

PUBLIC HEARING LEGAL NOTICE

The Charleston Board of Zoning Appeals and Planning will conduct a Public Hearing on Thursday, September 24, 2020 at 7:00 P.M. in the City Council Chambers of City Hall, 520 Jackson Avenue, Charleston, Illinois, to consider the petition of Susan McMillan regarding an Appeal from Staff Determinations (Charleston City Code / Unified Development Code Title 10: 10-4-3(L)).

All on a tract of land described as:

Parcel 1: 6122 Snake Trail Road, Charleston, Illinois 61920 (PIN #05-01204-000)

TRACT NUMBER: 1620300003

DESCRIPTION: PT OF SEC 20 BK 664 PG 012 CONT

SHRADER FARMS

Parcel 2: No known address, Charleston, Illinois 61920 (PIN #05-0-01499-000)

TRACT NUMBER: 1629100001

DESCRIPTION: PT OF SEC 29 BK 664 PG 012

Social distancing may limit physical attendance at City Hall. The public hearing will also be broadcast at the following link: **charlestonillinois.org (agendas, packets and videos for City Council and BZAP)**

Interested parties can participate in any of the following 3 ways:

1. Submission of written comments before the public hearing:

- Written comments may be emailed to **City Clerk Deborah Muller at cityclerk.co.coles.il.us.**
- Written comments received by 5:00 p.m. on Friday, September 18, 2020 will be included in the meeting packet sent to the Board of Zoning Appeals and Planning. This meeting packet is also posted on the City's website: **charlestonillinois.org.**
- Written comments received after 5:00 p.m. on September 18, 2020 through 5:00 p.m. on September 23, 2020 will be emailed directly to the Board of Zoning Appeals and Planning but will not be included in the meeting packet or posted on the City's website.
- Written comments received after 5:00 p.m. on September 23, 2020 will be added to the case file.

2. Participation during the public hearing:

- If you wish to provide comment, testimony, questions, or cross examination on a petition, or otherwise address the BZAP on any public hearing matter before it, please email Deborah Muller, City Clerk at the following email addresses to register your participation before 5:00 p.m. on the day of the hearing: cityclerk@co.coles.il.us. Alternatively, you may obtain a registration form outside the public hearing room, fill the form out, and place it in the registration form box, which will be brought to the dais prior to the meeting.
- Individuals who do not wish to speak during the public hearing may simply indicate whether they support or are opposed to the application. The individual's name and their position on the application will be read aloud into the record at the hearing. Any written comments submitted by an individual in conjunction with their position will also be read into the record, subject to compliance with the City's public comment and public hearing rules and procedures.
- Individuals who register to speak in advance will receive an email from City staff with information about how to join the meeting.
- Individuals who fail to register in advance may participate in the hearing by following the instructions provided on the meeting agenda.

3. Other methods of participation: Any individual who would like to listen to the meeting by telephone or who may require an accommodation to listen to or participate in the meeting, should contact the **City Clerk Deborah Muller at 217-345-5650 and/or email cityclerk@co.coles.il.us**, as soon as possible.

To request a copy of the appeal application or questions regarding the proposed appeal, please contact the City of Charleston City Planner at 217-345-5650. Members of the public may be heard at the public hearing.

/s/ Deborah Muller
City Clerk

-0-

Publisher's Note:

Please publish one (1) time on Wednesday, September 2, 2020

City of Charleston
Corporate Limits

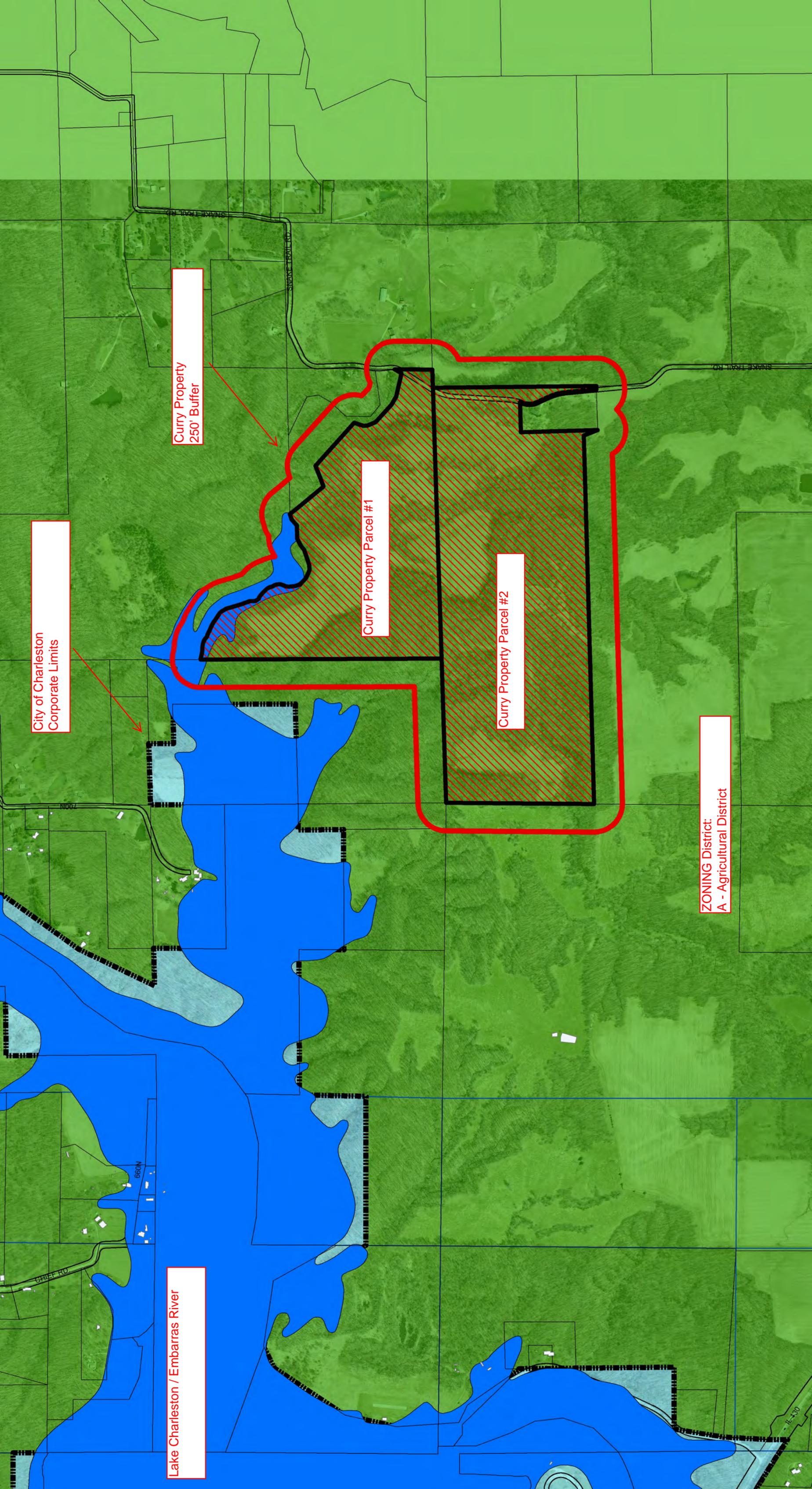
Curry Property
250' Buffer

Curry Property Parcel #1

Curry Property Parcel #2

ZONING District:
A - Agricultural District

Lake Charleston / Embarras River



APPLICATION TO APPEAR BEFORE BZAP – Susan McMillan

Enclosed is my application to appear before BZAP and a check for \$50.00. Prior to dropping this off, I emailed the Subject Property Legal Description as required by the application.

In addition to addressing the text of the Unified Development Code, I have also enclosed the materials I plan on using at the hearing:

- 1) A print out of the email correspondence between Steve Pamprin and myself.
- 2) Five printed images – one aerial view of where the land use and development is occurring and four images taken from ground view.
- 3) Two pages from the newly updated Charleston Comprehensive Plan
- 4) A copy of 740 ILCS 130/Premises Liability Act
- 5) A copy of 745 ILCS 65/Recreational Use of Land and Water Areas Act
- 6) A copy of 520 ILCS 5/Wildlife Code

Thank you very much. Please feel free to contact me via lorelei@blacksmithchic.com

LORELEI SIMS
PH. 217-345-1159
6146 SNAKE TRAIL RD.
CHARLESTON, IL 61920

70-1476/711

DATE B-21-20
FWP

PAY TO THE ORDER OF CITY OF CHARLESTON \$ 50.00

FIFTY DOLLARS AND NO DOLLARS
The 100

MEMO BZAP hearing

© BELVUE define.com/inkless
for extra security

Heat Reactive Ink

City of Charleston

APPLICATION TO APPEAR BEFORE THE CHARLESTON BOARD OF ZONING APPEALS AND PLANNING

1. APPLICANT INFORMATION:

APPLICANT: SUSAN McMILLAN (print name) (signed)

DATE: 8-21-20

ADDRESS: 6146 SNAKE TRAIL ROAD

PHONE No.: 27-345-1159

CITY / STATE / ZIP: CHARLESTON, IL 61920

Susan McMillan

2. TYPE OF APPLICATION:

(Check applicable box(es) and provide responses to corresponding exhibits attached herein. Please refer to the Charleston City Code for required information for sections that do not have specific exhibits included in this packet.)

- Zoning Variance (exhibit 1)
- Conditional Use Permit (exhibit 2)
- Zoning Map Amendment (exhibit 3)
- Zoning Text Amendment (exhibit 3)
- Planned Unit Development
- Major Subdivision
- Appeal of Code Official's Decision

Other (Please Describe): APPEAL OF BUILDING OFFICIAL DECISION- DETERMINATION MADE IN RESPONSE TO ENFORCEMENT REQUEST

Brief Project Description: PROPERTY OWNER DEVELOPING & LAND USE FOR RECREATIONAL PURPOSES, MOST SIGNIFICANT BEING A PRIVATE SHOOTING RANGE Zoning Classification: A

3. REQUIRED DOCUMENTS (TO BE PROVIDED BY THE APPLICANT):

- A. Street Address of the Subject Property: PARCEL 1: 6122 SNAKE TRAIL ROAD CHARLESTON, IL 61920
- B. Subject Property Legal Description (to be provided to the City in electronic format as a Microsoft Word Document / email the subject property's legal description to: cityplanner@co.coles.il.us) PARCEL 2: DOES NOT HAVE A STREET ADDRESS ASSIGNED
- C. Letter of Intent (a one page description of the project and the why the request is necessary)
- D. Plans ("blueprints" or similar plan sheets showing as applicable: site plan, elevations, floor plan)
- E. Provide any additional information as required and detailed in the Charleston City Code or as requested by the Charleston Code Official

FOR OFFICE USE ONLY			Application Number: _____		
Submitted Date:	Sent to Publish:	Published Date:	Hearing Date:	To Council Date:	Affected Zoning:

4. OWNER INFORMATION:- 2 PARCELS SUBJECT TO COMPLAINT

A. Do you own this property fee simple (if yes, check yes and skip to #5)?

YES:

NO:

B. If the applicant is not the owner of this property please provide the following:

OWNER *: JOHN CURRY
(print name) (signed)

DATE: 8-21-20

ADDRESS: 1209 N RT 45

PHONE No.: 217-234-2250

CITY / STATE / ZIP: MATTOON, IL 61938

C. If the property is owned by a land trust, who has beneficial interest in this property?

TRUST NAME *: FIRST MID-IL BK & TR TRUSTEE

DATE: 8-21-20

ADDRESS: LT # 44-1801-60

PHONE No.: _____

CITY / STATE / ZIP: I DON'T KNOW WHAT BRANCH HE USES SO I CANNOT PROVIDE THAT INFO

TRUST'S REPRESENTATIVE: _____
(print name) (signed)

DATE: _____

TRUST'S REPRESENTATIVE: _____
(print name) (signed)

DATE: _____

TRUST'S REPRESENTATIVE: _____
(print name) (signed)

DATE: _____

* If Owner(s) is different than the Applicant, please attach a letter from the Owner(s) authorizing submittal of this Application to the Charleston Board of Zoning Appeals and Planning. N/A

5. APPLICANT'S REPRESENTATIVE:

If the applicant is planning to be represented by a third party for purposes of this application and to appear on behalf of the applicant at the Charleston Board of Zoning Appeals and Planning meetings, please provide the Representative's contact information below:

REPRESENTATIVE: NA / I WILL BE REPRESENTING MYSELF
(print name) (signed)

REPRESENTATIVE'S FIRM NAME (IF APPLICABLE) _____

ADDRESS: _____

PHONE No.: _____

CITY / STATE / ZIP: _____

APPLICATION TO APPEAR BEFORE BZAP – Susan McMillan

REQUIRED DOCUMENT/SUBJECT PROPERTY LEGAL DESCRIPTION

Here is the information for the 2 parcels of property subject to my Appeal of Building Official Decision:

1) PARCEL NUMBER: 05-01204-000

SITE ADDRESS: 6122 SNAKE TRAIL ROAD
CHARLESTON, ILLINOIS 61920

TRACK NUMBER: 1620300003

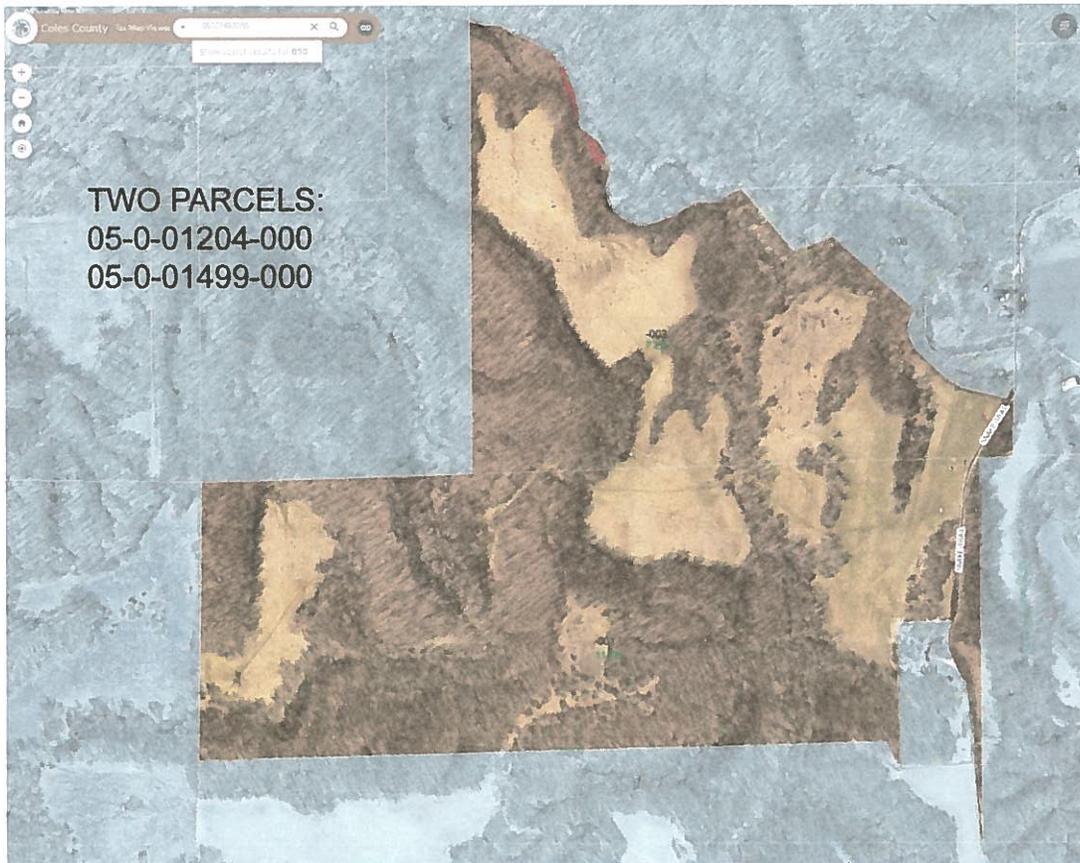
LEGAL DESCRIPTION: PT OF SEC 20 BK 664 PG 012 CONT SHRADER FARMS

2) PARCEL NUMBER: 05-0-1499-000

SITE ADDRESS: NA

TRACK NUMBER: 1629100001

LEGAL DESCRIPTION: PT OF SEC 29 BK 664 PG 012



APPLICATION TO APPEAR BEFORE BZAP – Susan McMillan

LETTER OF INTENT

On July 27, 2020 I contacted the City's Building Official, Steve Pamprin, about a shooting range that has been constructed on two parcels of land owned by John Curry of Mattoon, Illinois.

Mr. Curry purchased the parcels in 2008; prior to his ownership they were used for cattle grazing by Shrader Farms. Since purchasing the property, Mr. Curry has been developing and using the land for personal recreation use, including the land use of shooting range. The parcels are zoned agriculture, which is a residential district.

Through the exchange of emails, Steve and the City Attorney provided several reasons why Mr. Curry's development and land use is immune from the location and development procedures outlined in the UDC. The City Attorney provided reasons why the City should not enforce the UDC.

On August 7, 2020 I received an official determination that the land use activity occurring on Mr. Curry's parcels is not that of a "shooting range".

I am appealing this decision to BZAP because I believe this determination is incorrect.

I feel that the UDC has been interpreted and applied contrary to what is normally practiced by the City of Charleston. The Illinois Compiled Statutes do not support the determination. My ears and eyes and the images I provided do not support the determination.

Thank You.

Susan McMillan

From: lorelei@blacksmithchic.com

Sent: Monday, July 27, 2020 8:57 AM

To: City of Charleston - City Planner <CityPlanner@co.coles.il.us>

Subject: shooting range

Good Morning Steve,

I hope this message finds you well.

This is Suzie McMillan and I am contacting you about a shooting range which was constructed by our neighbors out here on Snake Trail Road. It is on the 2 parcels owned by John Curry. A shooting platform has been built on the northeast corner – and four bermed targets installed in the open field that runs adjacent to the road. The overall length of the range is approximately 1000 feet. Our home, as well as the Jenkins (south) and Cummings (north) are all within 600 feet of the range.

Did the city issue a conditional use permit for this?

I have attached an overhead showing the area where the range is located.

Thank You

Suzie

From: City of Charleston - City Planner <CityPlanner@co.coles.il.us>

Sent: Monday, July 27, 2020 9:06 AM

To: lorelei@blacksmithchic.com

Cc: City of Charleston - City Attorney <CityAttorney@co.coles.il.us>

Subject: RE: shooting range

Hi Suzie, I assume this is being used for their personal use and is not a shooting range business. Because it is not a commercial business, a conditional use permit would not be required.

Because this is outside the City Limits I believe the City's rules on shooting inside the corporate limits would not apply.

I have copied the City's attorney on this email as well to make sure this is correct and she can reply if I am mistaken.

Thanks,

Steve Pamperin

City Planner
City of Charleston
Phone: (217) 345-5650
Fax: (217) 345-7554

From: lorelei@blacksmithchic.com

Sent: Tuesday, July 28, 2020 10:25 AM

To: City of Charleston - City Planner <CityPlanner@co.coles.il.us>

Cc: City of Charleston - City Attorney <CityAttorney@co.coles.il.us>

Subject: RE: shooting range

Good Morning Steve,

First, I would like to thank you for getting back to me so promptly. Anytime I have contacted you about a situation, you have always been helpful and attentive.

I have read over the UDC and it is confusing, but I want to clarify my position on why I believe it is a zoning violation.

The land is subject to the rules and regulations of the UDC.

Land uses, whether public or private, principal or accessory - are controlled by the UDC.

The UDC prohibits outdoor shooting ranges in all districts except as part of a PUD overlay district (if I read the online chart correctly).

The neighbors land is zoned Agricultural. As defined by the UDC, development has occurred, structures have been erected and an outdoor shooting range exists. An outdoor shooting range is not an authorized principal or accessory use within the zoning district.

The UDC, because it specifically the limits the zoning district location/ land use of an outdoor shooting range, would apply to all outdoor shooting ranges, whether they are commercial/public or private/personal.

For any outdoor shooting range to be constructed, a PUD overlay would be necessary and a conditional use permit granted. It would also need to be a legally valid authorized/accessory use of the land in the zoning district, and the supplementary conditions for the specific land use would still need to be met.

Because none of this has happened, that is why I feel strongly that it is a violation. I do not understand, even if it were defined as "personal shooting range", why it would not be subject to zoning as outlined in the UDC.

If the land was located outside of Charleston's zoning jurisdiction, then I would contact a different governmental authority to address the issue.

May I request a response as to the legal reasoning the City will/will not enforce the UDC or why the City feels that the UDC is not applicable to this situation? I am not sure what I am not understanding about this.

Thank You.

Suzie McMillan

From: City of Charleston - City Planner <CityPlanner@co.coles.il.us>
Sent: Friday, July 31, 2020 11:05 AM
To: 'lorelei@blacksmithchic.com' <lorelei@blacksmithchic.com>
Cc: City of Charleston - City Attorney <CityAttorney@co.coles.il.us>
Subject: RE: shooting range

Hi Suzie, below is a response from the City's legal counsel:

You asked whether or not the city will stop your neighbor from shooting guns on his property.

Generally, city ordinances do not apply outside of the corporate limits of the city, except the city may pursuant to state law exercise planning jurisdiction within 1.5 miles of the corporate limits. The city may apply its subdivision regulations within this planning jurisdiction. If the county has not enacted county zoning regulations, then the city may also apply its zoning ordinance within this 1.5-mile planning area.

The city zoning ordinance (Uniform Development Code-UDC) prohibits "shooting ranges" except in a PUD overlay district and then only by special use. The code does not define "shooting range." Black's Law Dictionary does not define shooting range. Illinois statutes do not define shooting range.

A shooting range is generally understood to be a place, often enclosed, where a person may practice shooting at targets. A shooting range may be open to the public, or it may be a private club. It may also be possible to argue that a shooting range exists anytime a landowner shoots at targets on his own land. Without a clear definition of shooting range, the city should exercise caution in enforcing the UDC against a single individual or a few invitees shooting targets on their own property. The U.S. Constitution protects citizens' right to possess guns (Second Amendment).

If, however there is a public invitation to enter the property to shoot targets, or a private club is established then it may be more reasonable and likely that a court may support a finding that a shooting range exists. I think the following factors are important indices of a shooting range prohibited by the UDC: public use or use by a private club that has membership rules, payment of compensation to the landowner, regular or consistent use by others besides the landowner.

You may want to discuss this matter with the state Environmental Protection Agency. There may be regulations governing noise from shooting guns.

