

**99TH GENERAL ASSEMBLY  
State of Illinois  
2015 and 2016  
HB0109**

Introduced , by Rep. Robert W. Pritchard

**SYNOPSIS AS INTRODUCED:**

520 ILCS 5/2.4	from Ch. 61, par. 2.4
520 ILCS 5/2.33	from Ch. 61, par. 2.33
520 ILCS 5/3.22	from Ch. 61, par. 3.22

Amends the Wildlife Code. Provides that, any person who finds a sick, injured, orphaned, or crippled wildlife species protected by this Act may, without a permit, take possession of the wildlife in order to immediately transport it to a permitted rehabilitator. Provides that any person taking possession of sick, injured, orphaned, or crippled wildlife for the purpose of transporting it to a permitted rehabilitator assumes liability for any injury or property damage that he or she incurs from the wildlife. Exempts this activity from prohibitions on taking and retaining live species protected by the Code. Effective immediately.

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**A BILL FOR**

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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 2.4, 2.33, and 3.22 as follows:

6 (520 ILCS 5/2.4) (from Ch. 61, par. 2.4)

7 Sec. 2.4. The term birds of prey shall include all species  
8 of owls, falcons, hawks, kites, harriers, ospreys and eagles.

9 It shall be unlawful for any person, organization or  
10 institution to take or possess a bird of prey (raptor) without

11 first obtaining a license or appropriate permit from the  
12 Department. All applicants must be at least 14 years of age.  
13 Regulations for the capture, use, possession and  
14 transportation of birds of prey for falconry or captive  
15 propagation purposes are provided by administrative rule. The  
16 fee for a falconry license is \$200 for 5 years and must be  
17 renewed every 5 years. The fee for a captive propagation permit  
18 is \$200 for 5 years and must be renewed every 5 years. The fee  
19 for a raptor capture permit for a resident of the State of  
20 Illinois is \$50 per year. The fee for a non-resident raptor  
21 capture permit is \$100 per year. A Scientific Collectors  
22 Permit, available to qualified individuals as provided in  
23 Section 3.22 of this Act, may be obtained from the Department

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1 for scientific, educational or zoological purposes. Except as  
2 provided in subsection (c) of Section 3.22, no ~~No~~ person may  
3 have in their possession Bald Eagle, *Haliaeetus leucocephalus*;  
4 Osprey, *Pandion haliaeetus*; or Barn Owl, *Tyto alba*. All  
5 captive-held birds of prey must be permanently marked as  
6 provided by administrative rule. The use of birds of prey for  
7 the hunting of game birds, migratory birds, game mammals, and  
8 furbearing mammals shall be lawful during falconry seasons,  
9 which shall be set by administrative rule.  
10 (Source: P.A. 97-1136, eff. 1-1-13.)

11 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

12 Sec. 2.33. Prohibitions.

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

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

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

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

5 (e) (Blank).

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

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

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

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

25 (j) It is unlawful to use any shotgun larger than 10 gauge  
26 while taking or attempting to take any of the species protected

1 by this Act.

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

10 (l) It is unlawful to take any species of wild game, except  
11 white-tailed deer and fur-bearing mammals, with a shotgun  
12 loaded with slugs unless otherwise provided for by  
13 administrative rule.

14 (m) It is unlawful to use any shotgun capable of holding  
15 more than 3 shells in the magazine or chamber combined, except  
16 on game breeding and hunting preserve areas licensed under  
17 Section 3.27 and except as permitted by the Code of Federal

18 Regulations for the taking of waterfowl. If the shotgun is  
19 capable of holding more than 3 shells, it shall, while being  
20 used on an area other than a game breeding and shooting  
21 preserve area licensed pursuant to Section 3.27, be fitted with  
22 a one piece plug that is irremovable without dismantling the  
23 shotgun or otherwise altered to render it incapable of holding  
24 more than 3 shells in the magazine and chamber, combined.

25 (n) It is unlawful for any person, except persons who  
26 possess a permit to hunt from a vehicle as provided in this

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1 Section and persons otherwise permitted by law, to have or  
2 carry any gun in or on any vehicle, conveyance or aircraft,  
3 unless such gun is unloaded and enclosed in a case, except that  
4 at field trials authorized by Section 2.34 of this Act,  
5 unloaded guns or guns loaded with blank cartridges only, may be  
6 carried on horseback while not contained in a case, or to have  
7 or carry any bow or arrow device in or on any vehicle unless  
8 such bow or arrow device is unstrung or enclosed in a case, or  
9 otherwise made inoperable.

10 (o) It is unlawful to use any crossbow for the purpose of  
11 taking any wild birds or mammals, except as provided for in  
12 Section 2.5.

13 (p) It is unlawful to take game birds, migratory game birds  
14 or migratory waterfowl with a rifle, pistol, revolver or  
15 airgun.

