

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.