Thanks,

Steve Pamperin

City Planner
City of Charleston
Phone: (217) 345-5650
Fax: (217) 345-7554

From: lorelei@blacksmithchic.com
Sent: Friday, July 31, 2020 3:12 PM
To: City of Charleston - City Planner <CityPlanner@co.coles.il.us>
Subject: RE: shooting range

Dear Steve,

Before getting to the matter at hand, I would like to address the reference our City Attorney made in regards to the Second Amendment. A person's right to bear arms has absolutely nothing to do with this particular situation. Both Lorelei and I are FOID card holders, gun owners, and have hunting licenses for our land. Any insinuation or suggestion that I do not understand the US Constitution is mildly offensive, but more importantly, unconstructive and irrelevant to why I have contacted you. My purpose and goal in contacting the City is to receive interpretation of the UDC.

Although "shooting range" is not defined in the UDC, and the specific term is not found in the Illinois Compiled Statutes, ILCS does include the definition of "firearm range" and it states that a firearm range means a rifle, pistol, silhouette, skeet, trap, black powder, or other similar range in this State used for discharging firearms in a sporting event, for practice or instruction in the use of a firearm, or for the testing of a firearm. "Firearm range" also includes licensed shooting preserves and public hunting areas operated or licensed by the Department of Natural Resources.

This definition is repeatedly cited in legal proceedings, filed in Illinois Courts and involving shooting ranges. It has been applied to commercial, club, private, backyard, and personal ranges.

Here are some definitions of "shooting range" I found in the statutes of other states :

The State of Delaware defines a shooting range as: "Lands, including the buildings and improvements thereon, which are used or which are intended for use for the shooting of targets for training, education, practice, recreation or competition".

The State of Minnesota defines a "shooting range" or "range" means an area or facility designated or operated primarily for the use of firearms.

The State of Nevada defines "shooting range" as an area designed and used for archery or sport shooting, including, but not limited to, sport shooting that involves the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or other similar items.

The State of New Hampshire has declared that a "shooting range" shall mean a property or properties designed and operated for persons using rifles, shotguns, pistols, revolvers, or blackpowder weapons; archery; air rifles; silhouettes; skeet ranges; trap ranges; or other similar facilities.

The State of New York defines that a "shooting range" shall mean an outdoor range equipped with targets for use with firearms and shall include, but not be limited to, all rifle, pistol and shotgun ranges.

In Ohio, "shooting range" means a facility operated for the purpose of shooting with firearms or archery equipment, whether publicly or privately owned and whether or not operated for profit,

including, but not limited to, commercial bird shooting preserves and wild animal hunting preserves established pursuant to this chapter.

In South Carolina, a "shooting range" or "range" means an area that is: (a) designated, utilized, and operated by a person for the firing of firearms.

In West Virginia, a "shooting range" or "range" means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar shooting.

If you go online and search the for images of "outdoor shooting ranges" you will find many pictures that are quite similar to the ones I sent you.

I would like to request that the City of Charleston provide the definitions of "shooting range", "outdoor shooting range", and "indoor shooting range".

With these definitions established, please confirm that the bermed targets and shooting deck located on John Curry's property is not an outdoor shooting range as mentioned in the UDC.

And if Mr. Curry does not have an outdoor shooting range on his land, then please confirm that similar structures/layouts can be built and used without restriction on any land located within the 1 ½ mile extraterritorial area surrounding the City of Charleston.

I would appreciate getting these definitions and confirmations.

Thank you and have a good weekend

Suzie McMillan

From: City of Charleston - City Planner <CityPlanner@co.coles.il.us>
Sent: Friday, August 7, 2020 11:00 AM
To: 'lorelei@blacksmithchic.com' <lorelei@blacksmithchic.com>
Cc: City of Charleston - City Attorney <CityAttorney@co.coles.il.us>
Subject: RE: shooting range

Good morning Suzie,

As a follow up from your email inquiries and after additional conversations with the City's legal counsel and further review of the pictures and information provided, it is my determination that the land use activity is not that of a "shooting range". It is my understanding that this activity is not for public use nor use by a private club that has membership rules or payment of compensation to the landowner. Rather, this is a private activity undertaken by the landowners on their own land. If, for example, those structures with the targets were dog houses for the landowner's own dogs, that would not mean the use of the land was a kennel.

The State of Illinois has provided you with the possibility of additional relief against your neighbor's use of the land if you believe that Charleston's determination is wrong and that there is zoning violation on neighboring property. That statutory relief is found at 65 ILCS 5/11-13-15 and allows you to bring an action against your neighbor to stop the use of the land in violation of a zoning ordinance.

Thank you again for the inquiry and with this email, this concludes the matter regarding the City's determination and enforcement.

Thanks,

Steve Pamperin

City Planner
City of Charleston
Phone: (217) 345-5650
Fax: (217) 345-7554

From: lorelei@blacksmithchic.com
Sent: Monday, August 10, 2020 8:43 AM
To: City of Charleston - City Planner <CityPlanner@co.coles.il.us>
Subject: RE: shooting range

Hi Steve,

A shooting range is a specific land use label under the general use category of "Recreation and Entertainment". These uses are restricted to non-residential districts. Parcels of land located in residential districts cannot be used and developed for personal recreation and entertainment, which includes a personal shooting range.

I don't know where you live, but let us say it's on Douglas Drive which is in a residential district, and there is a vacant lot next door for you. If I own the land, I can not use it as weekend city retreat and camp out there every weekend. I cannot construct a giant net and use it as a personal driving range. I cannot install an in-ground pool and use it to swim and ice skate. I cannot use it as a personal use go cart track. These are private activities undertaken by a landowner on their own land and they are prohibited uses in residential districts.

The only permitted by right uses Mr. Curry's parcels have are:

- a group home of less than 8 people
- a single family residence
- an accessory dwelling
- a farm dwelling
- a roadside stand
- a greenhouse/nursery

- an agriculture service establishment
- a blacksmith shop
- a public or private horse stable
- a milling structure
- an animal hospital/vet
- a country club
- a daycare with up to 12 children
- a bed and breakfast home or inn
- a public or private non-commercial park
- a forest preserve
- a golf course
- a church with up to 150 seats
- public safety/emergency response
- a public school
- a solar energy system
- a railroad
- utility service lines

Any activity outside of these permitted uses (including a personal shooting range) requires petitioning through BZAP and approval by the City Council.

I will accept your last e-mail, dated August 7, 2020 as the official City determination and denial to enforce the zoning violations. My next step will be to file an "Appeal to Staff Action" with BZAP.

Thank you.

Suzie McMillan

From: City of Charleston - City Planner <CityPlanner@co.coles.il.us>
Sent: Monday, August 10, 2020 10:07 AM
To: lorelei@blacksmithchic.com
Cc: City of Charleston - City Attorney <CityAttorney@co.coles.il.us>
Subject: RE: shooting range

Hi Suzie, thank you for your email.

I am attaching the standard "BZAP Application" for your review and use.

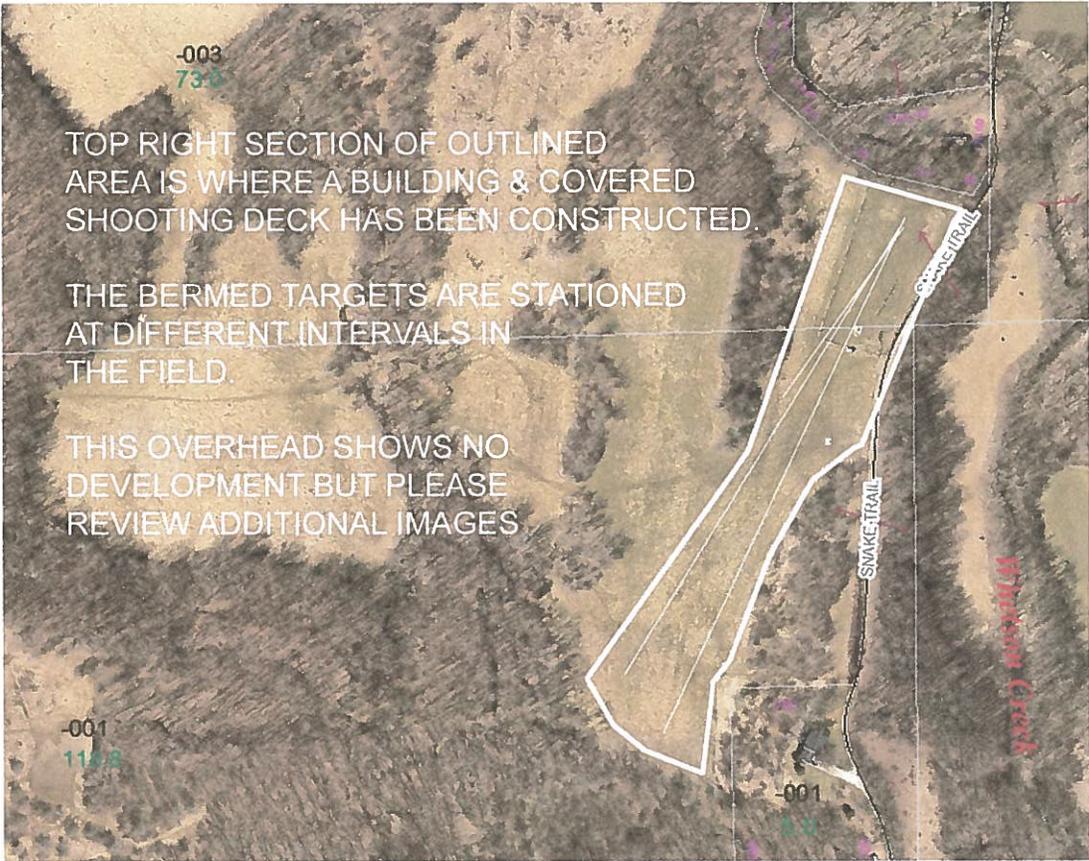
In the case of an appeal of staff action, the BZAP is the final decision maker (not the City Council) (10-4-1) so for an appeal, a "recommendation" won't be made to the City Council – the BZAP is the decision maker ("type 4 process").

In accordance with 10-3-6 of the City Code, the application "fee" is \$50.00 for an appeal and the petitioner is also responsible for the cost to run the hearing notice in the paper (paid directly to the paper later by the petitioner).

Thanks,

Steve Pamperin

City Planner
City of Charleston
Phone: (217) 345-5650
Fax: (217) 345-7554



-003
73.0

TOP RIGHT SECTION OF OUTLINED
AREA IS WHERE A BUILDING & COVERED
SHOOTING DECK HAS BEEN CONSTRUCTED.

THE BERMED TARGETS ARE STATIONED
AT DIFFERENT INTERVALS IN
THE FIELD.

THIS OVERHEAD SHOWS NO
DEVELOPMENT BUT PLEASE
REVIEW ADDITIONAL IMAGES

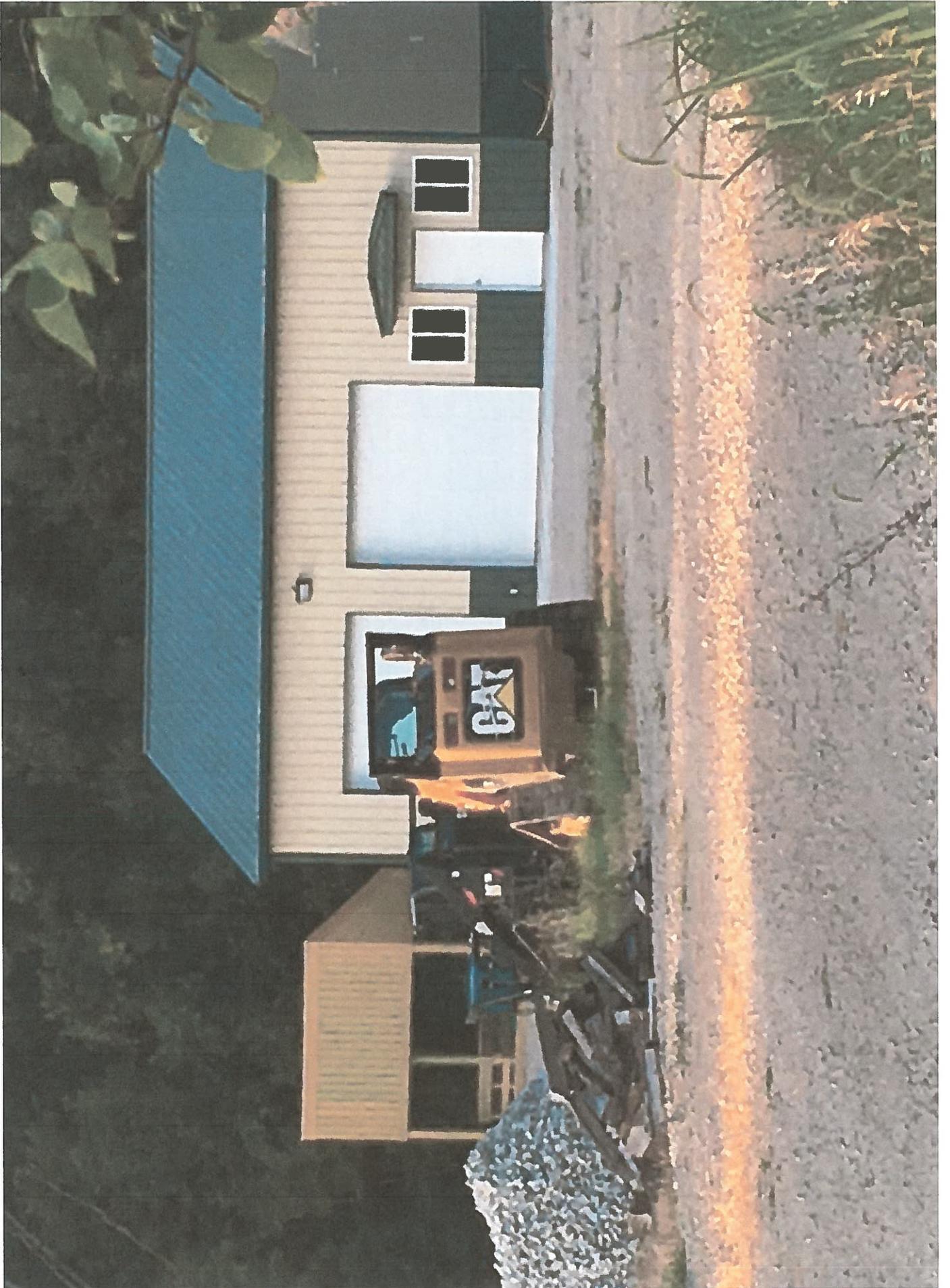
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SNAKE TRAIL

SNAKE TRAIL

Hudson Creek









CHARLESTON

HOME OF EASTERN ILLINOIS UNIVERSITY



Comprehensive Plan Update 2020



Approved by City Council, May 2020

Current Land Use

The variety and spatial organization of existing land uses in Charleston and the surrounding rural area are categorically generalized to provide a reasonable compromise between clarity and level of detail. Land use categories have been adapted from inventories conducted by the City of Charleston in 2019. *Table 5* displays the acreage of each land use category in the corporate limits.

Table 5: 2019 Current Land Use – Corporate Limits

Description	Acres	% of Total
Vacant Land	219	3.6%
One Unit / Single Family Residential	1,504	24.4%
Two Units / Two Family-Duplex Residential	116	1.9%
3-8 Unit Residential Apartments	79	1.3%
9+ Unit Residential Apartments	92	1.5%
Mobile Home Residential	59	1.0%
Commercial	327	5.3%
Industry (e.g. Manufacturing & Distribution)	327	5.3%
Open Space / Recreation / Green Space	954	15.5%
Side Channel Reservoir (Lake Charleston)	328	5.3%
Institutional (e.g. Government, Non-Profit)	399	6.5%
Transportation (RR), Utilities, City Parking	46	0.7%
University (Eastern Illinois University)	323	5.3%
Agricultural	583	9.5%
Right of Way (roads, alleys, right of way)	792	12.9%
Total Acres	6,148	100%
Corporate Limits Square Miles	9.6	

Annexations continue to be a critical element and a priority to the development of the City. Annexing property allows the City to grow and provides areas for future development. In addition, through annexations, the City can provide municipal services to nearby properties in order to protect the health, safety and welfare of the environment and community. Since 2007, the corporate limits of Charleston increased from approximately 5952 acres to approximately 6148 acres in 2019. This equates to approximately 196 acres of land added to the City over the past 12 years.

Land use categories have been updated from inventories conducted by the City of Charleston in 2019. The following maps are illustrated on the pages 33, 35 and 37:

- City of Charleston Current Land Use Map (2019)
- Extraterritorial Jurisdiction Land Use Map (2019) detailing:
 - The Current Corporate Limits*
 - Current IEPA Facilities Planning Area Boundary*
 - The Extraterritorial Zoning / Subdivision Jurisdiction*
- City of Charleston Influence Areas within City Limits

Planning and Land Use

Zoning map should also reflect other adopted plans and policies, including the UDC and any other city regulations and guidelines. Although they are not limited to, Official Zoning Map amendments should be based on the following:

- The proposed changes are consistent with the goals and objectives of the Comprehensive Plan.
- There is a community need for and benefit from the proposed change.
- The proposed changes consistent with the character of the affected area.
- Proposed zoning is compatible with the zoning and land uses with the properties nearby.
- The proposed zoning is suitable for the development of the uses authorized for the zoning classification and local infrastructure.

Continue to enforce extraterritorial jurisdiction for planning and zoning beyond corporate limits.

Planning and zoning issues that take place outside of, but near city limits can pose certain challenges. The State of Illinois allows municipalities to enforce development regulations in its extraterritorial jurisdiction (1.5-mile zoning and subdivision jurisdiction) to ensure orderly development practices. Currently, Charleston enforces the extraterritorial jurisdiction which allows the city to plan for community growth. Where appropriate, the City should actively annex areas that are contiguous to the City's corporate limits. Careful studies of revenues and costs should take place before annexation occurs. The City should use the UDC to enforce the IEPA Facilities Area and the Urban Service Area and encourage annexations in these areas as detailed in this plan.

Continually monitor and review the sign regulations, established as part of the Unified Development Code, to control clutter and create aesthetically pleasing thoroughfares.

As a part of the UDC, the establishment of the sign regulations allows the city to protect the visual quality and the character of the community. The sign regulations are molded to address specific local concerns and issues. Charleston should continually review and update the sign regulations to address these issues. Some of these issues include, but are not limited to:

- To ensure that signs are designed, constructed, installed and maintained so that the public safety and traffic safety are improved and not compromised.
- To allow and promote positive conditions for sign communications while at the same time avoiding nuisances to nearby properties and enhancing the aesthetic environment.
- To reflect and support the desired character and development patterns of the various zoning districts.
- To allow for adequate and effective signs in commercial and industrial zones to attract sources of economic development; while preventing signs from dominating the appearance of the area.
- To ensure that the constitutionally guaranteed right of free speech is protected.
- Enabling the fair and consistent enforcement of these sign restrictions.



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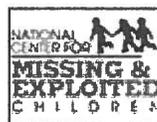
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CIVIL LIABILITIES (740 ILCS 130/) Premises Liability Act.

(740 ILCS 130/1) (from Ch. 80, par. 301)

Sec. 1. This Act is called and may be cited as the "Premises Liability Act".
(Source: P.A. 83-1398.)

(740 ILCS 130/2) (from Ch. 80, par. 302)

(Text of Section WITH the changes made by P.A. 89-7, which has been held unconstitutional)

Sec. 2. The distinction under the common law between invitees and licensees as to the duty owed by an owner or occupier of any premises to such entrants is abolished.

The duty owed to such entrants is that of reasonable care under the circumstances regarding the state of the premises or acts done or omitted on them. The duty of reasonable care under the circumstances which an owner or occupier of land owes to such entrants does not include any of the following: a duty to warn of or otherwise take reasonable steps to protect such entrants from conditions on the premises that are known to the entrant, are open and obvious, or can reasonably be expected to be discovered by the entrant; a duty to warn of latent defects or dangers or defects or dangers unknown to the owner or occupier of the premises; a duty to warn such entrants of any dangers resulting from misuse by the entrants of the premises or anything affixed to or located on the premises; or a duty to protect such entrants from their own misuse of the premises or anything affixed to or located on the premises.

This amendatory Act of 1995 applies to causes of action accruing on or after its effective date.
(Source: P.A. 89-7, eff. 3-9-95.)

(Text of Section WITHOUT the changes made by P.A. 89-7, which has been held unconstitutional)

Sec. 2. The distinction under the common law between invitees and licensees as to the duty owed by an owner or occupier of any premises to such entrants is abolished.

The duty owed to such entrants is that of reasonable care under the circumstances regarding the state of the premises or

acts done or omitted on them.
(Source: P.A. 83-1398.)

(740 ILCS 130/3) (from Ch. 80, par. 303)

(Text of Section WITH the changes made by P.A. 89-7, which has been held unconstitutional)

Sec. 3. Nothing herein affects the law as regards the trespassing child entrant. An owner or occupier of land owes no duty of care to an adult trespasser other than to refrain from willful and wanton conduct that would endanger the safety of a known trespasser on the property from a condition of the property or an activity conducted by the owner or occupier on the property.

This amendatory Act of 1995 applies only to causes of action accruing on or after its effective date.
(Source: P.A. 89-7, eff. 3-9-95.)

(Text of Section WITHOUT the changes made by P.A. 89-7, which has been held unconstitutional)

Sec. 3. Nothing herein affects the law as regards any category of trespasser, including the trespassing child entrant.
(Source: P.A. 83-1398.)

(740 ILCS 130/4) (from Ch. 80, par. 304)

Sec. 4. Notwithstanding this Act, the liability of any owner or occupier of a premises to anyone who enters or uses those premises for a recreational purpose, as defined by the Recreational Use of Land and Water Areas Act, is governed by that Act.

(Source: P.A. 100-863, eff. 8-14-18.)

(740 ILCS 130/4.1)

Sec. 4.1. Off-road riding facilities; liability.

(a) As used in this Section, "off-road riding facility" means:

(1) an area of land, consisting of a closed course, designed for use of off-highway vehicles in events such as, but not limited to, dirt track, short track, flat track, speedway, drag racing, grand prix, hare scrambles, hill climb, ice racing, observed trails, mud and snow scrambles, tractor pulls, sled pulls, truck pulls, mud runs, or other contests of a side-by-side nature in a sporting event for practice, instruction, testing, or competition of off-highway vehicles; or

(2) a thoroughfare or track across land or snow used for off-highway motorcycles or all-terrain vehicles.

(b) An owner or operator of an off-road riding facility in existence on January 1, 2002 is immune from any criminal liability arising out of or as a consequence of noise or sound emissions resulting from the use of the off-road riding facility. An owner or operator of an off-road riding facility is not subject to any action for public or private nuisance or trespass, and no court in this State may enjoin the use or operation of an off-road riding facility on the basis of noise or sound emissions resulting from the use of the off-road riding facility.