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

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

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

25 (t) It is unlawful for any person to take or attempt to  
26 take any species of wildlife or parts thereof, intentionally or

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1 wantonly allow a dog to hunt, within or upon the land of  
2 another, or upon waters flowing over or standing on the land of  
3 another, or to knowingly shoot a gun or bow and arrow device at

4 any wildlife physically on or flying over the property of  
5 another without first obtaining permission from the owner or  
6 the owner's designee. For the purposes of this Section, the  
7 owner's designee means anyone who the owner designates in a  
8 written authorization and the authorization must contain (i)  
9 the legal or common description of property for such authority  
10 is given, (ii) the extent that the owner's designee is  
11 authorized to make decisions regarding who is allowed to take  
12 or attempt to take any species of wildlife or parts thereof,  
13 and (iii) the owner's notarized signature. Before enforcing  
14 this Section the law enforcement officer must have received  
15 notice from the owner or the owner's designee of a violation of  
16 this Section. Statements made to the law enforcement officer  
17 regarding this notice shall not be rendered inadmissible by the  
18 hearsay rule when offered for the purpose of showing the  
19 required notice.

20 (u) It is unlawful for any person to discharge any firearm  
21 for the purpose of taking any of the species protected by this  
22 Act, or hunt with gun or dog, or intentionally or wantonly  
23 allow a dog to hunt, within 300 yards of an inhabited dwelling  
24 without first obtaining permission from the owner or tenant,  
25 except that while trapping, hunting with bow and arrow, hunting  
26 with dog and shotgun using shot shells only, or hunting with

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1 shotgun using shot shells only, or providing outfitting  
2 services under a waterfowl outfitter permit, or on licensed  
3 game breeding and hunting preserve areas, as defined in Section  
4 3.27, on federally owned and managed lands and on Department  
5 owned, managed, leased, or controlled lands, a 100 yard  
6 restriction shall apply.

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

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

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

20 (y) It is unlawful to hunt wild game protected by this Act

21 between one half hour after sunset and one half hour before  
22 sunrise, except that hunting hours between one half hour after  
23 sunset and one half hour before sunrise may be established by  
24 administrative rule for fur-bearing mammals.

25 (z) It is unlawful to take any game bird (excluding wild  
26 turkeys and crippled pheasants not capable of normal flight and

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1 otherwise irretrievable) protected by this Act when not flying.  
2 Nothing in this Section shall prohibit a person from carrying  
3 an uncased, unloaded shotgun in a boat, while in pursuit of a  
4 crippled migratory waterfowl that is incapable of normal  
5 flight, for the purpose of attempting to reduce the migratory  
6 waterfowl to possession, provided that the attempt is made  
7 immediately upon downing the migratory waterfowl and is done  
8 within 400 yards of the blind from which the migratory  
9 waterfowl was downed. This exception shall apply only to  
10 migratory game birds that are not capable of normal flight.  
11 Migratory waterfowl that are crippled may be taken only with a  
12 shotgun as regulated by subsection (j) of this Section using  
13 shotgun shells as regulated in subsection (k) of this Section.

14 (aa) It is unlawful to use or possess any device that may  
15 be used for tree climbing or cutting, while hunting fur-bearing  
16 mammals, excluding coyotes.

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

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

25 (dd) Except as provided in subsection (c) of Section 3.22  
26 or by administrative rule, it ~~is~~ is unlawful to take any

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1 species protected by this Act and retain it alive ~~except as~~  
2 ~~provided by administrative rule.~~

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

6 (ff) It is unlawful for any person to take any species

7 protected by this Act, except migratory waterfowl, during the  
8 gun deer hunting season in those counties open to gun deer  
9 hunting, unless he or she wears, when in the field, a cap and  
10 upper outer garment of a solid blaze orange color, with such  
11 articles of clothing displaying a minimum of 400 square inches  
12 of blaze orange material.

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

19 (hh) It shall be unlawful to kill or cripple any species  
20 protected by this Act for which there is a bag limit without  
21 making a reasonable effort to retrieve such species and include  
22 such in the bag limit. It shall be unlawful for any person  
23 having control over harvested game mammals, game birds, or  
24 migratory game birds for which there is a bag limit to wantonly  
25 waste or destroy the usable meat of the game, except this shall  
26 not apply to wildlife taken under Sections 2.37 or 3.22 of this

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1 Code. For purposes of this subsection, "usable meat" means the  
2 breast meat of a game bird or migratory game bird and the hind  
3 ham and front shoulders of a game mammal. It shall be unlawful  
4 for any person to place, leave, dump, or abandon a wildlife  
5 carcass or parts of it along or upon a public right-of-way or  
6 highway or on public or private property, including a waterway  
7 or stream, without the permission of the owner or tenant. It  
8 shall not be unlawful to discard game meat that is determined  
9 to be unfit for human consumption.

