of their official duty.

17           (2) Bonafide collectors of antique or surplus  
18 military ordinance.

19           (3) Laboratories having a department of forensic  
20 ballistics, or specializing in the development of  
21 ammunition or explosive ordinance.

22           (4) Commerce, preparation, assembly or possession  
23 of explosive bullets by manufacturers of ammunition  
24 licensed by the federal government, in connection with  
25 the supply of those organizations and persons exempted by  
26 subdivision (g)(1) of this Section, or like organizations  
27 and persons outside this State, or the transportation of  
28 explosive bullets to any organization or person exempted  
29 in this Section by a common carrier or by a vehicle owned  
30 or leased by an exempted manufacturer.

31           (h) An information or indictment based upon a violation  
32 of any subsection of this Article need not negative any  
33 exemptions contained in this Article. The defendant shall  
34 have the burden of proving such an exemption.

1           (i) Nothing in this Article shall prohibit, apply to, or  
2 affect the transportation, carrying, or possession, of any  
3 pistol or revolver, stun gun, taser, or other firearm  
4 consigned to a common carrier operating under license of the  
5 State of Illinois or the federal government, where such  
6 transportation, carrying, or possession is incident to the  
7 lawful transportation in which such common carrier is  
8 engaged; and nothing in this Article shall prohibit, apply  
9 to, or affect the transportation, carrying, or possession of  
10 any pistol, revolver, stun gun, taser, or other firearm, not  
11 the subject of and regulated by subsection 24-1(a)(7) or  
12 subsection 24-2(c) of this Article, which is unloaded and  
13 enclosed in a case, firearm carrying box, shipping box, or  
14 other container, by the possessor of a valid Firearm Owners  
15 Identification Card.

16           (Source: P.A. 91-287, eff. 1-1-00; 91-690, eff. 4-13-00.)

17           Section 99. Effective date. This Act takes effect upon  
18 becoming law.