(c) An owner or operator of an off-road riding facility placed in operation after January 1, 2002 is immune from any criminal liability and is not subject to any action for public or private nuisance or trespass arising out of or as a consequence of noise or sound emissions resulting from the use of the off-road riding facility, if the off-road riding facility

conforms to any one of the following requirements:

(1) All areas from which an off-road vehicle may be properly operated are at least 1,000 feet from any occupied permanent dwelling on adjacent property at the time the facility was placed into operation.

(2) The off-road riding facility is situated on land otherwise subject to land use zoning, and the off-road riding facility was not prohibited by the zoning authority at the time the facility was placed into operation.

(3) The off-road riding facility is operated by a governmental entity or the off-road riding facility was the recipient of grants under the Recreational Trails of Illinois Act.

(d) The civil immunity in subsection (c) does not apply if there is willful or wanton misconduct outside the normal use of the off-road riding facility.

(Source: P.A. 98-847, eff. 1-1-15; 99-642, eff. 7-28-16.)

(740 ILCS 130/5)

Sec. 5. Firearm ranges; liability.

(a) As used in this Section, "firearm range" means a rifle, pistol, silhouette, skeet, trap, black powder, or other similar range in this State used for discharging firearms in a sporting event, for practice or instruction in the use of a firearm, or for the testing of a firearm. "Firearm range" also includes licensed shooting preserves and public hunting areas operated or licensed by the Department of Natural Resources.

(b) An owner or operator of a firearm range in existence on January 1, 1994, is immune from any criminal liability arising out of or as a consequence of noise or sound emissions resulting from the normal use of the firearm range. An owner or operator of a firearm range is not subject to any action for public or private nuisance or trespass and no court in this State shall enjoin the use or operation of a firearm range on the basis of noise or sound emissions resulting from the normal use of the firearm range.

(c) An owner or operator of a firearm range placed in operation after January 1, 1994, is immune from any criminal liability and is not subject to any action for public or private nuisance or trespass arising out of or as a consequence of noise or sound emissions resulting from the normal use of the firearm range, if the firearm range conforms to any one of the following requirements:

(1) All areas from which a firearm may be properly discharged are at least 1,000 yards from any occupied permanent dwelling on adjacent property.

(2) All areas from which a firearm may be properly discharged are enclosed by a permanent building or structure that absorbs or contains sound energy escaping from the muzzle of firearms in use.

(3) If the firearm range is situated on land otherwise subject to land use zoning, the firearm range is in compliance with the requirements of the zoning authority.

(4) The firearm range is operated by a governmental entity or is licensed by the Department of Natural Resources.

(5) The firearm range met the requirements of clause (1) of this subsection (c) at the time the range began its operation and subsequently an occupied permanent dwelling on adjacent property was built within 1,000 yards from an area of the range from which a firearm may be properly discharged.

(Source: P.A. 94-387, eff. 7-29-05.)

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(745 ILCS 65/1) (from Ch. 70, par. 31)

Sec. 1. This Act shall be known and may be cited as the "Recreational Use of Land and Water Areas Act".

The purpose of this Act is to encourage owners of land to make land and water areas available to any individual or members of the public for recreational or conservation purposes by limiting their liability toward persons entering thereon for such purposes.

(Source: P.A. 94-625, eff. 8-18-05.)

(745 ILCS 65/2) (from Ch. 70, par. 32)

Sec. 2. As used in this Act, unless the context otherwise requires:

(a) "Land" includes roads, land, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the realty, but does not include residential buildings or residential property.

(b) "Owner" includes the possessor of any interest in land, whether it be a tenant, lessee, occupant, the State of Illinois and its political subdivisions, or person in control of the premises.

(c) "Recreational or conservation purpose" means:

(1) entry onto the land of another to conduct hunting or recreational shooting or a combination thereof or any activity solely related to the aforesaid hunting or recreational shooting; or

(2) entry by the general public onto the land of another for any activity undertaken for conservation, resource management, educational, or outdoor recreational use.

(d) "Charge" means an admission fee for permission to go upon the land, but does not include: the sharing of game, fish or other products of recreational use; or benefits to or arising from the recreational use; or contributions in kind, services or cash made for the purpose of properly conserving the land.

(e) "Person" includes any person, regardless of age, maturity, or experience, who enters upon or uses land for

recreational purposes.

(f) "Invites", for the purposes of this Act, means the words or conduct of the owner would lead a reasonable person to believe that the owner desires the particular person to enter the land to the exclusion of the general public. No economic interest on the part of the owner is required.

(g) "Permits", for the purposes of this Act, means the words or conduct of the owner would lead a reasonable person to believe that the owner is willing to allow the general public to enter the land. The words or conduct of the owner inviting (i) the general public to enter the land or (ii) particular persons to enter the land for a recreational or conservation purpose as defined in paragraph (1) of subsection (c) of this Section shall be construed as "permits" for purposes of this Act.

The changes to this Section made by this amendatory Act of the 98th General Assembly apply only to causes of action accruing on or after the effective date of this amendatory Act of the 98th General Assembly.

(Source: P.A. 98-522, eff. 1-1-14.)

(745 ILCS 65/3) (from Ch. 70, par. 33)

Sec. 3. Except as specifically recognized by or provided in Section 6 of this Act, an owner of land owes no duty of care to keep the premises safe for entry or use by any person for recreational or conservation purposes, or to give any warning of a natural or artificial dangerous condition, use, structure, or activity on such premises to persons entering for such purposes. (Source: P.A. 85-959.)

(745 ILCS 65/4) (from Ch. 70, par. 34)

Sec. 4. Except as specifically recognized by or provided in Section 6 of this Act, an owner of land who permits without charge any person to use such property for recreational or conservation purposes does not thereby:

(a) Extend any assurance that the premises are safe for any purpose.

(b) (Blank).

(c) Assume responsibility for or incur liability for any injury to person or property caused by an act or omission of such person or any other person who enters upon the land.

(d) Assume responsibility for or incur liability for any injury to such person or property caused by any natural or artificial condition, structure or personal property on the premises.

The changes to this Section made by this amendatory Act of the 98th General Assembly apply only to causes of action accruing on or after the effective date of this amendatory Act of the 98th General Assembly.

(Source: P.A. 98-522, eff. 1-1-14.)

(745 ILCS 65/5) (from Ch. 70, par. 35)

Sec. 5. Unless otherwise agreed in writing, the provisions of Sections 3 and 4 of this Act are applicable to the duties and liability of an owner of land leased to the State or any subdivision thereof for recreational or conservation purposes. (Source: P.A. 85-959.)

(745 ILCS 65/6) (from Ch. 70, par. 36)

Sec. 6. Nothing in this Act limits in any way any liability

which otherwise exists:

(a) For willful and wanton failure to guard or warn against a dangerous condition, use, structure, or activity.

(b) For injury suffered in any case where the owner of land invites, as defined in subsection (f) of Section 2 of this Act, or charges the person or persons who enter or go on the land for the recreational use thereof.

The changes to this Section made by this amendatory Act of the 98th General Assembly apply only to causes of action accruing on or after the effective date of this amendatory Act of the 98th General Assembly.

(Source: P.A. 98-522, eff. 1-1-14.)

(745 ILCS 65/7) (from Ch. 70, par. 37)

Sec. 7. Nothing in this Act shall be construed to:

(a) (Blank).

(b) Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this Act to exercise care in his use of such land and in his activities thereon, or from the legal consequences of failure to employ such care.

The changes to this Section made by this amendatory Act of the 98th General Assembly apply only to causes of action accruing on or after the effective date of this amendatory Act of the 98th General Assembly.

(Source: P.A. 98-522, eff. 1-1-14.)

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(520 ILCS 5/1.1) (from Ch. 61, par. 1.1)

Sec. 1.1. This Act shall be known and may be cited as the "Wildlife Code".
 (Source: P.A. 81-382.)

(520 ILCS 5/1.2) (from Ch. 61, par. 1.2)

Sec. 1.2. This Act shall be administered by and under the direction of the Department of Natural Resources. As used in this Act, unless the context otherwise requires, the terms specified in the Sections following this Section and preceding Section 1.3 have the meanings ascribed to them in those Sections.
 (Source: P.A. 98-756, eff. 7-16-14.)

(520 ILCS 5/1.2a) (from Ch. 61, par. 1.2a)

Sec. 1.2a. "Administrative rule" means an administrative rule of the Department issued under Section 1.3 of this Act.
 (Source: P.A. 85-152.)

(520 ILCS 5/1.2b) (from Ch. 61, par. 1.2b)

Sec. 1.2b. "Authorized Employee" means all sworn members of the Law Enforcement Division and those persons specifically granted law enforcement authorization by the Director.
 (Source: P.A. 81-382.)

(520 ILCS 5/1.2b-1) (from Ch. 61, par. 1.2b-1)

Sec. 1.2b-1. Case. "Case" means any case, firearm carrying box, shipping box, or container acceptable under Article 24 of the Criminal Code of 2012.
 (Source: P.A. 97-1027, eff. 8-17-12; 97-1150, eff. 1-25-13.)

(520 ILCS 5/1.2c) (from Ch. 61, par. 1.2c)

Sec. 1.2c. "Contraband" means all wild birds or any part thereof, (their nests or eggs), wild mammals or any part thereof, taken, bought, sold or bartered, shipped or had in possession, or any conveyance, vehicle, water craft or other means of transportation whatsoever (except sealed railroad cars

or other common carrier) used to transport or ship any part thereof so taken, contrary to any of the provisions hereof or an administrative rule of the Department; or any of the previously specified species when taken legally but transported contrary to any of the provisions of this Act or an administrative rule of the Department.

(Source: P.A. 85-152.)

(520 ILCS 5/1.2c-1) (from Ch. 61, par. 1.2c-1)

Sec. 1.2c-1. Daily Limit. Daily Limit means the maximum number or amount of species which can be lawfully taken by one person in one calendar day.

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

(520 ILCS 5/1.2d) (from Ch. 61, par. 1.2d)

Sec. 1.2d. "Department" means the Department of Natural Resources.

(Source: P.A. 89-445, eff. 2-7-96.)

(520 ILCS 5/1.2e) (from Ch. 61, par. 1.2e)

Sec. 1.2e. "Director" means the Director of Natural Resources.

(Source: P.A. 89-445, eff. 2-7-96.)

(520 ILCS 5/1.2f) (from Ch. 61, par. 1.2f)

Sec. 1.2f. "Freshly killed" means any carcass, remains or parts of the body of any dead mammal or bird that has not been prepared for immediate consumption or storage for later consumption.

(Source: P.A. 81-382.)

(520 ILCS 5/1.2g) (from Ch. 61, par. 1.2g)

Sec. 1.2g. "Fur-bearing mammals" means the following specific species, mink, muskrat, raccoon, striped skunk, weasel, bobcat, opossum, beaver, river otter, badger, red fox, gray fox, and coyote.

(Source: P.A. 81-382.)

(520 ILCS 5/1.2h) (from Ch. 61, par. 1.2h)

Sec. 1.2h. "Game mammals" means the following specific species: cottontail, swamp, and jack rabbit, white-tailed deer, fox squirrel, gray squirrel and ground hog.

(Source: P.A. 81-382.)

(520 ILCS 5/1.2i) (from Ch. 61, par. 1.2i)

Sec. 1.2i. "Green hide" means any hide or pelt which has not been tanned.

(Source: P.A. 81-382.)

(520 ILCS 5/1.2j) (from Ch. 61, par. 1.2j)

Sec. 1.2j. "Gun" means shotgun, rifle, handgun, or air gun.

(Source: P.A. 81-382.)

(520 ILCS 5/1.2j-1)

Sec. 1.2j-1. "Bow and arrow" means a longbow, recurve bow, compound bow, or crossbow.

(Source: P.A. 97-907, eff. 8-7-12.)

(520 ILCS 5/1.2k) (from Ch. 61, par. 1.2k)

Sec. 1.2k. "Hunt" means the act of a person possessing a weapon or being accompanied by a dog or a bird of prey for the purpose of taking species protected by this Act in any location

such species may inhabit.
(Source: P.A. 85-152.)

(520 ILCS 5/1.2k-1)

Sec. 1.2k-1. Hunting license. "Hunting license" means an electronic or physical license authorizing the person to take a certain type of animal during a specified period of time.
(Source: P.A. 100-150, eff. 8-18-17.)

(520 ILCS 5/1.2l) (from Ch. 61, par. 1.2l)

Sec. 1.2l. "Person" includes the plural "persons", "females" as well as "males" and shall extend and be applied to clubs, associations, corporations, firms and partnerships as well as individuals.
(Source: P.A. 81-382.)

(520 ILCS 5/1.2m) (from Ch. 61, par. 1.2m)

Sec. 1.2m. "Resident" means a person who in good faith makes application for any license or permit and verifies by statement that he or she has maintained his or her permanent abode in this State for a period of at least 30 consecutive days immediately preceding the person's application, and who does not maintain permanent abode or claim residency in another state for the purposes of obtaining any of the same or similar licenses or permits covered by this Code. A person's permanent abode is his or her fixed and permanent dwellingplace, as distinguished from a temporary or transient place of residence. Domiciliary intent is required to establish that the person is maintaining his or her permanent abode in this State. Evidence of domiciliary intent includes, but is not limited to, the location where the person votes, pays personal income tax, or obtains a drivers license. Except for the purposes of obtaining a Lifetime License, any person on active duty in the Armed Forces shall be considered a resident of Illinois during his or her period of military duty.
(Source: P.A. 94-10, eff. 6-7-05.)

(520 ILCS 5/1.2m-1) (from Ch. 61, par. 1.2m-1)

Sec. 1.2m-1. Possession Limit. Possession Limit means the maximum number or amount of species which can be lawfully held or possessed by one person at any time.
(Source: P.A. 84-150.)

(520 ILCS 5/1.2n) (from Ch. 61, par. 1.2n)

Sec. 1.2n. "Sale" means to sell, barter or otherwise offer goods to another for consideration. The term sale shall include serving the same as a part of a meal by any restaurant, hotel, or other commercial establishment. Proof of sale of any such game bird or game mammal shall constitute prima facie evidence that such birds or mammals were also sold in violation of this Act except as provided in Sections 3.23 and 3.24.
(Source: P.A. 81-382.)

(520 ILCS 5/1.2o) (from Ch. 61, par. 1.2o)

Sec. 1.2o. "Take" means hunt, shoot, pursue, lure, kill, destroy, capture, gig or spear, trap or ensnare, harass, or to attempt to do so.
(Source: P.A. 81-382.)

(520 ILCS 5/1.2p) (from Ch. 61, par. 1.2p)

Sec. 1.2p. "Transport" or "ship" means to convey by means of parcel post, express, freight baggage or shipment by common carrier of any description; or by automobile, motorcycle, or

other vehicle of any kind; or by water or aircraft of any kind or by any other means of transportation whatsoever.
(Source: P.A. 81-382.)

(520 ILCS 5/1.2q) (from Ch. 61, par. 1.2q)

Sec. 1.2q. "Trap" means to capture, or attempt to capture, by setting or placing a leg hold trap, cushion-hold trap, bodygripping trap, cage or box trap, snare or other similar device permitted by this Act to capture, hold or kill any wildlife protected by this Act.
(Source: P.A. 85-152; 86-1354.)

(520 ILCS 5/1.2r) (from Ch. 61, par. 1.2r)

Sec. 1.2r. "Vehicle" means any device capable of transporting a person on land, on ice, on water, in water, or in the air.
(Source: P.A. 81-382.)

(520 ILCS 5/1.2s) (from Ch. 61, par. 1.2s)

Sec. 1.2s. "Wild" means not ordinarily domesticated, and ordinarily living unconfined in a state of nature without the care of man.
(Source: P.A. 97-431, eff. 8-16-11.)

(520 ILCS 5/1.2t) (from Ch. 61, par. 1.2t)

Sec. 1.2t. "Wildlife" means any bird or mammal that are by nature wild by way of distinction from those that are naturally tame and are ordinarily living unconfined in a state of nature without the care of man.
(Source: P.A. 97-431, eff. 8-16-11.)

(520 ILCS 5/1.2u) (from Ch. 61, par. 1.2u)

Sec. 1.2u. "Individual" means a natural person.
(Source: P.A. 84-150.)

(520 ILCS 5/1.2v) (from Ch. 61, par. 1.2v)

Sec. 1.2v. "Water set" means any trap or similar device which is placed or set in contact with flowing or impounded water.
(Source: P.A. 85-152.)

(520 ILCS 5/1.2v-1)

Sec. 1.2v-1. Youth. "Youth" means a person under 18 years of age.
(Source: P.A. 100-638, eff. 1-1-19.)

(520 ILCS 5/1.2w) (from Ch. 61, par. 1.2w)

Sec. 1.2w. "Land set" means any trap or similar device which is not placed or set in contact with flowing or impounded water.
(Source: P.A. 85-152.)

(520 ILCS 5/1.2x)

Sec. 1.2x. Taxidermy. "Taxidermy" means the art of preparing, preserving, and mounting the skins of fish, birds, or mammals to make them appear lifelike.
(Source: P.A. 88-416.)

(520 ILCS 5/1.2y)

Sec. 1.2y. "Hound running" means pursuing any fox, coyote, raccoon, or rabbit with a hound.
(Source: P.A. 95-196, eff. 1-1-08.)

(520 ILCS 5/1.2z)

Sec. 1.2z. "Authorized species" means any fox, coyote, raccoon, or rabbit associated with a hound running area. (Source: P.A. 95-196, eff. 1-1-08.)

(520 ILCS 5/1.3)

Sec. 1.3. The Department shall have the authority to manage wildlife and regulate the taking of wildlife for the purposes of providing public recreation and controlling wildlife populations. The seasons during which wildlife may be taken, the methods for taking wildlife, the daily bag limits, and the possession limits shall be established by the Department through administrative rule, but the Department may not provide for a longer season, a larger daily bag limit, or a larger possession limit than is provided in this Code.

The Natural Resources Advisory Board may also recommend to the Director of Natural Resources any reductions or increases of seasons and bag or possession limits or the closure of any season when research and inventory data indicate the need for such changes.

The Department is authorized to establish seasons for the taking of migratory birds within the dates established annually by Proclamation of the Secretary, United States Department of the Interior, known as the "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20 et seq.). When the biological balance of any species is affected, the Director may with the approval of the Conservation Advisory Board, by administrative rule, lengthen, shorten or close the season during which waterfowl may be taken within the federal limitations prescribed. If the Department does not adopt an administrative rule establishing a season, then the season shall be as set forth in the current "Rules and Regulations for Migratory Bird Hunting". The Department shall advise the public by reasonable means of the dates of the various seasons.

The Department may utilize the services of the staff of the Illinois Natural History Survey of the University of Illinois for making investigations as to the population status of the various species of wildlife.

Employees or agents of any state, federal, or municipal government or body when engaged in investigational work and law enforcement, may with prior approval of the Director, be exempted from the provisions of this Act. (Source: P.A. 98-346, eff. 8-14-13.)

(520 ILCS 5/1.4) (from Ch. 61, par. 1.4)

Sec. 1.4. The Department is authorized to make rules and regulations for carrying out, administering and enforcing the provisions of this Act. These rules and regulations shall be called and hereinafter referred to as administrative rules.

Each rule shall be promulgated in accordance with the Illinois Administrative Procedure Act.

A copy of any such rule, under the seal of the Department and certified by the Director thereof shall be received in evidence in all courts of this State with the same effect as the original.

Such rules, after becoming effective, shall be enforced in the same manner as are any other provisions of this Act and violators thereof are subject to the penalties set out in Section 3.5 of this Act.

(Source: P.A. 91-357, eff. 7-29-99.)

(520 ILCS 5/1.5) (from Ch. 61, par. 1.5)

Sec. 1.5. The Department is authorized to cooperate with the

Environmental Protection Agency of the State of Illinois in making pollution investigations and making reports thereof.
(Source: P.A. 78-255.)

(520 ILCS 5/1.6) (from Ch. 61, par. 1.6)

Sec. 1.6. The Department, and persons authorized by it, may take, purchase or propagate, any mammals or birds, or eggs of such birds for propagation and stocking purposes, and when so taken, may transmit them to parts of the State where a scarcity of such birds or mammals exists, for the purpose of restocking such parts of the State.
(Source: P.A. 81-382.)

(520 ILCS 5/1.7) (from Ch. 61, par. 1.7)

Sec. 1.7. The Department is authorized to produce such mammals, birds or their eggs, and to distribute them to anyone having suitable land or means for their breeding, hatching or further propagation; the Department shall also have authority to enter into agreements with such distributees for the propagation or purchase of mammals, birds, (or their eggs), produced by such distributees.
(Source: P.A. 81-382.)

(520 ILCS 5/1.8) (from Ch. 61, par. 1.8)

Sec. 1.8. The Department may establish and maintain refuges or public hunting areas upon any lands or waters owned by the Federal government by mutual consent of the Federal and State governments and upon any lands owned or leased by the State, with the consent and approval of the state department or agency having jurisdiction over such lands.

The Department may designate state managed lands and waters or portions thereof as wildlife refuges by administrative rule.

It shall be unlawful to take any species of wildlife on any property named as a wildlife refuge by the Department or other Department management areas except as provided by Section 2.25 and Administrative Rules.

The Department shall post the boundaries of such refuges and shall publish legal notices in accordance with the procedure set forth in Section 1.13 pertaining to the operation of Public Hunting Areas.

(Source: P.A. 85-152.)

(520 ILCS 5/1.9) (from Ch. 61, par. 1.9)

Sec. 1.9. The Department shall have the power and authority to select and purchase or lease, receive by donation or acquire, in accordance with the laws relating to eminent domain: (a) suitable lands for the breeding, hatching, propagation and conservation of birds or mammals, (b) lands or lands and waters, to be used as public hunting and fishing grounds, or (c) lands or lands and waters to be used as wildlife refuges.
(Source: P.A. 81-382.)

(520 ILCS 5/1.9-1) (from Ch. 61, par. 1.9-1)

Sec. 1.9-1. The following described areas are designated as State game farms:

Wilmington State Game Farm in Will County;

Glen D. Palmer State Game Farm in Kendall County;

Mt. Vernon State Game Farm in Jefferson County.

(Source: P.A. 78-255.)

(520 ILCS 5/1.9-2)

Sec. 1.9-2. Eminent domain. Notwithstanding any other provision of this Code, any power granted under this Code to

acquire property by condemnation or eminent domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act.

(Source: P.A. 94-1055, eff. 1-1-07.)