10 (ii) This Section shall apply only to those species  
11 protected by this Act taken within the State. Any species or  
12 any parts thereof, legally taken in and transported from other  
13 states or countries, may be possessed within the State, except  
14 as provided in this Section and Sections 2.35, 2.36 and 3.21.

15 (jj) (Blank).

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

22 (ll) Nothing contained in this Act shall prohibit the  
23 taking of aquatic life protected by the Fish and Aquatic Life

24 Code or birds and mammals protected by this Act, except deer  
25 and fur-bearing mammals, from a boat not camouflaged or  
26 disguised to alter its identity or to further provide a place

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1 of concealment and not propelled by sail or mechanical power.  
2 However, only shotguns not larger than 10 gauge nor smaller  
3 than .410 bore loaded with not more than 3 shells of a shot  
4 size no larger than lead BB or steel T (.20 diameter) may be  
5 used to take species protected by this Act.

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

9 (nn) It shall be unlawful to possess any species of  
10 wildlife or wildlife parts taken unlawfully in Illinois, any  
11 other state, or any other country, whether or not the wildlife  
12 or wildlife parts is indigenous to Illinois. For the purposes  
13 of this subsection, the statute of limitations for unlawful  
14 possession of wildlife or wildlife parts shall not cease until  
15 2 years after the possession has permanently ended.

16 (Source: P.A. 97-645, eff. 12-30-11; 97-907, eff. 8-7-12;  
17 98-119, eff. 1-1-14; 98-181, eff. 8-5-13; 98-183, eff. 1-1-14;  
18 98-290, eff. 8-9-13; 98-756, eff. 7-16-14; 98-914, eff.  
19 1-1-15.)

20 (520 ILCS 5/3.22) (from Ch. 61, par. 3.22)

21 Sec. 3.22. Issuance of scientific and special purpose  
22 permits; good samaritan actions.

23 (a) Scientific permits may be granted by the Department to  
24 any properly accredited person at least 18 years of age,  
25 permitting the capture, marking, handling, banding, or

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1 collecting (including fur, hide, skin, teeth, feathers, claws,  
2 nests, eggs, or young), for strictly scientific purposes, of  
3 any of the fauna now protected under this Code. A special  
4 purpose permit may be granted to qualified individuals for the  
5 purpose of salvaging dead, sick, orphaned, or crippled wildlife  
6 species protected by this Act for permanent donation to bona  
7 fide public or state scientific, educational or zoological  
8 institutions or, for the purpose of rehabilitation and  
9 subsequent release to the wild, or other disposal as directed  
10 by the Department. Private educational organizations may be



11 granted a special purpose permit to possess wildlife or parts  
12 thereof for educational purposes. A special purpose permit is  
13 required prior to treatment, administration, or both of any  
14 wild fauna protected by this Code that is captured, handled, or  
15 both in the wild or will be released to the wild with any type  
16 of chemical or other compound (including but not limited to  
17 vaccines, inhalants, medicinal agents requiring oral or dermal  
18 application) regardless of means of delivery, except that  
19 individuals and organizations removing or destroying wild  
20 birds and wild mammals under Section 2.37 of this Code or  
21 releasing game birds under Section 3.23 of this Code are not  
22 required to obtain those special purpose permits. Treatment  
23 under this special purpose permit means to effect a cure or  
24 physiological change within the animal. The criteria,  
25 definitions, application process, fees, and standards for a  
26 scientific or special purpose permit shall be provided by

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1 administrative rule. The annual fee for a scientific or special  
2 purpose permit shall not exceed \$100. The Department shall set  
3 forth applicable regulations in an administrative rule  
4 covering qualifications and facilities needed to obtain both a  
5 scientific and a special purpose permit. The application for  
6 these permits shall be approved by the Department to determine  
7 if a permit should be issued. Disposition of fauna taken under  
8 the authority of this Section shall be specified by the  
9 Department.

10 (b) The holder of each such scientific or special purpose  
11 permit shall make to the Department a report in writing upon  
12 blanks furnished by the Department. Such reports shall be made  
13 (i) annually if the permit is granted for a period of more than  
14 one year or (ii) within 30 days after the expiration of the  
15 permit if the permit is granted for a period of one year or  
16 less. Such reports shall include information which the  
17 Department may consider necessary.

18 (c) Any person who finds a sick, injured, orphaned, or  
19 crippled wildlife species protected by this Act may, without a  
20 permit, take possession of the wildlife in order to immediately  
21 transport it to a permitted rehabilitator. As handling and  
22 possessing wildlife is dangerous, any person taking possession  
23 of sick, injured, orphaned, or crippled wildlife for the  
24 purpose of transporting it to a permitted rehabilitator assumes  
25 liability for any injury or property damage he or she incurs  
26 from the wildlife.

1 (Source: P.A. 96-979, eff. 7-2-10; 97-1136, eff. 1-1-13.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.