(520 ILCS 5/1.10) (from Ch. 61, par. 1.10)

Sec. 1.10. The Department shall take all measures necessary for the conservation, distribution, introduction and restoration of birds and mammals. The Department also shall bring or cause to be brought, actions and proceedings, in the name, and by the authority, of the People of the State of Illinois, to enforce the provisions of this Act, including administrative rules, and to recover any and all fines and penalties hereinafter provided for. Nothing in this Act shall be construed to authorize the Department to change any penalty prescribed by law for a violation of its provisions, or to change the amount of licenses prescribed by law. The Department is authorized to cooperate with the appropriate Departments of the Federal Government and other Departments or agencies of the State government and educational institutions in conducting surveys, experiments, or work of joint interest or benefit.

(Source: P.A. 85-152.)

(520 ILCS 5/1.11) (from Ch. 61, par. 1.11)

Sec. 1.11. The Department may establish Conservation Training Schools and employ technicians and such other help as may be necessary for the purpose of teaching conservation methods to employees of the Department, and such other interested groups as the Department shall deem necessary or desirable to carry out the provisions and purposes of this Act.

The Department shall, in order to educate the citizens of this State in the modern trends of conservation, disseminate conservation information and the provisions of this Act through the mediums of lectures, motion pictures, photographs, pictures, exhibits, radio, news items, pamphlets and other media the Department may deem suitable for this purpose.

The Department may publish, periodically, a bulletin or magazine containing information concerning the work of the Department, the conservation and propagation of wildlife, hunting and fishing, and any such other information as the Department deems to be of general or special interest to sportsmen and others affected by any law administered by the Department. A reasonable charge may be made for each copy of such publication. All funds derived from the sale of such publication shall be deposited in the Wildlife and Fish fund in the State Treasury.

(Source: P.A. 81-382.)

(520 ILCS 5/1.12) (from Ch. 61, par. 1.12)

Sec. 1.12. The Department shall use the most modern conservation methods to manage wildlife on State controlled lands or waters for propagation or breeding wildlife. The Department may cooperate with any person desirous of managing wildlife on private lands or waters by (a) furnishing trees, shrubs, seeds or other materials where deemed necessary or desirable and (b) providing labor, equipment and technical supervision to plan and assist the landowner in wildlife habitat development.

(Source: P.A. 81-382.)

(520 ILCS 5/1.13) (from Ch. 61, par. 1.13)

Sec. 1.13. The Department is authorized to issue a "Public Hunting Grounds for Waterfowl" daily usage stamp at a fee not to exceed \$10 for duck hunting areas, and not to exceed \$15 for

Canada goose hunting areas; and assess a daily "Public Hunting Grounds for Game Birds" fee not to exceed \$25 (\$35 for non-residents) in 2008 and increasing by \$5 every third year until the maximum fee is \$50 (\$60 for non-residents). Each person shall obtain such a stamp from the Department to be attached to the permit assigned to a person, or pay the daily fee to hunt game birds, under the provisions of the rules and regulations made by the Department for the operation of State Public Hunting Grounds. Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

The Department is authorized to permit hunters to harvest both male and female hand reared pheasants, bobwhite quail, chukar partridge, and gray partridge released on such public hunting grounds. The Department may permit hunters to harvest hand-reared game birds on State Public Hunting Grounds during a season set by administrative rule between the dates of September 1st and March 31st, both inclusive.

The Department shall cause an administrative rule, setting forth the rules and regulations for the operation of Public Hunting Areas on lands and waters owned or leased by this State. (Source: P.A. 99-866, eff. 1-1-17.)

(520 ILCS 5/1.14) (from Ch. 61, par. 1.14)

Sec. 1.14. All authorized employees of the Department shall have the power of, and shall be peace officers in the enforcement of the provisions of this Act, including administrative rules, and may carry such weapons as may be necessary to arrest any person resisting arrest. (Source: P.A. 85-152.)

(520 ILCS 5/1.15) (from Ch. 61, par. 1.15)

Sec. 1.15. All authorized employees of the Department, duly accredited officers of the U. S. Fish and Wildlife Service, and all sheriffs, deputy sheriffs, and other peace officers shall be empowered to arrest any person detected in violation of any of the provisions of this Act, including administrative rules.

All such officers shall make prompt investigation of any violation of the provisions of this Act, including administrative rules, reported by any other person, and cause a complaint to be filed before the Circuit Court having jurisdiction thereof in case there seems just ground for such complaint and evidence procurable to support the same.

Upon the filing of such complaint, such officers shall render assistance in the prosecution of the party against whom complaint is made.

Peace officers, but no employee of the Department, making arrests and serving warrants provided for by this Act shall receive the fees and mileage as provided by law for sheriffs.

Each duly accredited officer and authorized employee of the Department is authorized to execute and serve all warrants and processes issued by any Circuit Court.

In the performance of their law enforcement duties under this Act, authorized employees of the Department may operate vehicles owned or leased by the Department upon a highway, other than an interstate highway, limited access highway, State highway or any highway within the limits of an incorporated area, during hours of darkness without lighted headlamps, tail lamps and clearance lamps, notwithstanding the provisions of Article 12 of The Illinois Vehicle Code if so operating such

vehicles will aid in the accomplishment of a lawful arrest for violation of this Act or subsequent administrative rules or in ascertaining whether a violation of this Act or subsequent administrative rules has been or is about to be committed and when it will not endanger the public health, safety and welfare. (Source: P.A. 85-152.)

(520 ILCS 5/1.16) (from Ch. 61, par. 1.16)

Sec. 1.16. All State's Attorneys shall enforce the provisions of this Act, including administrative rules, in their respective counties, and shall prosecute all persons charged with violating such provisions, when so requested by the Department.

(Source: P.A. 85-152.)

(520 ILCS 5/1.17) (from Ch. 61, par. 1.17)

Sec. 1.17. All prosecutions provided for by this Act shall be brought before the Circuit Court for the county within which the offense was committed.

All such prosecutions shall be commenced within 2 years from the time the offense charged was committed.

(Source: P.A. 82-965.)

(520 ILCS 5/1.18) (from Ch. 61, par. 1.18)

Sec. 1.18. All fines provided for by this Act which are imposed and collected shall be remitted to the Department, within 30 days after the collection thereof, by the Clerk of the Circuit Court collecting such fines, who shall submit at the same time to the Department, a statement of the names of the persons so fined, the name of the arresting officer, the citation number, the amount of the fine, and the date of conviction.

(Source: P.A. 81-382.)

(520 ILCS 5/1.19) (from Ch. 61, par. 1.19)

Sec. 1.19. All authorized employees of the Department are empowered, pursuant to law, to enter all lands and waters to enforce the provisions of this Act. Authorized employees are further empowered to examine all buildings, private or public clubs (except dwellings), fish markets, cold storage houses, locker plants, camps, vessels, cars (except sealed railroad cars or other sealed common carrier), conveyances, vehicles, watercraft or other means of transportation or shipping whatsoever, tents, game bags, game coats or other receptacles, and to open and examine any box, barrel, package, or other receptacle in the possession of a common carrier, which they have reason to believe contains wild birds or any part thereof (their nests or eggs), or wild mammals or any part thereof, taken, destroyed, bought, sold or bartered, shipped or held in possession contrary to any of the provisions of this Act, including administrative rules, or that the receptacle containing the same is falsely labeled.

All authorized employees of the Department shall be given free access to and shall not be hindered or interfered with in making such examination, and any license issued by the Department held by the person preventing such free access or interfering with or hindering such authorized employee shall be subject to confiscation by the Department; and no license or permit of any kind whatsoever shall be issued to such person for the period of one year thereafter.

Authorized law enforcement employees of the Department are empowered to conduct examination of equipment and devices in the field, pursuant to law, to ensure compliance with the provisions

of this Act.
(Source: P.A. 85-152.)

(520 ILCS 5/1.20) (from Ch. 61, par. 1.20)

Sec. 1.20. The possession of any wild bird or wild mammal protected under this Act, is prima facie evidence that the same is subject to all the provisions of this Act, including administrative rules, pertaining to the taking, possession and disposition thereof.

Whenever the contents of any box, barrel, package, or receptacle consists partly of contraband and partly of legal species or any part thereof (their nests or eggs), the entire contents of such box, barrel, package or other receptacle is subject to confiscation.

Whenever a person has in his or her possession in excess of the number of wild birds or wild mammals, or parts thereof, permitted under the provisions of this Act, including administrative rules, the entire number of wild birds or wild mammals, or parts thereof, in his or her possession is subject to confiscation.

(Source: P.A. 85-152.)

(520 ILCS 5/1.21) (from Ch. 61, par. 1.21)

Sec. 1.21. Whenever any authorized employee of the Department, sheriff, deputy sheriff or other peace officer of the State shall have reason to believe that any person, commercial institution, commission house, restaurant or cafe keeper, has in his or her, or its possession any wild birds or any part thereof (their nests or eggs), or wild mammals or any part thereof, contrary to the provisions of this Act, including administrative rules, he may file, or cause to be filed, his sworn complaint to such effect, before the Circuit Court and procure a search warrant and execute the same. Upon the execution of such search warrant, the officer executing same shall make due return thereof to the court issuing the same, together with an inventory of all the wild birds or any part thereof (their nests or eggs), or wild mammals or any part thereof, taken thereunder. The court shall thereupon issue process against the party owning, controlling or transporting the wild birds or any part thereof (their nests or eggs), or wild mammals or any part thereof, seized, and upon the return thereof it shall proceed to determine whether or not the same were held, possessed, or transported in violation of this Act, including administrative rules, and in case of a finding to the effect that the same were illegally held, possessed, transported or sold, a judgment shall be entered against the owner or party found in possession of the same for the costs of the proceeding and providing for the disposition of the property seized, as provided for by the terms hereof.

(Source: P.A. 85-152.)

(520 ILCS 5/1.22) (from Ch. 61, par. 1.22)

Sec. 1.22. It shall be unlawful for any person to resist or obstruct any authorized employee of the Department or other peace officer in the discharge of his duties under the provisions hereof.

(Source: P.A. 77-1781.)

(520 ILCS 5/1.23) (from Ch. 61, par. 1.23)

Sec. 1.23. It shall be unlawful for any person to represent himself falsely to be an authorized employee of the Department, or to assume to act as such without having been duly appointed and employed as such.

(Source: P.A. 77-1781.)

(520 ILCS 5/1.24) (from Ch. 61, par. 1.24)

Sec. 1.24. Contraband wild birds or any part thereof (their nests or eggs), or wild mammals or any part thereof, or fur-bearing mammals or any part thereof seized and confiscated in accordance with the provisions hereof, shall be disposed of as directed by the Department.

(Source: P.A. 78-826.)

(520 ILCS 5/1.25) (from Ch. 61, par. 1.25)

Sec. 1.25. Every hunting or trapping device, vehicle or conveyance, when used or operated illegally, or attempted to be used or operated illegally by any person in taking, transporting, holding, or conveying any wild bird or wild mammal, contrary to the provisions of this Act, including administrative rules, is a public nuisance and subject to seizure and confiscation by any authorized employee of the Department; upon the seizure of such item the Department shall take and hold the same until disposed of as hereinafter provided.

Upon the seizure of any property as herein provided, the authorized employee of the Department making such seizure shall forthwith cause a complaint to be filed before the Circuit Court and a summons to be issued requiring the person who illegally used or operated or attempted to use or operate such property and the owner and person in possession of such property to appear in court and show cause why the property seized should not be forfeited to the State. Upon the return of the summons duly served or other notice as herein provided, the court shall proceed to determine the question of the illegality of the use of the seized property and upon judgment being entered to the effect that such property was illegally used, an order may be entered providing for the forfeiture of such seized property to the Department and shall thereupon become the property of the Department; but the owner of such property may have a jury determine the illegality of its use, and shall have the right of an appeal, as in other cases. Such confiscation or forfeiture shall not preclude or mitigate prosecution and assessment of penalties otherwise provided in this Act.

Upon seizure of any property under circumstances supporting a reasonable belief that such property was abandoned, lost or stolen or otherwise illegally possessed or used contrary to the provisions of this Act, except property seized during a search or arrest, and ultimately returned, destroyed, or otherwise disposed of pursuant to order of a court in accordance with this Act, the authorized employee of the Department shall make reasonable inquiry and efforts to identify and notify the owner or other person entitled to possession thereof, and shall return the property after such person provides reasonable and satisfactory proof of his ownership or right to possession and reimburses the Department for all reasonable expenses of such custody. If the identity or location of the owner or other person entitled to possession of the property has not been ascertained within 6 months after the Department obtains such possession, the Department shall effectuate the sale of the property for cash to the highest bidder at a public auction. The owner or other person entitled to possession of such property may claim and recover possession of the property at any time before its sale at public auction, upon providing reasonable and satisfactory proof of ownership or right of possession and reimbursing the Department for all reasonable expenses of custody thereof.

Any property, including guns, forfeited to the State by court order pursuant to this Section, may be disposed of by

public auction, except that any property which is the subject of such a court order shall not be disposed of pending appeal of the order. The proceeds of the sales at auction shall be deposited in the Wildlife and Fish Fund.

The Department shall pay all costs of notices required by this Section.

Property seized or forfeited under this Section is subject to reporting under the Seizure and Forfeiture Reporting Act. (Source: P.A. 100-512, eff. 7-1-18.)

(520 ILCS 5/1.26) (from Ch. 61, par. 1.26)

Sec. 1.26. Each wild bird or wild mammal, or any part thereof (including the nests or eggs of wild birds), taken, shipped, offered or received for shipment, transported, bought, sold, or bartered, or had in possession, and each green hide of game mammals or fur-bearing mammals bought, sold, shipped, or had in possession contrary to the provisions of this Act, including administrative rules, and each trap, snare, net or other device, including ferrets, used or attempted to be used, in violation of such provisions constitutes a separate offense. (Source: P.A. 85-152.)

(520 ILCS 5/1.27) (from Ch. 61, par. 1.27)

Sec. 1.27. Any person who aids or contributes in any manner to a violation of this Act, including administrative rules, is individually liable, as a separate offense under the provisions hereof, for the penalties imposed against the person who committed the violation. (Source: P.A. 85-1181.)

(520 ILCS 5/1.28) (from Ch. 61, par. 1.28)

Sec. 1.28. Fees and fines; deposit in funds. All fees, fines, including bond forfeitures, income of whatsoever kind or nature derived from hunting and fishing activities on lands or waters or both under the jurisdiction or control of the Department, and all penalties collected under this Act shall be deposited in the State Treasury and shall be set apart in a special fund to be known as the "Wildlife and Fish Fund"; except that fees derived solely from the sale of salmon stamps, income from art contests for the salmon stamp, including income from the sale of reprints, and gifts, donations, grants and bequests of money for the conservation and propagation of salmon shall be deposited in the State Treasury and set apart in the special fund to be known as the "Salmon Fund"; and except that fees derived solely from the sale of state migratory waterfowl stamps, and gifts, donations, grants and bequests of money for the conservation and propagation of waterfowl shall be deposited in the special fund to be known as the "State Migratory Waterfowl Stamp Fund"; and except that, of fees derived solely from the sale of State Habitat Stamps, 64% shall be deposited into the Illinois Habitat Fund, 30% into the State Pheasant Fund, and 6% into the State Furbearer Fund. Income generated from the sale of artwork associated with the State Habitat Stamps shall be deposited into the Illinois Habitat Fund. All interest that accrues from monies deposited into the Wildlife and Fish Fund, the Salmon Fund, the State Migratory Waterfowl Stamp Fund, the State Furbearer Fund, the State Pheasant Fund, and the Illinois Habitat Fund shall be deposited into those funds, respectively. Appropriations from the "Wildlife and Fish Fund" shall be made only to the Department for the carrying out of the powers and functions vested by law in the Department for the administration and management of fish and wildlife resources of this State for such activities as the purchase of land for fish hatcheries, wildlife refuges, preserves and public shooting

and fishing grounds; the purchase and distribution of wild birds, the eggs of wild birds, and wild mammals for rescuing, restoring and distributing fish; the maintenance of wildlife refuges, or preserves, public shooting grounds, public fishing grounds and fish hatcheries; and the feeding and care of wild birds, wild animals and fish.

(Source: P.A. 95-853, eff. 8-18-08.)

(520 ILCS 5/1.28a) (from Ch. 61, par. 1.28a)

Sec. 1.28a. The Wildlife and Fish Fund shall also be used for the purposes set forth in Section 1-235 of the Fish and Aquatic Life Code.

(Source: P.A. 87-895.)

(520 ILCS 5/1.29) (from Ch. 61, par. 1.29)

Sec. 1.29. Migratory Waterfowl Stamp Fund.

(a) There is hereby created in the State Treasury the State Migratory Waterfowl Stamp Fund. All fees collected from the sale of State Migratory Waterfowl Stamps shall be deposited into this Fund. These moneys shall be appropriated to the Department for the following purposes:

(1) 25% of funds derived from the sale of State migratory waterfowl stamps and 100% of all gifts, donations, grants and bequests of money for the conservation and propagation of waterfowl, for projects approved by the Department for the purpose of attracting waterfowl and improving public migratory waterfowl areas within the State, and for payment of the costs of printing State migratory waterfowl stamps, the expenses incurred in acquiring State waterfowl stamp designs and the expenses of producing reprints. These projects may include the repair, maintenance and operation of public migratory waterfowl areas only in emergencies as determined by the State Duck Stamp Committee.

(2) 25% of funds derived from the sale of State migratory waterfowl stamps will be turned over by the Department to appropriate non-profit organizations for the development of waterfowl propagation areas within the Dominion of Canada or the United States that specifically provide waterfowl for the Mississippi Flyway.

(3) 25% of funds derived from the sale of State migratory waterfowl stamps shall be turned over by the Department to appropriate non-profit organizations to be used for the implementation of the North American Waterfowl Management Plan. These funds shall be used for the development of waterfowl areas within the Dominion of Canada or the United States that specifically provide waterfowl for the Mississippi Flyway.

(4) 25% of funds derived from the sale of State migratory waterfowl stamps shall be available for use by the Department for internal administrative costs of the Department and for the maintenance of waterfowl habitat, including the replacement, repair, operation, and maintenance of pumps and levees used for water management on public migratory waterfowl areas within the State.

(b) Before turning over any funds under the provisions of paragraphs (2) and (3) of subsection (a) the Department shall obtain evidence that the project is acceptable to the appropriate governmental agency of the Dominion of Canada or the United States or of one of its Provinces or States having jurisdiction over the lands and waters affected by the project, and shall consult those agencies and the State Duck Stamp Committee for approval before allocating funds.

(c) The State Duck Stamp Committee shall consist of: (1) The

State Waterfowl Biologist, (2) The Chief of the Wildlife Resources Division or his designee, (3) The Chief of the Land Management Division or his designee, (4) The Chief of the Engineering Division or his designee, and (5) Two or more at large representatives from statewide waterfowl organizations appointed by the Director. The Committee's duties shall be to review and recommend all Duck Stamp Projects and review and recommend all expenditures from the State Migratory Waterfowl Stamp Fund. The committee shall give due consideration to waterfowl projects that are readily available to holders of the State Migratory Waterfowl Stamp, wherever they may live in Illinois.

(Source: P.A. 96-831, eff. 1-1-10.)

(520 ILCS 5/1.30) (from Ch. 61, par. 1.30)

Sec. 1.30. The Department has the authority to sell Federal Migratory Bird Hunting and Conservation Stamps. The Department may consign, issue or otherwise make available such stamps for sale by designated agents as authorized in Section 3.37 of this Act. The income received from the sale of Federal Migratory Bird Hunting and Conservation Stamps shall be deposited in the Wildlife and Fish Fund. Proceeds collected, less administrative fees so authorized, shall be remitted to the United States Fish and Wildlife Services.

(Source: P.A. 85-966.)

(520 ILCS 5/1.31) (from Ch. 61, par. 1.31)

Sec. 1.31. Pheasant Fund. There is created in the State Treasury the State Pheasant Fund. All interest earned on monies in this Fund shall remain in the fund.

(a) Thirty percent of the money collected from the sale of State Habitat Stamps, and all interest earned, gifts, donations, grants, and bequests of money for the conservation of wild pheasants shall be deposited into the State Pheasant Fund for appropriation to the Department for the following purposes:

(1) 50% of funds derived from the sale of State

Habitat Stamps and deposited into the State Pheasant Fund, and all interest earned, gifts, donations, grants and bequests of money for the conservation of wild pheasants shall be used by the Department for the conservation of wild pheasants. Before allocating any funds under the provisions of this subsection, the Department shall submit plans for use of the funds to the State Pheasant Committee for its approval. Pheasant conservation projects may include land acquisition, pheasant habitat improvement on public or private land, pheasant research, and education of the public regarding pheasants and pheasant hunting. None of the monies spent under this Section shall be used for administrative expenses.

(2) 50% of funds derived from the sale of State Habitat Stamps and deposited into the Pheasant Fund shall be allocated by the Department to appropriate not-for-profit organizations for the purpose of wild pheasant conservation. Before allocating any funds under the provisions of this paragraph (2), the Department shall submit the organizations' plans for use of the funds to the State Pheasant Committee for its approval. By December 31 of each year, any organization receiving funds under this paragraph (2) shall report to the Department and the Committee on its use of those funds. Pheasant conservation projects may include land acquisition, pheasant habitat improvement on public or private land, pheasant research, or education of the public regarding pheasants and pheasant hunting.

(b) The State Pheasant Committee is created and shall consist of: (1) the Chief of the Wildlife Resources Division or his designee, (2) the Chief of the Land Management Division or his designee, (3) one representative appointed by the Director who is from a nonprofit institution, corporation, or university within the State and is actively engaged in wildlife research pertaining to game birds, especially pheasants, (4) the Chief of the Technical Services Division or his designee, and (5) 2 or more representatives from statewide pheasant organizations, appointed by the Director. The Committee shall review and recommend all allocation of funds from the State Pheasant Fund.

(c) At the end of each license accounting period, if 30% of the money collected from the sale of State Habitat Stamps and deposited into the State Pheasant Fund is less than \$500,000, the Director shall request a transfer and the State Comptroller and State Treasurer shall transfer from the Illinois Habitat Fund to the State Pheasant Fund the amount necessary to bring the total deposited into the State Pheasant Fund to \$500,000.

(Source: P.A. 86-158; 86-1028; 87-135; 87-1015.)

(520 ILCS 5/1.32) (from Ch. 61, par. 1.32)

Sec. 1.32. Distribution of funds; State Furbearer Committee.

(a) There is created within the State Treasury the State Furbearer Fund. All interest earned on monies in this Fund shall remain in the fund. Six percent of the money collected from the sale of State Habitat Stamps, and all interest earned, gifts, donations, grants, and bequests of money for the conservation of furbearing mammals shall be deposited into the State Furbearer Fund and shall be held separate and apart from the general fund. These monies shall be appropriated to the Department for the following purposes:

(1) 10% of all funds derived from the sale of State Habitat Stamps and deposited into the State Furbearer Fund, and 100% of all interest earned, gifts, donations, grants and bequests of money for the conservation of furbearing mammals shall be appropriated for the purpose of conservation of fur-bearing mammals, and for projects, approved by the Department, for the purpose of developing and improving public fur-bearing mammal habitat management areas within the State. The State Furbearer Committee may include, on an emergency basis only, any projects as the repair, maintenance, and operation of mammal habitat management areas, except that no monies spent within the State for this purpose shall be used for administrative expenses.

(2) 45% of all funds derived from the sale of State Habitat Stamps and deposited into the State Furbearer Fund shall be allocated by the Department to suitable non-profit institutions, corporations, or universities, for projects approved by the Department, for the purpose of conducting surveys and investigations concerning the biology, ecology, and management of fur-bearing mammals within the State. Before allocating any funds under the provisions of this paragraph (2), the Department shall obtain evidence that the project is acceptable to the appropriate non-profit institution, corporation, or university having jurisdiction over the expenditure of funds for the project, and shall consult those non-profit institutions, corporations, and universities and the State Furbearer Committee for approval before allocating funds.

(3) 45% of all funds derived from the sale of State Habitat Stamps and deposited into the State Furbearer Fund shall be allocated for projects approved by the Department for the purpose of educating hunters and trappers of fur-

bearing mammals within the State and the general public concerning the role that hunting and trapping has upon fur-bearing mammal management, concerning the laws, associated with the harvesting of fur-bearing mammals, concerning the techniques used in the hunting and trapping of fur-bearing mammals, and concerning the conservation, management, and ecology of fur-bearing mammals. Projects, as determined by the State Furbearer Committee, may include the promotion of products made from wild fur-bearing mammals, except that no monies spent for these projects shall be used for administrative expenses.

All allocations and accounting of moneys in the State Furbearer Fund, including all expenditures previously incurred, shall be allocated according to the percentages established by this amendatory Act of 1992.

(b) The State Furbearer Committee shall consist of: (1) the State Furbearer Biologist, (2) the Chief of the Division of Wildlife Resources or his designee, (3) the Chief of the Division of Land Management or his designee, (4) one representative appointed by the Director who is from a nonprofit institution, corporation or university within the State and is actively engaged in wildlife research pertaining to game or fur-bearing mammals, and (5) at least 2, but not more than 3, at large representatives from statewide fur-bearing mammal hunting and trapping organizations appointed by the Director. The Committee's duties shall be to review and recommend all State Furbearer Projects, and to review and recommend all expenditures from the State Furbearer Fund.

(c) At the end of each license accounting period, if 6% of the money collected from the sale of State Habitat Stamps and deposited into the State Furbearer Fund is less than \$100,000, the Director shall request a transfer and the State Comptroller and State Treasurer shall transfer from the Illinois Habitat Fund to the State Furbearer Fund the amount necessary to bring the total deposited into the State Furbearer Fund to \$100,000. (Source: P.A. 86-159; 86-1028; 87-135; 87-1015.)

(520 ILCS 5/2.1) (from Ch. 61, par. 2.1)

Sec. 2.1. The ownership of and title to all wild birds and wild mammals within the jurisdiction of the State are hereby declared to be in the State, and no wild birds or wild mammals shall be taken or killed, in any manner or at any time, unless the person or persons so taking or killing the same shall consent that the title thereto shall be and remain in the State for the purpose of regulating the taking, killing, possession, use, sale and transportation thereof, after such taking or killing, as hereinafter set forth. The taking or killing of wild birds or wild mammals at any time, in any manner, and by any person, shall be deemed a consent on the part of such person that the title to such wild birds or wild mammals shall remain in the State for the purpose of regulating the possession, use, sale and transportation thereof.

The regulation and licensing of the taking of wildlife in Illinois are exclusive powers and functions of the State. A home rule unit may not regulate or license the taking of wildlife. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution. (Source: P.A. 87-296.)

(520 ILCS 5/2.2) (from Ch. 61, par. 2.2)

Sec. 2.2. This Act shall apply only to the wild birds and parts of wild birds (including, but not limited to, their nests and eggs), and wild mammals and parts of wild mammals, which

shall include their green hides, in the State of Illinois, or which may be brought into the State.

Wildlife protected by this Act, hereby defined as protected species, include the following wild species and all wild species contained in listed families, including, but not limited to, groups of wild species preceding each family name: (except the House Sparrow, *Passer domesticus*; European Starling, *Sturnus vulgaris*; and Rock Pigeon, Domestic Pigeon, *Columba livia*; Purple Swamphen, *Porphyrio porphyrio*; or Muscovy Duck, *Cairina moschata*). GAME BIRDS-Ruffed grouse, *Bonasa umbellus*; Sharp-tailed grouse, *Tympanuchus phasianellus*; Northern Bobwhite, *Colinus virginianus*; Gray Partridge, *Perdix perdix*; Chukar, *Alectoris chukar*; Ring-necked Pheasant, *Phasianus colchicus*; Greater Prairie Chicken, *Tympanuchus cupido*; Wild Turkey, *Meleagris gallopavo*. MIGRATORY GAME BIRDS-Waterfowl including brant, ducks, geese, and swans, *Anatidae*; wild species of the families *Rallidae*, *Scolopacidae*, *Columbidae*, and *Corvidae* that may be legally hunted as provided for in Section 2.18 of this Act. RESIDENT AND MIGRATORY NON-GAME BIRDS-Loons, *Gaviidae*; grebes, *Podicipedidae*; pelicans, *Pelecanidae*; gannets, *Sulidae*; cormorants, *Phalacrocoracidae*; anhingas, *Anhingidae*; frigatebirds, *Fregatidae*; herons, bitterns and egrets, *Ardeidae*; ibises and spoonbills, *Threskiornithidae*; storks, *Ciconiidae*; vultures, *Cathartidae*; kites, hawks, ospreys, and eagles, *Accipitridae*; falcons, merlins, and kestrels, *Falconidae*; rails, gallinules, and moorhens, which may not be legally hunted, *Rallidae*; cranes, *Gruidae*; all shorebirds that may not be legally hunted, of the families *Charadriidae*, *Scolopacidae*, and *Recurvirostridae* gulls, terns, jaegers, skimmers, and kittiwakes, *Laridae*; dovebies and murrelets, *Alcidae*; doves and pigeons, which may not be legally hunted, *Columbidae*; cuckoos and anis, *Cuculidae*; owls, *Tytonidae* and *Strigidae*; whip-poor-wills, chuck-will's-widows, and nighthawks, *Caprimulgidae*; swifts, *Apodidae*; hummingbirds, *Trochilidae*, Kingfishers, *Alcedinidae*; woodpeckers, flickers, and sapsuckers, *Picidae*; kingbirds, pewees, phoebes, and flycatchers, *Tyrannidae* shrikes, *Laniidae*; vireos, *Vireonidae*; magpies, ravens, and jays, *Corvidae*; larks, *Alaudidae*; swallows and martins, *Hirundinidae*; chickadees and titmice, *Paridae*; nuthatches, *Sittidae*; creepers, *Certhiidae*; wrens, *Troglodytidae*; kinglets, *Regulidae*; gnatcatchers, *Sylviidae*; robins, bluebirds, solitaires, veerys, and thrushes, *Turdidae*; mockingbirds, catbirds, and thrashers, *Mimidae*; pipits, *Motacillidae*; waxwings, *Bombycillidae*; warblers, parulas, redstarts, ovenbirds, waterthrushes, yellowthroats, and chats, *Parulidae*; tanagers, *Thraupidae*; towhees, longspurs, sparrows, buntings, and juncos, *Emberizidae*; dickcissels, cardinals, buntings, and grosbeaks, *Cardinalidae*; blackbirds, meadowlarks, bobolinks, grackles, cowbirds, and orioles, *Icteridae*; grosbeaks, finches, crossbills, redpolls, and siskins, *Fringillidae*. GAME MAMMALS-Woodchuck, *Marmota monax*; Gray squirrel, *Sciurus carolinensis*; Fox squirrel, *Sciurus niger*; Eastern cottontail, *Sylvilagus floridanus*; Swamp rabbit, *Sylvilagus aquaticus*; White-tailed deer, *Odocoileus virginianus*. FUR-BEARING MAMMALS-Muskrat, *Ondatra zibethicus*; Beaver, *Castor canadensis*; Raccoon, *Procyon lotor*; Opossum, *Didelphis virginiana*; Least weasel, *Mustela nivalis*; Long-tailed weasel, *Mustela frenata*; Mink, *Mustela vison*; River otter, *Lontra canadensis*; Striped skunk, *Mephitis mephitis*; Badger, *Taxidea taxus*; Red fox, *Vulpes vulpes*; Gray fox, *Urocyon cinereoargenteus*; Coyote, *Canis latrans*; Bobcat, *Lynx rufus*. OTHER MAMMALS-Flying squirrel, *Glaucomys volans*; Red squirrel, *Tamiasciurus hudsonicus*; Eastern Woodrat, *Neotoma floridana*; Golden Mouse, *Ochrotomys nuttalli*; Rice Rat, *Oryzomys palustris*; Franklin's Ground Squirrel, *Spermophilus franklinii*; Bats, *Vespertilionidae*; Gray wolf, *Canis lupus*; American black bear,

Ursus americanus; Cougar, *Puma concolor*.

It shall be unlawful for any person at any time to take, possess, sell, or offer for sale, propagate, or release into the wild, any of these wild birds (dead or alive) and parts of wild birds (including, but not limited to, their nests and eggs), wild mammals (dead or alive) and parts of wild mammals, including their green hides contrary to the provisions of this Act. However, nothing in this Act shall prohibit bona-fide public or state scientific, educational or zoological institutions from receiving, holding, and displaying protected species that were salvaged or legally obtained.

It shall be unlawful for any person to take any other living wildlife animal not covered by this Act without the permission of the landowner or tenant.

(Source: P.A. 97-431, eff. 8-16-11; 98-1033, eff. 1-1-15.)

(520 ILCS 5/2.2a)

Sec. 2.2a. Invasive and exotic wild animals. The Department may prohibit or limit the importation, possession, release into the wild, take, commercialization of take, sale, and propagation of wild mammals, wild birds, and feral livestock that are not defined as protected species in Section 2.2 of this Act, to reduce risks of communicable diseases, nuisances, and damages to wild or domestic species, agricultural crops, property, and environment. The Department shall set forth applicable regulations in an administrative rule. Nothing in this Act shall prohibit bona fide public or State scientific, educational, or zoological institutions from receiving, holding, and displaying unprotected species that were salvaged or legally obtained.

Nothing in this Section shall be construed to criminalize the accidental escape of domestic livestock.

(Source: P.A. 97-431, eff. 8-16-11.)

(520 ILCS 5/2.2b)

Sec. 2.2b. Imminent threat; nuisance permits.

(a) It shall not be illegal for an owner or tenant of land, or his or her designated agent, to immediately take on his or her property a gray wolf, *Canis lupus*; American black bear, *Ursus americanus*; or cougar, *Puma concolor* if, at any time, the gray wolf, American black bear, or cougar is stalking or causing an imminent threat or there is a reasonable expectation that it causes an imminent threat of physical harm or death to a human, livestock, or domestic animals or harm to structures or other property on the owner's or tenant's land.

(b) The Department may grant a nuisance permit to the owner or tenant of land, or his or her designated agent, for the taking of a gray wolf, American black bear, or cougar that is causing a threat to an owner or tenant of land or his or her property that is not an immediate threat under subsection (a) of this Section.

(c) The Department shall adopt rules to implement this Section.

(Source: P.A. 98-1033, eff. 1-1-15; 99-78, eff. 7-20-15.)

(520 ILCS 5/2.3) (from Ch. 61, par. 2.3)

Sec. 2.3. Release of Wildlife - Permission. It shall be unlawful to release from captivity any live bird or mammal, either indigenous or non-indigenous in this State and that is ordinarily considered a wildlife species except as provided in Sections 2.2, 2.4, 2.34, 2.37, 3.23 and 3.29, anywhere in this State without first securing the written permission of the Department to do so. The Department may set forth applicable regulations by administrative rule.

(Source: P.A. 97-431, eff. 8-16-11.)

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

Sec. 2.4. The term birds of prey shall include all species of owls, falcons, hawks, kites, harriers, ospreys and eagles. It shall be unlawful for any person, organization or institution to take or possess a bird of prey (raptor) without first obtaining a license or appropriate permit from the Department. All applicants must be at least 14 years of age. Regulations for the capture, use, possession and transportation of birds of prey for falconry or captive propagation purposes are provided by administrative rule. The fee for a falconry license is \$200 for 5 years and must be renewed every 5 years. The fee for a captive propagation permit is \$200 for 5 years and must be renewed every 5 years. The fee for a raptor capture permit for a resident of the State of Illinois is \$50 per year. The fee for a non-resident raptor capture permit is \$100 per year. A Scientific Collectors Permit, available to qualified individuals as provided in Section 3.22 of this Act, may be obtained from the Department for scientific, educational or zoological purposes. No person may have in their possession Bald Eagle, *Haliaeetus leucocephalus*; Osprey, *Pandion haliaeetus*; or Barn Owl, *Tyto alba*. All captive-held birds of prey must be permanently marked as provided by administrative rule. The use of birds of prey for the hunting of game birds, migratory birds, game mammals, and furbearing mammals shall be lawful during falconry seasons, which shall be set by administrative rule.

(Source: P.A. 97-1136, eff. 1-1-13.)

(520 ILCS 5/2.5)

Sec. 2.5. (Repealed).

(Source: P.A. 99-143, eff. 7-27-15. Repealed by P.A. 100-489, eff. 9-8-17.)

(520 ILCS 5/2.5a)

Sec. 2.5a. (Repealed).

(Source: P.A. 99-308, eff. 8-7-15. Repealed by P.A. 100-489, eff. 9-8-17.)

(520 ILCS 5/2.6) (from Ch. 61, par. 2.6)

Sec. 2.6. Pheasant season; limits. It shall be unlawful for any person to take cock pheasants except with shotgun or bow and arrow during the open season which will be set annually by the Director between the dates of October 15--January 31st, both inclusive. Dogs may be used in hunting with either shotgun or bow and arrow.

It shall be unlawful to take or possess more than the daily limit and possession limit of cock pheasants. The daily and possession limits for cock pheasants shall be set annually by the Director of the Department and shall not exceed a daily limit of 3 and a possession limit of 6, except as provided by Sections 1.13, 3.27 and 3.28 of this Act.

It is unlawful to remove plumage of pheasants in the field or while being transported from the field to one's home or to a commercial preservation facility.

It shall be unlawful to take or possess hen pheasants at any time, except as provided in Section 2.4, 3.23 or 3.27.

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

(Source: P.A. 90-225, eff. 7-25-97.)

(520 ILCS 5/2.7) (from Ch. 61, par. 2.7)

Sec. 2.7. It shall be unlawful for any person to take quail except with shotgun, or bow and arrow, and only during the open

season which will be set annually by the Director between the dates of October 15th - January 31st, both inclusive. Dogs may be used in hunting with either shotgun or bow and arrow.

It shall be unlawful to take or possess more than the daily limit and possession limit of bobwhite quail that shall be set annually by the Director of the Department which cannot exceed a daily take limit of 10 and a possession limit of 20.

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

(Source: P.A. 85-1209.)

(520 ILCS 5/2.8) (from Ch. 61, par. 2.8)

Sec. 2.8. It is unlawful for any person to take ruffed, sharp-tailed, and pinnated grouse (prairie chicken) in this State at any time.

(Source: P.A. 81-382.)

(520 ILCS 5/2.9) (from Ch. 61, par. 2.9)

Sec. 2.9. It shall be unlawful for any person to take or possess wild turkey unless they are taken or possessed in compliance with Sections 2.10 and 2.11 and any administrative rules issued pursuant to the provisions of such Sections.

(Source: P.A. 85-152.)

(520 ILCS 5/2.10) (from Ch. 61, par. 2.10)

Sec. 2.10. The Department may, on an annual basis, establish a spring wild turkey open season within the period beginning on March 1 and running through May 31, and a fall wild turkey season within the period beginning on October 1 and running through January 31. The Department may, on an annual basis, establish a youth-only spring wild turkey season which shall include 2 consecutive weekends. It shall be unlawful for any person to take wild turkey without possessing a valid "Wild Turkey Hunting Permit". Persons holding a spring permit may take female wild turkeys with visible beards or male wild turkeys during the spring open season. Persons holding a fall permit may take turkeys of either sex during the fall open season. The Department shall cause notice of administrative rules setting forth the prescribed rules and regulations, including those counties of the State where open seasons are established, to be given in accordance with Sections 1.3 and 1.13.

(Source: P.A. 99-869, eff. 1-1-17.)

(520 ILCS 5/2.11) (from Ch. 61, par. 2.11)

Sec. 2.11. Before any person may lawfully hunt wild turkey, he shall first obtain a "Wild Turkey Hunting Permit" in accordance with the prescribed regulations set forth in an administrative rule of the Department. The fee for a Resident Wild Turkey Hunting Permit shall not exceed \$15.

Upon submitting suitable evidence of legal residence in any other state, non-residents shall be charged a fee not to exceed \$125 for wild turkey hunting permits.

The Department may by administrative rule allocate and issue non-resident Wild Turkey Permits and establish fees for such permits.

It shall be unlawful to take wild turkey except by use of a bow and arrow or a shotgun of not larger than 10 nor smaller than 20 gauge with shot size not larger than No. 4, and no person while attempting to so take wild turkey may have in his possession any other gun.

It shall be unlawful to take, or attempt to take wild turkey except during the time from 1/2 hour before sunrise to 1/2 hour after sunset or during such lesser period of time as may be

specified by administrative rule, during those days for which an open season is established.

It shall be unlawful for any person to take, or attempt to take, wild turkey by use of dogs, horses, automobiles, aircraft or other vehicles, or conveyances, or by the use or aid of bait or baiting of any kind. For the purposes of this Section, "bait" means any material, whether liquid or solid, including food, salt, minerals, and other products, except pure water, that can be ingested, placed, or scattered in such a manner as to attract or lure wild turkeys. "Baiting" means the placement or scattering of bait to attract wild turkeys. An area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait.

It is unlawful for any person to take in Illinois or have in his possession more than one wild turkey per valid permit.

For the purposes of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre.

For the purposes of taking wild turkey, nothing in this Section shall be construed to prevent the manipulation, including mowing or cutting, of standing crops as a normal agricultural or soil stabilization practice, food plots, or normal agricultural practices, including planting, harvesting, and maintenance such as cultivating. Such manipulation for the purpose of taking wild turkey may be further modified by administrative rule.

(Source: P.A. 98-180, eff. 8-5-13; 99-869, eff. 1-1-17.)

(520 ILCS 5/2.13) (from Ch. 61, par. 2.13)

Sec. 2.13. It shall be unlawful for any person to take Hungarian partridge except with shotgun, or bow and arrow, during the open season which will be set annually by the Director between the dates of October 15th - January 31st, both inclusive.

It shall be unlawful to take or possess more than the daily limit and possession limit of Hungarian partridge that will be set annually by the Director of the Department which cannot exceed a daily take limit of 6 and a possession limit of 12. Dogs may be used in hunting with either gun or bow and arrow.

(Source: P.A. 81-382.)

(520 ILCS 5/2.15) (from Ch. 61, par. 2.15)

Sec. 2.15. It shall be unlawful for any person to possess at any time any net or trap for the purpose of netting or trapping any of the game birds defined by this Act.

(Source: P.A. 77-1781.)

(520 ILCS 5/2.16) (from Ch. 61, par. 2.16)

Sec. 2.16. It shall be unlawful to sell or barter, or offer to sell or barter, buy or barter, or offer to buy or barter any of the game birds defined in this Act, whether taken in this State or in some other state and imported into Illinois, except as provided in Sections 3.23, 3.24, and 3.27 of this Act.

(Source: P.A. 81-382.)

(520 ILCS 5/2.18) (from Ch. 61, par. 2.18)

Sec. 2.18. It shall be unlawful to take, possess, transport or use migratory game birds except during such periods of time, and only in such manner and numbers, as may be permitted pursuant to the Federal "Migratory Bird Treaty Act", and the "Migratory Bird Hunting Stamp Act", and further as permitted by this Act and State regulations made pursuant to this Act. The

Director shall give due notice of any regulations, or any administrative rule, issued pursuant to said "Migratory Bird Treaty Act" and observe the provisions thereof in the enforcement of this Act.

(Source: P.A. 85-152.)

(520 ILCS 5/2.18-1) (from Ch. 61, par. 2.18-1)

Sec. 2.18-1. (a) It shall be lawful for any person who holds the licenses, permits and stamps required by this Act for the taking of migratory waterfowl to use, in addition to or in lieu of any other authorized ammunition, either lead or steel shotgun pellets in taking such waterfowl at any location in the State where the hunting of migratory waterfowl is authorized, except as provided under subsection (b) of this Section and at specific sites where there are documented cases of lead poisoning of waterfowl and all alternative methods of alleviating lead poisoning (such as dewatering, flooding and/or tillage) have been determined to be unsuccessful in preventing lead poisoning losses of waterfowl. At such specific sites, shot shell ammunition containing non-toxic pellets, such as steel, shall be used. These specific sites may be designated by the Department after statewide public hearings have been conducted and the results of such hearings have been reviewed.

(b) The Department shall be authorized to designate by rule, pursuant to the Illinois Administrative Procedure Act, areas that shall be limited to the use of non-toxic pellets; provided, however, that such authorization shall only exist for those areas which the federal government has mandated shall be closed to all waterfowl hunting unless the State agrees to the prohibition of the use of toxic shotgun pellets.

No State agency shall issue or make any rule, regulation, order or agreement which is in conflict with this Section.

(Source: P.A. 91-357, eff. 7-29-99.)

(520 ILCS 5/2.19) (from Ch. 61, par. 2.19)

Sec. 2.19. It shall be unlawful to use a floating blind for the taking of migratory waterfowl, as permitted by this Act, unless such blind is anchored in a stationary position when in use. This does not prohibit the use of a scull boat in taking migratory waterfowl except where use of a scull boat is prohibited by Administrative Rule. A scull boat is defined as a boat propelled by means of an oar fixed in a notch in the transom of a boat and worked in a turning or sculling motion.

A floating blind is defined as any watercraft or floating structure that is camouflaged, disguised, or altered in appearance to offer a place of concealment and is capable of carrying a person. Such floating blind may be mechanically powered as long as such power is used only for movement to and from the place of hunting and no attempt is made to hunt during such movement.

(Source: P.A. 85-152.)

(520 ILCS 5/2.20) (from Ch. 61, par. 2.20)

Sec. 2.20. It shall be unlawful to take waterfowl or any species of wildlife in any area managed by the Department unless those species are taken in compliance with the rules and regulations established by the Department of which notice is given in accordance with Section 1.13.

(Source: P.A. 81-382.)

(520 ILCS 5/2.23) (from Ch. 61, par. 2.23)

Sec. 2.23. It is unlawful for any person to take any species of waterfowl protected by this Act on the Horseshoe Lake Waterfowl Refuge, and those areas adjacent within the tract of

land hereinafter described, or on the Marion-Pickerell Waterfowl Refuge, as hereinafter described, or any species of wildlife except as authorized by administrative rule or nuisance animal removal permit under Department supervision.

(1) Horseshoe Lake Waterfowl Management Area:

Beginning at the intersection of State Highway No. 3 and the Olive Branch Miller City Road, thence in southerly direction to the intersection of the Olive Branch-Miller City Road and the Promised Land Road, thence easterly to the intersection of the Promised Land Road and Old Highway No. 3, thence northwesterly to intersection of Old Highway No. 3 and State Highway No. 3 and thence northwesterly along State Highway No. 3 to point of beginning, at Olive Branch.

(2) Marion-Pickerell Wildlife Refuge:

TRACT 1: The West fractional part of the Southwest Quarter of Fractional Section 14, Township 19 North, Range 11 West of the Third Principal Meridian, being all that part of the Southwest Quarter of said Fractional Section 14 lying West of the Old or Natural Bed of the Sangamon River. Situated in Cass County, Illinois.

TRACT 2: The West fractional part of the Northwest Quarter of Fractional Section 23, Township 19 North, Range 11 West of the Third Principal Meridian, being all that part of the Northwest Quarter of said Fractional Section 23 lying West of the Old or Natural Bed of the Sangamon River; EXCEPTING that part thereof lying East of the Westerly line of the Mason and Cass River District Ditch (reference being had to the Quit-Claim Deed from William G. Harris, et al., to the Mason and Cass River District, dated June 18, 1910, recorded August 30, 1910 in Deed Record 74 at Page 49). Situated in Cass County, Illinois.

TRACT 3: The West fractional part of the South Half of Fractional Section 23, Township 19 North, Range 11 West of the Third Principal Meridian, being all that part of the South Half of said Fractional Section 23 lying West of the Old or Natural Bed of the Sangamon River; EXCEPTING that part thereof lying East of the West line of the Mason and Cass River District Ditch (reference being had to the Quit-Claim Deed from William G. Harris, et al., to the Mason and Cass River District, dated June 18, 1910, recorded August 30, 1910 in Deed Record 74 at Page 49); AND ALSO EXCEPTING THEREFROM the following described tract: 1.61 chains of even width off of the South side or end of 12.32 chains of even width off of the North side or end of all that part of the Southwest Quarter of said Fractional Section 23 lying West of the Mason and Cass River District Ditch. Situated in Cass County, Illinois.

TRACT 4: The South Half of the Southeast Quarter, and the fractional South Half of the Southwest Quarter, all in Section 14, Township 19 North, Range 11 West of the Third Principal Meridian. Situated in Mason County, Illinois.

TRACT 5: The Southwest Quarter of the Northeast Quarter of Section 23, all that part of the Northwest Quarter of Section 23 as lies East of the Sangamon River, and 20 acres off of the North end of the West Half of the Southeast Quarter of Section 23, all in Township 19 North, Range 11 West of the Third Principal Meridian. Situated in Mason County, Illinois.

TRACT 6. The North Half of the Northeast Quarter of Section 23, the Southeast Quarter of the Northeast Quarter of Section 23, and the Northeast Quarter of the Southeast Quarter of Section 23, all in Township 19 North, Range 11

West of the Third Principal Meridian. Situated in Mason County, Illinois.

TRACT 7. All that part of the West fractional part of the Northwest Quarter of Fractional Section 23, and all that part of the West fractional part of the South Half of Fractional Section 23, lying West of the Old or Natural Bed of the Sangamon River and East of the westerly line of the Mason and Cass River District Ditch (reference being had to the Quit-Claim Deed from William G. Harris, et al., to the Mason and Cass River District, dated June 18, 1910 and recorded August 30, 1910 in Deed Record 74 at page 49), all in Township 19 North, Range 11 West of the Third Principal Meridian, containing a total of 20.57 acres, more or less, with 8.43 acres lying West of the westerly bank of the Old or Natural Bed of the Sangamon River, and with 12.14 acres lying between the westerly bank and the centerline of the Old or Natural Bed of the Sangamon River; EXCEPTING the South 13 acres thereof, the North line of said 13 acre tract being parallel with the East-West Quarter Section line of said Fractional Section 23. Situated in Cass County, Illinois.

It shall be unlawful to take any species of wildlife on any property named as a wildlife refuge by the Department or on other Department management areas except as provided by Section 2.25 and Administrative Rules.

(Source: P.A. 86-388; 87-1015.)

(520 ILCS 5/2.24) (from Ch. 61, par. 2.24)

Sec. 2.24. It shall be unlawful to take or possess deer in this State, except in compliance with the provisions of Sections 2.25, 2.26, and 3.23 and subsections (a), (g), (n), (r), (t), (w), and (y) of Section 2.33, and the administrative rules issued under the provisions of those Sections. It is unlawful for any person to knowingly take any all-white whitetail deer (*Odocoileus virginianus*) in this State at any time.

(Source: P.A. 99-528, eff. 7-8-16.)

(520 ILCS 5/2.25) (from Ch. 61, par. 2.25)

Sec. 2.25. It shall be unlawful for any person to take deer except (i) with a shotgun, handgun, or muzzleloading rifle or (ii) as provided by administrative rule, with a bow and arrow, during the open season of not more than 14 days which will be set annually by the Director between the dates of November 1st and December 31st, both inclusive, or a special 3-day, youth-only season between the dates of September 1 and October 31. For the purposes of this Section, legal handguns include any centerfire handguns of .30 caliber or larger with a minimum barrel length of 4 inches. The only legal ammunition for a centerfire handgun is a cartridge of .30 caliber or larger with a capability of at least 500 foot pounds of energy at the muzzle. Full metal jacket bullets may not be used to harvest deer.

The Department shall make administrative rules concerning management restrictions applicable to the firearm and bow and arrow season.

It shall be unlawful for any person to take deer except with a bow and arrow during the open season for bow and arrow set annually by the Director between the dates of September 1st and January 31st, both inclusive.

It shall be unlawful for any person to take deer except with (i) a muzzleloading rifle or (ii) bow and arrow during the open season for muzzleloading rifles set annually by the Director.

The Director shall cause an administrative rule setting forth the prescribed rules and regulations, including bag and

possession limits and those counties of the State where open seasons are established, to be published in accordance with Sections 1.3 and 1.13 of this Act.

The Department may establish separate harvest periods for the purpose of managing or eradicating disease that has been found in the deer herd. This season shall be restricted to gun or bow and arrow hunting only. The Department shall publicly announce, via statewide news release, the season dates and shooting hours, the counties and sites open to hunting, permit requirements, application dates, hunting rules, legal weapons, and reporting requirements.

The Department is authorized to establish a separate harvest period at specific sites within the State for the purpose of harvesting surplus deer that cannot be taken during the regular season provided for the taking of deer. This season shall be restricted to gun or bow and arrow hunting only and shall be established during the period of September 1st to February 15th, both inclusive. The Department shall publish suitable prescribed rules and regulations established by administrative rule pertaining to management restrictions applicable to this special harvest program. The Department shall allow unused gun deer permits that are left over from a regular season for the taking of deer to be rolled over and used during any separate harvest period held within 6 months of the season for which those tags were issued at no additional cost to the permit holder subject to the management restrictions applicable to the special harvest program.

Beginning July 1, 2019, and on an annual basis thereafter, the Department shall provide a report to the General Assembly providing information regarding deer management programs established by the Code or by administrative rule that includes: (1) the number of surplus deer taken during each separate harvest season; (2) the number of deer found to have a communicable disease or other abnormality; and (3) what happens to the deer taken during each separate harvest season. (Source: P.A. 101-66, eff. 7-12-19.)

(520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

Sec. 2.26. Deer hunting permits. Any person attempting to take deer shall first obtain a "Deer Hunting Permit" issued by the Department in accordance with its administrative rules. Those rules must provide for the issuance of the following types of resident deer archery permits: (i) a combination permit, consisting of one either-sex permit and one antlerless-only permit, (ii) a single antlerless-only permit, and (iii) a single either-sex permit. The fee for a Deer Hunting Permit to take deer with either bow and arrow or gun shall not exceed \$25.00 for residents of the State. The Department may by administrative rule provide for non-resident deer hunting permits for which the fee will not exceed \$300 in 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as provided below for non-resident landowners and non-resident archery hunters. The Department may by administrative rule provide for a non-resident archery deer permit consisting of not more than 2 harvest tags at a total cost not to exceed \$325 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. The fees for a youth resident and non-resident archery deer permit shall be the same.

The Department shall create a pilot program during the special 3-day, youth-only deer hunting season to allow for youth deer hunting permits that are valid statewide, excluding those counties or portions of counties closed to firearm deer hunting. The Department shall adopt rules to implement the pilot program. Nothing in this paragraph shall be construed to prohibit the Department from issuing Special Hunt Area Permits for the youth-

only deer hunting season or establishing, through administrative rule, additional requirements pertaining to the youth-only deer hunting season on Department-owned or Department-managed sites, including site-specific quotas or drawings. The provisions of this paragraph are inoperative on and after January 1, 2023.

The standards and specifications for use of guns and bow and arrow for deer hunting shall be established by administrative rule.

No person may have in his or her possession any firearm not authorized by administrative rule for a specific hunting season when taking deer.

Persons having a firearm deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to 1/2 hour after sunset, and only during those days for which an open season is established for the taking of deer by use of shotgun, handgun, or muzzle loading rifle.

Persons having an archery deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to 1/2 hour after sunset, and only during those days for which an open season is established for the taking of deer by use of bow and arrow.

It shall be unlawful for any person to take deer by use of dogs, horses, automobiles, aircraft or other vehicles, or by the use or aid of bait or baiting of any kind. For the purposes of this Section, "bait" means any material, whether liquid or solid, including food, salt, minerals, and other products, except pure water, that can be ingested, placed, or scattered in such a manner as to attract or lure white-tailed deer. "Baiting" means the placement or scattering of bait to attract deer. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait. Nothing in this Section shall prohibit the use of a dog to track wounded deer. Any person using a dog for tracking wounded deer must maintain physical control of the dog at all times by means of a maximum 50 foot lead attached to the dog's collar or harness. Tracking wounded deer is permissible at night, but at no time outside of legal deer hunting hours or seasons shall any person handling or accompanying a dog being used for tracking wounded deer be in possession of any firearm or archery device. Persons tracking wounded deer with a dog during the firearm deer seasons shall wear blaze orange or solid blaze pink color as required. Dog handlers tracking wounded deer with a dog are exempt from hunting license and deer permit requirements so long as they are accompanied by the licensed deer hunter who wounded the deer.

It shall be unlawful to possess or transport any wild deer which has been injured or killed in any manner upon a public highway or public right-of-way of this State unless exempted by administrative rule.

Persons hunting deer must have gun unloaded and no bow and arrow device shall be carried with the arrow in the nocked position during hours when deer hunting is unlawful.

It shall be unlawful for any person, having taken the legal limit of deer by gun, to further participate with gun in any deer hunting party.

It shall be unlawful for any person, having taken the legal limit of deer by bow and arrow, to further participate with bow and arrow in any deer hunting party.

The Department may prohibit upland game hunting during the gun deer season by administrative rule.

The Department shall not limit the number of non-resident, either-sex archery deer hunting permits to less than 20,000.

Any person who violates any of the provisions of this Section, including administrative rules, shall be guilty of a Class B misdemeanor.

For the purposes of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre.

For the purposes of taking white-tailed deer, nothing in this Section shall be construed to prevent the manipulation, including mowing or cutting, of standing crops as a normal agricultural or soil stabilization practice, food plots, or normal agricultural practices, including planting, harvesting, and maintenance such as cultivating or the use of products designed for scent only and not capable of ingestion, solid or liquid, placed or scattered, in such a manner as to attract or lure deer. Such manipulation for the purpose of taking white-tailed deer may be further modified by administrative rule. (Source: P.A. 100-691, eff. 1-1-19; 100-949, eff. 1-1-19; 101-81, eff. 7-12-19; 101-444, eff. 6-1-20.)

(520 ILCS 5/2.27) (from Ch. 61, par. 2.27)

Sec. 2.27. It shall be unlawful for any person to take cottontail, jack, and swamp rabbits except with a gun or bow and arrow during the open season which will be set annually by the Director between the dates of October 1st to February 28th, both inclusive. Dogs may be used in hunting with either gun or bow and arrow.

It shall be unlawful to take or possess more than the daily take limit and possession limit of rabbits that will be set annually by the Director. Limits cannot exceed a daily take limit of 5 rabbits or a possession limit of 10 rabbits.

The provisions of this Section are subject to modification by administrative rule. (Source: P.A. 97-1001, eff. 8-17-12.)

(520 ILCS 5/2.28) (from Ch. 61, par. 2.28)

Sec. 2.28. It shall be unlawful for any person to take fox squirrels and gray squirrels except with a gun or bow and arrow during the open season which will be set annually by the Director between the dates of May 1st to February 28. Dogs may be used in hunting with gun or bow and arrow. It is unlawful for any person to take white squirrels or red squirrels (*Tamiasciurus hudsonicus*) in this State at any time.

It shall be unlawful to take or possess more than the daily take limit and possession limit of squirrels that will be set annually by the Director. Limits cannot exceed a daily take limit of 5 squirrels or a possession limit of 10 squirrels.

For the purpose of taking squirrels, the State may be divided into management zones by administrative rule.

The provisions of this Section are subject to modification provided by administrative rule. (Source: P.A. 89-341, eff. 8-17-95.)

(520 ILCS 5/2.29) (from Ch. 61, par. 2.29)

Sec. 2.29. It shall be unlawful to sell or barter, or offer to sell or barter, buy or barter, or offer to buy or barter, any of the game mammals defined by this Act, whether taken in this State or in some other state and imported into this State, except as provided under Sections 2.36, 3.23 and 3.24 of this Act.

(Source: P.A. 81-382.)

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

Sec. 2.30. Except as provided in this Section, it shall be unlawful for any person to trap or to hunt with gun, dog, dog

and gun, or bow and arrow, gray fox, red fox, raccoon, weasel, mink, muskrat, badger, bobcat, and opossum except during the open season which will be set annually by the Director between 12:01 a.m., November 1 to 12:00 midnight, February 15, both inclusive.

It shall be unlawful for any person to hunt or trap bobcat in this State on and after the effective date of this amendatory Act of the 100th General Assembly in the counties of Boone, Bureau, Champaign, Cook, DeKalb, DeWitt, DuPage, Ford, Grundy, Henry, Iroquois, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, Marshall, McHenry, McLean, Ogle, Peoria, Piatt, Putnam, Stark, Stephenson, Vermilion, Will, Winnebago, and Woodford and north of U.S. Route 36 in Edgar and Douglas and north of U.S. Route 36 to the junction with Illinois Route 121 and north or east of Illinois Route 121 in Macon. For the season beginning in 2017, a total number of 350 bobcats may be hunted or trapped lawfully, or the conclusion of the season occurs, whichever is earlier. For the season beginning in 2018, a total number of 375 bobcats may be hunted or trapped lawfully, or the conclusion of the season occurs, whichever is earlier. The changes added to this Section by this amendatory Act of the 100th General Assembly, except for this sentence, are inoperative on and after June 30, 2019.

It is unlawful to pursue any fur-bearing mammal with a dog or dogs between the hours of sunset and sunrise during the 10 day period preceding the opening date of the raccoon hunting season and the 10 day period following the closing date of the raccoon hunting season except that the Department may issue field trial permits in accordance with Section 2.34 of this Act. A non-resident from a state with more restrictive fur-bearer pursuit regulations for any particular species than provided for that species in this Act may not pursue that species in Illinois except during the period of time that Illinois residents are allowed to pursue that species in the non-resident's state of residence. Hound running areas approved by the Department shall be exempt from the provisions of this Section.

It shall be unlawful to take beaver, river otter, weasel, mink, or muskrat except during the open season set annually by the Director, and then, only with traps, except that a firearm, pistol, or airgun of a caliber not larger than a .22 long rifle may be used to remove the animal from the trap.

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

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

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

Muskrat may be taken by trapping methods during an open season set annually by the Director.

For the purpose of taking fur-bearing mammals, the State may be divided into management zones by administrative rule.

It shall be unlawful to take or possess more than the season limit or possession limit of fur-bearing mammals that shall be set annually by the Director. The season limit for bobcat shall not exceed one bobcat per permit. Possession limits shall not apply to fur buyers, tanners, manufacturers, and taxidermists, as defined by this Act, who possess fur-bearing mammals in accordance with laws governing such activities.

Nothing in this Section shall prohibit the taking or possessing of fur-bearing mammals found dead or unintentionally

killed by a vehicle along a roadway during the open season provided the person who possesses such fur-bearing mammals has all appropriate licenses, stamps, or permits; the season for which the species possessed is open; and that such possession and disposal of such fur-bearing mammals is otherwise subject to the provisions of this Section.

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

(Source: P.A. 99-33, eff. 1-1-16; 100-524, eff. 9-22-17; 100-779, eff. 8-10-18.)

(520 ILCS 5/2.30b)

Sec. 2.30b. River otter and bobcat pelts. The pelts of river otters and bobcats shall be tagged in accordance with federal regulation 50 CFR 23.69(e). The Department may require harvest registration and set forth procedures, fees for registration, and the process of tagging pelts in administrative rules. Fees for registration and tagging shall not exceed \$5 per pelt.

(Source: P.A. 99-33, eff. 1-1-16.)

(520 ILCS 5/2.30c)

Sec. 2.30c. Bobcat hunting and trapping permit; fee. Before any person may lawfully hunt or trap a bobcat, he or she shall first obtain a "Bobcat Hunting and Trapping Permit" in accordance with regulations set forth in an administrative rule of the Department. The fee for a Bobcat Hunting and Trapping Permit, if any, shall not exceed \$5. The Department may limit the number of Bobcat Hunting and Trapping Permits that are made available each season and take other actions to regulate harvest in accordance with Sections 1.3 and 2.30 of this Act. The harvest of bobcats in this State shall be non-detrimental, as defined by federal regulations (50 CFR 23.61), and as determined by the United States Fish and Wildlife Service in accordance with 50 CFR 23.69.

(Source: P.A. 99-33, eff. 1-1-16.)

(520 ILCS 5/2.31) (from Ch. 61, par. 2.31)

Sec. 2.31. Except as provided in Section 2.30, it shall be unlawful for any person to take or attempt to take wild birds or wild mammals along, upon, across, or from any public right-of-way or highway in this State.

(Source: P.A. 97-628, eff. 11-10-11.)

(520 ILCS 5/2.32) (from Ch. 61, par. 2.32)

Sec. 2.32. It shall be unlawful for any person at any time to molest, destroy or attempt to destroy any feed bed, nest, den, house or other cavity of any of the wild mammals protected by this Act except as provided in Section 2.37. For the purpose of this Act, a feed bed is defined as a mound, pile or mat of branches, cattails or other vegetation gathered and piled by muskrats or beaver.

(Source: P.A. 85-152.)

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

Sec. 2.33. Prohibitions.

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

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

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

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

(e) (Blank).

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

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

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

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

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

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

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

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

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

made inoperable.

(o) (Blank).

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

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

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

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

(t) It is unlawful for any person to take or attempt to take any species of wildlife or parts thereof, intentionally or wantonly allow a dog to hunt, within or upon the land of another, or upon waters flowing over or standing on the land of another, or to knowingly shoot a gun or bow and arrow device at any wildlife physically on or flying over the property of another without first obtaining permission from the owner or the owner's designee. For the purposes of this Section, the owner's designee means anyone who the owner designates in a written authorization and the authorization must contain (i) the legal or common description of property for such authority is given, (ii) the extent that the owner's designee is authorized to make decisions regarding who is allowed to take or attempt to take any species of wildlife or parts thereof, and (iii) the owner's notarized signature. Before enforcing this Section the law enforcement officer must have received notice from the owner or the owner's designee of a violation of this Section. Statements made to the law enforcement officer regarding this notice shall not be rendered inadmissible by the hearsay rule when offered for the purpose of showing the required notice.

(u) It is unlawful for any person to discharge any firearm for the purpose of taking any of the species protected by this Act, or hunt with gun or dog, or intentionally or wantonly allow a dog to hunt, within 300 yards of an inhabited dwelling without first obtaining permission from the owner or tenant, except that while trapping, hunting with bow and arrow, hunting with dog and shotgun using shot shells only, or hunting with shotgun using shot shells only, or providing outfitting services under a waterfowl outfitter permit, or on licensed game breeding and hunting preserve areas, as defined in Section 3.27, on federally owned and managed lands and on Department owned, managed, leased, or controlled lands, a 100 yard restriction shall apply.

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

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

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

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

(z) It is unlawful to take any game bird (excluding wild

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

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

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

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

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

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

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

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

(hh) It shall be unlawful to kill or cripple any species protected by this Act for which there is a bag limit without making a reasonable effort to retrieve such species and include such in the bag limit. It shall be unlawful for any person having control over harvested game mammals, game birds, or migratory game birds for which there is a bag limit to wantonly waste or destroy the usable meat of the game, except this shall not apply to wildlife taken under Sections 2.37 or 3.22 of this Code. For purposes of this subsection, "usable meat" means the breast meat of a game bird or migratory game bird and the hind ham and front shoulders of a game mammal. It shall be unlawful for any person to place, leave, dump, or abandon a wildlife carcass or parts of it along or upon a public right-of-way or highway or on public or private property, including a waterway or stream, without the permission of the owner or tenant. It shall not be unlawful to discard game meat that is determined to be unfit for human consumption.

(ii) This Section shall apply only to those species protected by this Act taken within the State. Any species or any

parts thereof, legally taken in and transported from other states or countries, may be possessed within the State, except as provided in this Section and Sections 2.35, 2.36 and 3.21.

(jj) (Blank).

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

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

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

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

(Source: P.A. 99-33, eff. 1-1-16; 99-143, eff. 7-27-15; 99-642, eff. 7-28-16; 100-489, eff. 9-8-17; 100-949, eff. 1-1-19.)

(520 ILCS 5/2.33-1) (from Ch. 61, par. 2.33-1)

Sec. 2.33-1. Notwithstanding any other provision of this Act, no person shall place, carry, possess or transport a shotgun on a boat of any type in an area under the jurisdiction of the Department of Natural Resources during the period February 1 to May 31, both inclusive, except persons having a valid unfilled turkey permit or licensed or eligible hunters legally hunting wildlife in season.

No State agency shall issue or make any rule, regulation, order or agreement which is in conflict with this Section.

(Source: P.A. 89-445, eff. 2-7-96.)

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

Sec. 2.33a. Trapping.

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

(b) It is unlawful for any person to place, set, use, or maintain a leghold trap or one of similar construction on land, that has a jaw spread of larger than 6 1/2 inches (16.6 CM), or a body-gripping trap or one of similar construction having a jaw spread larger than 7 inches (17.8 CM) on a side if square and 8 inches (20.4 CM) if round.

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

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

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

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

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

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

(i) It is unlawful for any person to set or place any trap designed to take any fur-bearing mammal protected by this Act during the closed trapping season. Proof that any trap was placed during the closed trapping season shall be deemed prima facie evidence of a violation of this provision.

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

(k) (Blank).

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

(m) It is unlawful to trap muskrat or mink with (1) a leghold trap or one of similar construction or (2) a body-gripping trap or one of similar construction unless the body-gripping trap or similar trap is completely submerged underwater when set. These restrictions shall not apply during the open season for trapping raccoons.

(Source: P.A. 99-33, eff. 1-1-16; 100-201, eff. 8-18-17.)

(520 ILCS 5/2.33b)

Sec. 2.33b. Computer-assisted remote hunting; prohibition. A person shall not operate, provide, sell, use, or offer to operate, provide, sell, or use any computer software or service that allows a person not physically present at the hunt site to remotely control a weapon that could be used to take wildlife by remote operation, including, but not limited to, weapons or devices set up to fire through the use of the Internet or through a remote control device.

(Source: P.A. 95-283, eff. 8-20-07.)

(520 ILCS 5/2.34) (from Ch. 61, par. 2.34)

Sec. 2.34. Dog Trials.

(a) Dogs of any breed may be trained the year round in accordance with the provisions of this Act.

(b) During the periods of time when it is unlawful to take species protected by this Act, the only firearms which shall be used in the training of dogs from sunrise to sunset shall be pistols with blank cartridges. No other gun or ammunition may be in immediate possession during this time. No person or persons in, along with, or accompanying the dog training party, shall be in possession of any firearm or live ammunition, except pistols capable of firing only blank cartridges during the hours from sunset to sunrise. All organized field trials or training grounds approved by the Department shall be exempt from this provision.

(c) No field trial shall be held without a permit from the Department.

The following Department areas shall be designated as horseback field trial sites; Lee County Conservation Area, Des Plaines Conservation Area, Moraine View State Park, Middle Fork Fish and Wildlife Area, Hamilton County Conservation Area, and Wayne Fitzgerald State Park. The Department shall provide and maintain quality wildlife habitat on these sites.

Field trials shall be scheduled only from September 1 through April 30 in the Northern Zone and September 1 through April 15 in the Southern Zone. The Department maintains the authority to schedule and administer field trials. The boundary between the Northern Zone and the Southern Zone shall be U.S. Route 36. However, (i) if the opening date of the field trial season falls on Sunday, the season will begin on Saturday of that weekend; and (ii) if the closing date of the field trial season falls on Saturday, the season will conclude on Sunday of that weekend; and (iii) if during the final days of the field trial season a field trial organization begins a field trial which is subsequently interrupted due to inclement weather, the field trial organization may complete the trial, subject to the Department's approval, even though the field trial season has ended. The field trial organization must complete the trial on the first possible day or days. Field trials for the retrieving breeds are exempt from these field trials season provisions and shall have no closed season.

The fee for field trials shall be established by the Department by rule.

(d) The Department is authorized to designate dog training areas and to grant permits for all field trials including those field trials where game birds reared under Section 3.23 are released and taken in accordance with the rules and regulations set forth by the Department. Applications for permits for such trials and training areas shall be accompanied by detailed information as to the date and the location of the grounds where such trial area or training grounds is located. Applicants for field trial or dog training permits must have the consent of the landowner prior to applying for such permit. Fees and other regulations will be set by administrative rule.

(e) All permits for designated dog training areas shall expire March 31st of each year.

(f) Permit holders for designated dog training areas must possess a wild game breeder's permit or a game breeding and hunting preserve area permit and may utilize live bird recall devices on such areas.

(g) Nothing shall prevent an individual from using a dog in the taking of squirrel during the open season.

(h) All hand reared game released and shot at field trials shall be properly identified with tags as provided for by this Act and such birds shall be banded before they are removed from

the field trial area.
(Source: P.A. 86-920; 87-1051.)

(520 ILCS 5/2.35) (from Ch. 61, par. 2.35)

Sec. 2.35. Wild game birds or fur-bearing mammals.

(a) Migratory game birds, or any part or parts thereof, may be possessed only in accordance with the regulations of the federal government.

(b) Except as provided in Sections 3.21, 3.23, 3.27, 3.28, and 3.30, it is unlawful to possess wild game birds or wild game mammals or any parts thereof in excess of the legally established daily limit or possession limit, whichever applies.

(c) Except as provided in this Code, it is unlawful to have in possession the green hides of fur-bearing mammals without a valid hunting or trapping license.

(d) Failure to establish proof of the legality of the possession in another state or country and of importation into this State, shall be prima facie evidence that migratory game birds and game birds or any parts thereof, and fur-bearing mammals or any parts thereof, were taken within this State.

(e) For all those species to which a daily or possession limit shall apply, each hunter shall maintain his bag of such species separately and distinctly from those of all other hunters.

(f) No person shall receive or have in custody any protected species belonging to another person, except in the personal abodes of the donor or recipient, unless such protected species are tagged in accordance with Section 2.30b of this Code or tagged with the hunter's or trapper's name, address, total number of species, and the date such species were taken.

(Source: P.A. 100-123, eff. 1-1-18; 100-863, eff. 8-14-18.)

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

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

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

Rabbits may be legally taken and possessed as provided in Sections 3.23, 3.24, and 3.26 of this Act;

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

If a properly tagged deer is processed at a licensed meat processing facility, the meat processor at the facility is an active member of the Illinois Sportsmen Against Hunger program, and the owner of the deer (i) fails to claim the processed deer within a reasonable time or (ii) notifies the licensed meat processing facility that the owner no longer wants the processed deer, then the deer meat may be given away by the licensed meat processor to another person or donated to any other charitable organization or community food bank that receives wild game meat. The licensed meat processing facility may charge the person receiving the deer meat a reasonable and customary

processing fee;

Meat processors who are active members of the Illinois Sportsmen Against Hunger program shall keep written records of all deer received. Records shall include the following information:

- (1) the date the deer was received;
- (2) the name, address, and telephone number of the person from whom the deer was received;
- (3) whether the deer was received as a whole carcass or as deboned meat; if the deer was brought to the meat processor as deboned meat, the processor shall include the weight of the meat;
- (4) the number and state of issuance of the permit of the person from whom the deer was received; in the absence of a permit number, the meat processor may rely on the written certification of the person from whom the deer was received that the deer was legally taken or obtained; and
- (5) if the person who originally delivered the deer to the meat processor fails to collect or make arrangements for the packaged deer meat to be collected and the meat processor gives all or part of the unclaimed deer meat to another person, the meat processor shall maintain a record of the exchange; the meat processor's records shall include the customer's name, physical address, telephone number, as well as the quantity and type of deer meat given to the customer. The meat processor shall also include the amount of compensation received for the deer meat in his or her records.

Meat processor records for unclaimed deer meat shall be open for inspection by any peace officer at any reasonable hour. Meat processors shall maintain records for a period of 2 years after the date of receipt of the wild game or for as long as the specimen or meat remains in the meat processors possession, whichever is longer;

No meat processor shall have in his or her possession any deer that is not listed in his or her written records and properly tagged or labeled;

All licensed meat processors who ship any deer or parts of deer that have been held, possessed, or otherwise dealt with shall tag or label the shipment, and the tag or label shall state the name of the meat processor;

Nothing in this Section removes meat processors from responsibility for the observance of any State or federal laws, rules, or regulations that may apply to the meat processing business;

Fur-bearing mammals, or any parts thereof, may be held, possessed, sold or otherwise dealt with as provided in Sections 3.16, 3.24, and 3.26 of this Act or when legally taken and possessed in Illinois or legally taken and possessed in and transported from other states or countries;

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

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

(Source: P.A. 97-567, eff. 8-25-11.)

(520 ILCS 5/2.36a) (from Ch. 61, par. 2.36a)
Sec. 2.36a. Value of protected species; violations.

(a) Any person who, for profit or commercial purposes, knowingly captures or kills, possesses, offers for sale, sells, offers to barter, barter, offers to purchase, purchases, delivers for shipment, ships, exports, imports, causes to be shipped, exported, or imported, delivers for transportation, transports or causes to be transported, carries or causes to be carried, or receives for shipment, transportation, carriage, or export any animal or part of animal of the species protected by this Act, contrary to the provisions of this Act, and such animals, in whole or in part, are valued at or in excess of a total of \$300, as per specie value specified in subsection (c) of this Section, commits a Class 3 felony.

A person shall be guilty of a Class 4 felony if convicted under this Section for more than one violation within a 90-day period where the animals of each violation are not valued at or in excess of \$300, but the total value of the animals from the multiple violations is at or in excess of \$300. The prosecution for a Class 4 felony for these multiple violations must be alleged in a single charge or indictment and brought in a single prosecution.

(b) Possession of animals, in whole or in part, captured or killed in violation of this Act, valued at or in excess of \$600, as per specie value specified in subsection (c) of this Section, shall be considered prima facie evidence of possession for profit or commercial purposes.

(c) For purposes of this Section, the fair market value or replacement cost, whichever is greater, shall be used to determine the value of the species protected by this Act, but in no case shall the minimum value of all species protected by this Act be less than as follows:

- (1) Eagle, \$1,000;
- (2) Whitetail deer, \$1,000 and wild turkey, \$500;
- (3) Fur-bearing mammals, \$50;
- (4) Game birds (except the wild turkey) and migratory game birds (except Trumpeter swans), \$50;
- (5) Owls, hawks, falcons, kites, harriers, and ospreys, and other birds of prey, \$250;
- (6) Game mammals (except whitetail deer), \$50;
- (7) Other mammals, \$100;
- (8) Resident and migratory non-game birds (except birds of prey), \$100;
- (9) Trumpeter swans, \$1,000.

(d) In this subsection (d), "point" means a projection on the antler of a whitetail antlered deer that is at least one-inch long as measured from the tip to the nearest edge of antler beam and the length of which exceeds the length of its base. A person who possesses whitetail antlered deer, in whole or in part, captured or killed in violation of this Act, shall pay restitution to the Department in the amount of \$1,000 per whitetail antlered deer and an additional \$500 per antler point for each whitetail antlered deer with at least 8 but not more than 10 antler points. For whitetail antlered deer with 11 or more antler points, restitution of \$1,000 shall be paid to the Department per whitetail antlered deer plus \$750 per antler point.

(Source: P.A. 100-960, eff. 8-19-18; 101-81, eff. 7-12-19.)

(520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

Sec. 2.37. Authority to kill wildlife responsible for damage. Subject to federal regulations and Section 3 of the Illinois Endangered Species Act, the Department may authorize owners and tenants of lands or their agents to remove or destroy any wild bird or wild mammal when the wild bird or wild mammal is known to be destroying property or causing a risk to human

health or safety upon his or her land.

Upon receipt by the Department of information from the owner, tenant, or sharecropper that any one or more species of wildlife is damaging dams, levees, ditches, cattle pastures, or other property on the land on which he resides or controls, together with a statement regarding location of the property damages, the nature and extent of the damage, and the particular species of wildlife committing the damage, the Department shall make an investigation.

If, after investigation, the Department finds that damage does exist and can be abated only by removing or destroying that wildlife, a permit shall be issued by the Department to remove or destroy the species responsible for causing the damage.

A permit to control the damage shall be for a period of up to 90 days, shall specify the means and methods by which and the person or persons by whom the wildlife may be removed or destroyed, and shall set forth the disposition procedure to be made of all wildlife taken and other restrictions the Director considers necessary and appropriate in the circumstances of the particular case. Whenever possible, the specimens destroyed shall be given to a bona-fide public or State scientific, educational, or zoological institution.

The permittee shall advise the Department in writing, within 10 days after the expiration date of the permit, of the number of individual species of wildlife taken, disposition made of them, and any other information which the Department may consider necessary.

Subject to federal regulations and Section 3 of the Illinois Endangered Species Act, the Department may grant to an individual, corporation, association or a governmental body the authority to control species protected by this Code. The Department shall set forth applicable regulations in an Administrative Order and may require periodic reports listing species taken, numbers of each species taken, dates when taken, and other pertinent information.

Drainage Districts shall have the authority to control beaver provided that they must notify the Department in writing that a problem exists and of their intention to trap the animals at least 7 days before the trapping begins. The District must identify traps used in beaver control outside the dates of the furbearer trapping season with metal tags with the district's name legibly inscribed upon them. During the furtrapping season, traps must be identified as prescribed by law. Conibear traps at least size 330 shall be used except during the statewide furbearer trapping season. During that time trappers may use any device that is legal according to the Wildlife Code. Except during the statewide furbearer trapping season, beaver traps must be set in water at least 10 inches deep. Except during the statewide furbearer trapping season, traps must be set within 10 feet of an inhabited bank burrow or house and within 10 feet of a dam maintained by a beaver. No beaver or other furbearer taken outside of the dates for the furbearer trapping season may be sold. All animals must be given to the nearest conservation officer or other Department of Natural Resources representative within 48 hours after they are caught. Furbearers taken during the fur trapping season may be sold provided that they are taken by persons who have valid trapping licenses in their possession and are lawfully taken. The District must submit an annual report showing the species and numbers of animals caught. The report must indicate all species which were taken.

The location of traps or snares authorized under this Section, either by the Department or any other governmental body with the authority to control species protected by this Code, shall be exempt from the provisions of the Freedom of

Information Act.

(Source: P.A. 97-813, eff. 7-13-12; 97-959, eff. 8-15-12; 98-1045, eff. 8-25-14.)

(520 ILCS 5/2.38) (from Ch. 61, par. 2.38)

Sec. 2.38. No person shall at any time:

- (1) falsify, alter or change in any manner, or provide deceptive or false information required for, any license, permit or tag issued under the provisions hereof;
- (2) falsify any record required by this Act;
- (3) counterfeit any form of license, permit or tag provided for by this Act;
- (4) loan or transfer to another person any license, permit, or tag issued under this Act; or
- (5) use in the field any license, permit, or tag issued to another person.

It is unlawful to possess any license, permit or tag issued under the provisions of this Act which was fraudulently obtained, or which the possessor knew, or should have known, was falsified, altered, changed in any manner or fraudulently obtained.

The Department shall suspend the privileges, under this Act, of any person found guilty of violating this Section for a period of not less than one year.

(Source: P.A. 95-13, eff. 1-1-08.)

(520 ILCS 5/2.39)

Sec. 2.39. (Repealed).

(Source: P.A. 95-529, eff. 8-28-07. Repealed internally, eff. 1-1-14.)

(520 ILCS 5/3.1) (from Ch. 61, par. 3.1)

Sec. 3.1. License and stamps required.

(a) Before any person shall take or attempt to take any of the species protected by Section 2.2 for which an open season is established under this Act, he shall first have procured and possess a valid hunting license, except as provided in Section 3.1-5 of this Code.

Before any person 18 years of age or older shall take or attempt to take any bird of the species defined as migratory waterfowl by Section 2.2, including coots, he shall first have procured a State Migratory Waterfowl Stamp.

Before any person 18 years of age or older takes, attempts to take, or pursues any species of wildlife protected by this Code, except migratory waterfowl, coots, and hand-reared birds on licensed game breeding and hunting preserve areas and state controlled pheasant hunting areas, he or she shall first obtain a State Habitat Stamp. Veterans with disabilities and former prisoners of war shall not be required to obtain State Habitat Stamps. Any person who obtained a lifetime license before January 1, 1993, shall not be required to obtain State Habitat Stamps. Income from the sale of State Furbearer Stamps and State Pheasant Stamps received after the effective date of this amendatory Act of 1992 shall be deposited into the State Furbearer Fund and State Pheasant Fund, respectively.

Before any person 18 years of age or older shall take, attempt to take, or sell the green hide of any mammal of the species defined as fur-bearing mammals by Section 2.2 for which an open season is established under this Act, he shall first have procured a State Habitat Stamp.

(b) Before any person who is a non-resident of the State of Illinois shall take or attempt to take any of the species protected by Section 2.2 for which an open season is established

under this Act, he shall, unless specifically exempted by law, first procure a non-resident license as provided by this Act for the taking of any wild game.

Before a nonresident shall take or attempt to take white-tailed deer, he shall first have procured a Deer Hunting Permit as defined in Section 2.26 of this Code.

Before a nonresident shall take or attempt to take wild turkeys, he shall have procured a Wild Turkey Hunting Permit as defined in Section 2.11 of this Code.

(c) The owners residing on, or bona fide tenants of, farm lands and their children, parents, brothers, and sisters actually permanently residing on their lands shall have the right to hunt any of the species protected by Section 2.2 upon their lands and waters without procuring hunting licenses; but the hunting shall be done only during periods of time and with devices and by methods as are permitted by this Act. Any person on active duty with the Armed Forces of the United States who is now and who was at the time of entering the Armed Forces a resident of Illinois and who entered the Armed Forces from this State, and who is presently on ordinary or emergency leave from the Armed Forces, and any resident of Illinois who has a disability may hunt any of the species protected by Section 2.2 without procuring a hunting license, but the hunting shall be done only during such periods of time and with devices and by methods as are permitted by this Act. For the purpose of this Section a person is a person with a disability when that person has a Type 1 or Type 4, Class 2 disability as defined in Section 4A of the Illinois Identification Card Act. For purposes of this Section, an Illinois Person with a Disability Identification Card issued pursuant to the Illinois Identification Card Act indicating that the person named has a Type 1 or Type 4, Class 2 disability shall be adequate documentation of the disability.

(d) A courtesy non-resident license, permit, or stamp for taking game may be issued at the discretion of the Director, without fee, to any person officially employed in the game and fish or conservation department of another state or of the United States who is within the State to assist or consult or cooperate with the Director; or to the officials of other states, the United States, foreign countries, or officers or representatives of conservation organizations or publications while in the State as guests of the Governor or Director. The Director may provide to nonresident participants and official gunners at field trials an exemption from licensure while participating in a field trial.

(e) State Migratory Waterfowl Stamps shall be required for those persons qualifying under subsections (c) and (d) who intend to hunt migratory waterfowl, including coots, to the extent that hunting licenses of the various types are authorized and required by this Section for those persons.

(f) Registration in the U.S. Fish and Wildlife Migratory Bird Harvest Information Program shall be required for those persons who are required to have a hunting license before taking or attempting to take any bird of the species defined as migratory game birds by Section 2.2, except that this subsection shall not apply to crows in this State or hand-reared birds on licensed game breeding and hunting preserve areas, for which an open season is established by this Act. Persons registering with the Program must carry proof of registration with them while migratory bird hunting.

The Department shall publish suitable prescribed regulations pertaining to registration by the migratory bird hunter in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program.

(Source: P.A. 99-143, eff. 7-27-15; 100-638, eff. 1-1-19.)

(520 ILCS 5/3.1-1) (from Ch. 61, par. 3.1-1)

Sec. 3.1-1. (Repealed).

(Source: Repealed by P.A. 88-91.)

(520 ILCS 5/3.1-2) (from Ch. 61, par. 3.1-2)

Sec. 3.1-2. Veterans who, according to the determination of the Veterans' Administration as certified by the Department of Veterans' Affairs, are at least 10% disabled with service-related disabilities or in receipt of total disability pensions may hunt any of the species protected by Section 2.2, during such times, with such devices and by such methods as are permitted by this Act, without procuring hunting licenses, on the condition that their respective disabilities do not prevent them from hunting in a manner which is safe to themselves and others.

(Source: P.A. 83-58.)

(520 ILCS 5/3.1-3)

Sec. 3.1-3. Deer, waterfowl, and wild turkey outfitter permit; application and fees. Before any person provides or offers to provide, for compensation, outfitting services for deer, waterfowl, or wild turkey hunting, that person must apply for and receive a permit from the Department. The annual fee for resident outfitter permits shall not exceed \$1,000. The annual fee for nonresident outfitter permits shall not exceed \$2,500. All outfitter permit fees shall be deposited into the Wildlife and Fish Fund. The criteria, definitions, application process, fees, and standards of outfitting services shall be provided by administrative rule. Any person who violates any provision of this Section, including administrative rules, shall be guilty of a Class B misdemeanor.

(Source: P.A. 98-914, eff. 1-1-15.)

(520 ILCS 5/3.1-4)

Sec. 3.1-4. Military members returning from mobilization and service outside the United States.

(a) After returning from service abroad or mobilization by the President of the United States as an active duty member of the United States Armed Forces, the Illinois National Guard, or the Reserves of the United States Armed Forces, an Illinois resident may hunt any of the species protected by Section 2.2 of this Code without paying any fees required to obtain a hunting license for the time period prescribed by subsection (b) of this Section if the Illinois resident applies for a license within 2 years after returning from service abroad or mobilization. The applicant shall provide acceptable verification of service or mobilization to the Department either at the Department's office in Springfield or at a Regional Office of the Department.

(b) For each year that an applicant is an active duty member pursuant to subsection (a) of this Section, the applicant shall receive one free hunting license, one free Deer Hunting Permit as provided in Section 2.26 of this Code and rules adopted pursuant to that Section, and one free State Habitat Stamp. For the purposes of this determination, if the period of active duty is a portion of a year (for example, one year and 3 months), the applicant will be credited with a full year for the portion of a year served.

(c) (Blank).

(c-5) An Illinois resident veteran may obtain an Illinois Hunter Education card if he or she completes the online study section of the Illinois Hunter Education program and provides the Department with acceptable verification of service or mobilization.

(d) For the purposes of this Section, "acceptable verification of service or mobilization" means official documentation from the Department of Defense or the appropriate Major Command showing mobilization dates or service abroad dates, including: (i) a DD-214, (ii) a letter from the Illinois Department of Military Affairs for members of the Illinois National Guard, (iii) a letter from the Regional Reserve Command for members of the Armed Forces Reserve, (iv) a letter from the Major Command covering Illinois for active duty members, (v) personnel records for mobilized State employees, and (vi) any other documentation that the Department, by administrative rule, deems acceptable to establish dates of mobilization or service abroad.

(e) For the purposes of this Section, the term "service abroad" means active duty service outside of the 50 United States and the District of Columbia, and includes all active duty service in territories and possessions of the United States.

(Source: P.A. 98-118, eff. 7-30-13.)

(520 ILCS 5/3.1-5)

Sec. 3.1-5. Apprentice Hunter License Program.

(a) The Department shall establish an Apprentice Hunter License Program. The purpose of this Program shall be to extend limited hunting privileges, in lieu of obtaining a valid hunting license, to persons interested in learning about hunting sports.

(b) Any resident or nonresident may apply to the Department for an Apprentice Hunter License. The Apprentice Hunter License shall be a non-renewable license that shall expire on the March 31 following the date of issuance.

(c) The Apprentice Hunter License shall entitle the licensee to hunt on private property while supervised by a validly licensed resident or nonresident hunter who is 21 years of age or older.

(c-5) The Apprentice Hunter License shall entitle the licensee to hunt on public property while supervised by a validly licensed resident or nonresident who is 21 years of age or older and has a hunter education certificate.

(d) In order to be approved for the Apprentice Hunter License, the applicant must request an Apprentice Hunter License on a form designated and made available by the Department and submit a \$7 fee, which shall be separate from and additional to any other stamp, permit, tag, or license fee that may be required for hunting under this Code. The Department shall adopt suitable administrative rules that are reasonable and necessary for the administration of the program, but shall not require any certificate of competency or other hunting education as a condition of the Apprentice Hunter License.

(Source: P.A. 100-638, eff. 1-1-19; 101-444, eff. 6-1-20.)

(520 ILCS 5/3.1-6)

Sec. 3.1-6. Special deer, turkey, and combination hunting licenses.

(a) For the purpose of this Section:

"Bona fide equity member" means an individual who:

(1) (i) became a member upon the formation of the limited liability company or (ii) has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the LLC assets represented by the distributional interest in the LLC and subsequently becomes a member of the company under Article 30 of the Limited Liability Company Act; and

(2) intends to retain the membership for at least 5 years.

"Bona fide equity partner" means an individual who:

- (1) (i) became a partner, either general or limited, upon the formation of a partnership or limited partnership, or (ii) has purchased, acquired, or been gifted a partnership interest accurately representing his or her percentage distributional interest in the profits, losses, and assets of a partnership or limited partnership;
- (2) intends to retain ownership of the partnership interest for at least 5 years; and
- (3) is a resident of this State.

"Bona fide equity shareholder" means an individual who:

- (1) purchased, for market price, publicly sold stock shares in a corporation, purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation, or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and
- (2) intends to retain the ownership of the shares of stock for at least 5 years.

(b) Landowner Deer, Turkey, and combination permits shall be issued without charge to:

- (1) Illinois landowners residing in this State who own at least 40 acres of Illinois land and wish to hunt upon their land only;
- (2) resident tenants of at least 40 acres of commercial agricultural land where they will hunt; and
- (3) bona fide equity shareholders of a corporation, bona fide equity members of a limited liability company, or bona fide equity partners of a general or limited partnership which owns at least 40 acres of land in a county in this State who wish to hunt on the corporation's, company's, or partnership's land only. One permit shall be issued without charge to one bona fide equity shareholder, one bona fide equity member, or one bona fide equity partner for each 40 acres of land owned by the corporation, company, or partnership in a county; however, the number of permits issued without charge to bona fide equity shareholders of any corporation or bona fide equity members of a limited liability company in any county shall not exceed 15, and shall not exceed 3 in the case of bona fide equity partners of a partnership.

Bona fide landowners or tenants who do not wish to hunt only on the land they own, rent, or lease or bona fide equity shareholders, bona fide equity members, or bona fide equity partners who do not wish to hunt only on the land owned by the corporation, limited liability company, or partnership shall be charged the same fee as the applicant who is not a landowner, tenant, bona fide equity shareholder, bona fide equity member, or bona fide equity partner. Nonresidents of this State who own at least 40 acres of land and wish to hunt on their land only shall be charged a fee set by administrative rule. The method for obtaining these permits shall be prescribed by administrative rule.

(c) The deer, turkey, or combination hunting permit issued without fee shall be valid on all farm lands which the person to whom it is issued owns, leases or rents, except that in the case of a permit issued to a bona fide equity shareholder, bona fide equity member, or bona fide equity partner, the permit shall be valid on all lands owned by the corporation, limited liability company, or partnership in the county.

(Source: P.A. 99-869, eff. 1-1-17.)

(520 ILCS 5/3.1-7)

Sec. 3.1-7. Terminally ill hunter licensing program. In order to facilitate hunting and fishing opportunities for a terminally ill person, the Director may issue any license, tag, permit, or stamp and waive fees, including transaction and dealer fees.

Youth may take game outside of an established season if that youth is deemed to be terminally ill and the hunt is pre-approved by the Director.

(Source: P.A. 97-215, eff. 1-1-12.)

(520 ILCS 5/3.1-9)

Sec. 3.1-9. Youth Hunting and Trapping License.

(a) Before any youth under 18 years of age shall take or attempt to take any species protected by Section 2.2 of this Code for which an open season is established, he or she shall first procure and possess a valid Youth Hunting and Trapping License. The Youth Hunting and Trapping License shall be a renewable license that shall expire on the March 31 following the date of issuance. The fee for a Youth Hunting and Trapping License is \$7.

A Youth Hunting and Trapping License shall entitle the licensee to hunt while supervised by an adult who is 21 years of age or older and has a valid Illinois hunting license.

A youth licensed under this subsection (a) shall not hunt or carry a hunting device, including, but not limited to, a firearm, bow and arrow, or crossbow unless the youth is accompanied by and under the close personal supervision of an adult who is 21 years of age or older and has a valid Illinois hunting license.

The Department shall adopt rules for the administration of the program, but shall not require any certificate of competency or other hunting or trapping education as a condition of the Youth Hunting and Trapping License. If a youth has a valid certificate of competency for hunting from a hunter safety course approved by the Department, he or she is exempt from the supervision requirements for youth hunters in this Section.

(b) A Youth Hunting and Trapping License shall entitle the licensee to trap while supervised by an adult who is 21 years of age or older and has a valid Illinois trapping license.

A youth licensed under this Section shall not trap or carry a hunting device, including, but not limited to, a firearm, bow and arrow, or crossbow unless the youth is accompanied by and under the close personal supervision of an adult who is 21 years of age or older and has a valid Illinois trapping license.

The Department shall adopt rules for the administration of the program, but shall not require any certificate of competency or other trapping education as a condition of the Youth Hunting and Trapping License. If a youth has a valid certificate of competency for trapping from a trapper safety course approved by the Department, then he or she is exempt from the supervision requirements for youth trappers in this Section.

(Source: P.A. 100-638, eff. 1-1-19; 100-691, eff. 1-1-19; 101-81, eff. 7-12-19.)

(520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

Sec. 3.2. Hunting license; application; instruction. Before the Department or any county, city, village, township, incorporated town clerk or his duly designated agent or any other person authorized or designated by the Department to issue hunting licenses shall issue a hunting license to any person, the person shall file his application with the Department or other party authorized to issue licenses on a form provided by the Department and further give definite proof of identity and

place of legal residence. Each clerk designating agents to issue licenses and stamps shall furnish the Department, within 10 days following the appointment, the names and mailing addresses of the agents. Each clerk or his duly designated agent shall be authorized to sell licenses and stamps only within the territorial area for which he was elected or appointed. No duly designated agent is authorized to furnish licenses or stamps for issuance by any other business establishment. Each application shall be executed and sworn to and shall set forth the name and description of the applicant and place of residence.

No hunting license shall be issued to any person born on or after January 1, 1980 unless he presents the person authorized to issue the license evidence that he has held a hunting license issued by the State of Illinois or another state in a prior year, or a certificate of competency as provided in this Section. Persons under 18 years of age may be issued a Lifetime Hunting or Sportsmen's Combination License as provided under Section 20-45 of the Fish and Aquatic Life Code but shall not be entitled to hunt alone, without the supervision of an adult age 21 or older, unless they have a certificate of competency as provided in this Section and the certificate is in their possession while hunting.

The Department of Natural Resources shall authorize personnel of the Department or certified volunteer instructors to conduct courses, of not less than 10 hours in length, in firearms and hunter safety, which may include training in bow and arrow safety, at regularly specified intervals throughout the State. Persons successfully completing the course shall receive a certificate of competency. The Department of Natural Resources may further cooperate with any reputable association or organization in establishing courses if the organization has as one of its objectives the promotion of safety in the handling of firearms or bow and arrow.

The Department of Natural Resources shall designate any person found by it to be competent to give instruction in the handling of firearms, hunter safety, and bow and arrow. The persons so appointed shall give the course of instruction and upon the successful completion shall issue to the person instructed a certificate of competency in the safe handling of firearms, hunter safety, and bow and arrow. No charge shall be made for any course of instruction except for materials or ammunition consumed. The Department of Natural Resources shall furnish information on the requirements of hunter safety education programs to be distributed free of charge to applicants for hunting licenses by the persons appointed and authorized to issue licenses. Funds for the conducting of firearms and hunter safety courses shall be taken from the fee charged for the Firearm Owners Identification Card.

The fee for a hunting license to hunt all species for a resident of Illinois is \$12. For residents age 65 or older, and, commencing with the 2012 license year, resident veterans of the United States Armed Forces after returning from service abroad or mobilization by the President of the United States, the fee is one-half of the fee charged for a hunting license to hunt all species for a resident of Illinois. Veterans must provide to the Department, at one of the Department's 5 regional offices, verification of their service. The Department shall establish what constitutes suitable verification of service for the purpose of issuing resident veterans hunting licenses at a reduced fee. The fee for a hunting license to hunt all species shall be \$1 for residents over 75 years of age. Nonresidents shall be charged \$57 for a hunting license.

Nonresidents may be issued a nonresident hunting license for a period not to exceed 10 consecutive days' hunting in the State and shall be charged a fee of \$35.

A special nonresident hunting license authorizing a nonresident to take game birds by hunting on a game breeding and hunting preserve area only, established under Section 3.27, shall be issued upon proper application being made and payment of a fee equal to that for a resident hunting license. The expiration date of this license shall be on the same date each year that game breeding and hunting preserve area licenses expire.

Each applicant for a State Migratory Waterfowl Stamp, regardless of his residence or other condition, shall pay a fee of \$15 and shall receive a stamp. The fee for a State Migratory Waterfowl Stamp shall be waived for residents over 75 years of age. Except as provided under Section 20-45 of the Fish and Aquatic Life Code, the stamp shall be signed by the person or affixed to his license or permit in a space designated by the Department for that purpose.

Each applicant for a State Habitat Stamp, regardless of his residence or other condition, shall pay a fee of \$5 and shall receive a stamp. The fee for a State Habitat Stamp shall be waived for residents over 75 years of age. Except as provided under Section 20-45 of the Fish and Aquatic Life Code, the stamp shall be signed by the person or affixed to his license or permit in a space designated by the Department for that purpose.

Nothing in this Section shall be construed as to require the purchase of more than one State Habitat Stamp by any person in any one license year.

The fees for State Pheasant Stamps and State Furbearer Stamps shall be waived for residents over 75 years of age.

The Department shall furnish the holders of hunting licenses and stamps with an insignia as evidence of possession of license, or license and stamp, as the Department may consider advisable. The insignia shall be exhibited and used as the Department may order.

All other hunting licenses and all State stamps shall expire upon March 31 of each year.

Every person holding any license, permit, or stamp issued under the provisions of this Act shall have it in his possession for immediate presentation for inspection to the officers and authorized employees of the Department, any sheriff, deputy sheriff, or any other peace officer making a demand for it. This provision shall not apply to Department owned or managed sites where it is required that all hunters deposit their license, permit, or Firearm Owner's Identification Card at the check station upon entering the hunting areas.

(Source: P.A. 100-638, eff. 1-1-19; 101-81, eff. 7-12-19.)

(520 ILCS 5/3.2a) (from Ch. 61, par. 3.2a)

Sec. 3.2a. Every person holding any license, permit or stamp issued under the provisions hereof shall have it in his possession for immediate presentation for inspection to the officers and authorized employees of the Department, any sheriff, deputy sheriff or any other peace officer making a demand for it. This provision shall not apply to Department owned or managed sites where it is required that all hunters deposit their license, permit or Firearm Owner's Identification Card at the check station upon entering the hunting areas.

(Source: P.A. 85-152.)

(520 ILCS 5/3.3) (from Ch. 61, par. 3.3)

Sec. 3.3. Trapping license required. Before any person shall trap any of the mammals protected by this Act, for which an open trapping season has been established, he shall first procure a trapping license from the Department to do so. No traps shall be placed in the field, set or unset, prior to the opening day of

the trapping season.

Traps used in the taking of such mammals shall be marked or tagged with metal tags or inscribed in lettering giving the name and address of the owner or the customer identification number issued by the Department, and absence of such mark or tag shall be prima facie evidence that such trap or traps are illegally used and the trap or traps shall be confiscated and disposed of as directed by the Department.

Before any person 18 years of age or older shall trap, attempt to trap, or sell the green hides of any mammal of the species defined as fur-bearing mammals by Section 2.2 for which an open season is established under this Act, he shall first have procured a State Habitat Stamp.

Beginning January 1, 2016, no trapping license shall be issued to any person born on or after January 1, 1998 unless he or she presents to the authorized issuer of the license evidence that he or she has a certificate of competency provided for in this Section.

The Department of Natural Resources shall authorize personnel of the Department, or volunteer instructors, found by the Department to be competent, to provide instruction in courses on trapping techniques and ethical trapping behavior as needed throughout the State, which courses shall be at least 8 hours in length. Persons so authorized shall provide instruction in such courses to individuals at no charge, and shall issue to individuals successfully completing such courses certificates of competency in basic trapping techniques. The Department shall cooperate in establishing such courses with any reputable association or organization which has as one of its objectives the promotion of the ethical use of legal fur harvesting devices and techniques. The Department shall furnish information on the requirements of the trapper education program to be distributed free of charge to applicants for trapping licenses by the persons appointed and authorized to issue licenses.

The owners residing on, or bona fide tenants of farm lands, and their children actually residing on such lands, shall have the right to trap mammals protected by this Act, for which an open trapping season has been established, upon such lands, without procuring licenses, provided that such mammals are taken during the periods of time and with such devices as are permitted by this Act.

(Source: P.A. 100-638, eff. 1-1-19; 100-964, eff. 8-19-18; 101-81, eff. 7-12-19.)

(520 ILCS 5/3.4) (from Ch. 61, par. 3.4)

Sec. 3.4. Trapping licenses. Before a trapping license shall be issued to any person, such person shall make application to the Department or any county, city, village, township or incorporated town clerk or his or her duly designated agent upon an application form provided by the Department. This application shall be executed and sworn to and shall set forth the name and description of the applicant and his or her place of residence.

The fee for a trapping license for a resident of this State shall be \$10.00.

The Department may provide for non-resident trapping license provided that any non-resident shall be charged a fee of \$175, and if the state in which the applicant resides does not provide for trapping mammals by Illinois residents, then the fee shall be \$250.

Every person trapping mammals shall make a report properly sworn to, to the Department, upon blanks supplied by the Department for such purpose, of all hides of mammals taken, sold, shipped or dealt in, during the open seasons for mammals together with the names and addresses of the parties to whom the

same were sold or shipped. Such report shall be made to the Department within 15 days after the close of the trapping season. Failure to report or filing false reports shall subject the person to the penalties provided in Section 3.5. Further, the Department may refuse to issue a trapping license for the following year to any person who has failed to file such a report.

All trapping licenses shall expire on March 31 of each year. (Source: P.A. 100-123, eff. 1-1-18.)

(520 ILCS 5/3.4a) (from Ch. 61, par. 3.4a)

Sec. 3.4a. Every person holding any license, stamp or permit issued under the provisions hereof shall have the same in his possession for immediate presentation for inspection to the authorized employees of the Department, any sheriff, deputy sheriff, or any other peace officer, making demand for same. (Source: P.A. 86-159.)

(520 ILCS 5/3.4b)

Sec. 3.4b. Concealed firearm exemption. A current or retired law enforcement officer authorized by law to possess a concealed firearm shall be exempt from the provisions of this Code prohibiting possession of those firearms. However, nothing in this Section authorizes the use of those firearms except as authorized by law. (Source: P.A. 101-80, eff. 7-12-19.)

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

Sec. 3.5. Penalties; probation.

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

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

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

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

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

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

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

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

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

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

(D) Prohibit the person from associating with any person who is actively engaged in any of the activities

regulated by the permits issued or privileges granted by the Department of Natural Resources.

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

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

(6) A disposition of probation is considered to be a conviction for the purposes of imposing the conditions of probation, for appeal, and for administrative revocation and suspension of licenses and privileges; however, discharge and dismissal under this Section is not a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime.

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

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

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

(c) Any person who violates any of the provisions of Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30, 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y), and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 through 3.16, 3.19, 3.20, 3.21 (except subsections (b), (c), (d), (e), (f), (f.5), (g), (h), and (i)), 3.24, 3.25, and 3.26 (except subsection (f)), including administrative rules, shall be guilty of a Class B misdemeanor.

A person who violates Section 2.33b by using any computer software or service to remotely control a weapon that takes wildlife by remote operation is guilty of a Class B misdemeanor. A person who violates Section 2.33b by facilitating a violation of Section 2.33b, including an owner of land in which remote control hunting occurs, a computer programmer who designs a program or software to facilitate remote control hunting, or a person who provides weapons or equipment to facilitate remote control hunting, is guilty of a Class A misdemeanor.

Any person who violates any of the provisions of Sections 1.22, 2.2a, 2.3, 2.4, 2.36 and 2.38, including administrative rules, shall be guilty of a Class A misdemeanor. Any second or subsequent violations of Sections 2.4 and 2.36 shall be a Class 4 felony.

Any person who violates any of the provisions of this Act, including administrative rules, during such period when his license, privileges, or permit is revoked or denied by virtue of Section 3.36, shall be guilty of a Class A misdemeanor.

Any person who violates subsection (g), (i), (o), (p), (y), or (cc) of Section 2.33 shall be guilty of a Class A misdemeanor and subject to a fine of no less than \$500 and no more than \$5,000 in addition to other statutory penalties. In addition, the Department shall suspend the privileges, under this Act, of any person found guilty of violating Section 2.33(cc) for a period of not less than one year.

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

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

(Source: P.A. 97-431, eff. 8-16-11.)

(520 ILCS 5/3.6) (from Ch. 61, par. 3.6)

Sec. 3.6. (Repealed).

(Source: P.A. 87-174. Repealed by P.A. 98-914, eff. 1-1-15.)

(520 ILCS 5/3.7) (from Ch. 61, par. 3.7)

Sec. 3.7. (Repealed).

(Source: P.A. 90-435, eff. 1-1-98. Repealed by P.A. 98-914, eff. 1-1-15.)

(520 ILCS 5/3.8) (from Ch. 61, par. 3.8)

Sec. 3.8. (Repealed).

(Source: P.A. 97-132, eff. 1-1-12. Repealed by P.A. 98-914, eff. 1-1-15.)

(520 ILCS 5/3.11) (from Ch. 61, par. 3.11)

Sec. 3.11. Resident fur buyer permits. Any individual who is a resident of this State, who, within this State, receives, collects or buys, or who acts as an agent or broker in the receipt, collection or purchase of the green hides of fur-bearing mammals, protected by this Act, shall be a resident fur buyer in the meaning of this Act. Resident fur buyer's permits shall be issued by the Department. The annual fee for each resident fur buyer's permit shall be \$50.00. All resident fur buyer permits shall expire on March 31 of each year. A holder of a valid resident fur buyer permit may buy, sell, possess, transport, and ship the green hides of any legally taken fur-bearing mammals; provided, however, that failure to establish proof of the legality or origin of the green hides of fur-bearing mammals shall be prima facie evidence that such green hides of fur-bearing mammals are contraband within the State of Illinois. Nothing in this Section shall exempt any permittee from complying with any federal laws, rules or regulations which may apply to the green hides of fur-bearing mammals. A person who holds a fur tanner's permit under Section 3.16 of this Code is exempt under this Section if the person is not engaged in the business of receiving green hides for the purpose of buying or selling the hides, whether green, dressed, processed, or tanned and the hides which have been tanned or processed are returned to the person who submitted the hides for processing or tanning.

(Source: P.A. 100-123, eff. 1-1-18.)

(520 ILCS 5/3.12) (from Ch. 61, par. 3.12)

Sec. 3.12. (Repealed).

(Source: P.A. 89-341, eff. 8-17-95. Repealed by P.A. 100-123, eff. 1-1-18.)

(520 ILCS 5/3.14) (from Ch. 61, par. 3.14)

Sec. 3.14. Record keeping; fur buyers and non-resident auction participants. All fur buyers and non-resident auction participants shall maintain records of the receipt, collection,

purchase, and sale of green hides of fur-bearing mammals. A record of each transaction shall be created at the time it is executed specifying the date, numbers, and kinds of green hides purchased, sold, or transferred, the price paid for each green hide, if any, and the name, address, and Department customer identification number of the other party. Records of transactions with non-residents may substitute the Department customer identification number with an equivalent identifier such as a license or permit number from the person's place of residence. Records of transactions shall be retained for 2 years from the date of execution and shall be presented for inspection at any reasonable time a request is made by authorized employees of the Department or any sheriff, deputy sheriff, or peace officer. Failure to produce records of transactions for green hides shall be prima facie evidence that the green hides are contraband in this State. A numbered receipt shall be issued to the other party when purchasing green hides of fur-bearing mammals. The receipt shall specify the name and address of the person selling the green hides, the numbers and kinds of green hides sold, the price paid for each green hide, the date of the transaction, and the name of the fur buyer or non-resident auction participant.

(Source: P.A. 100-123, eff. 1-1-18.)

(520 ILCS 5/3.15) (from Ch. 61, par. 3.15)

Sec. 3.15. Purchase of green hides. Any manufacturer, converter, or consumer who purchases or receives green hides of fur-bearing mammals for the purpose of dressing and fabricating them into fur garments or products, shall purchase such green hides from a duly licensed fur buyer or fur-bearing mammal breeder, and shall demand from the buyer or breeder an invoice covering such purchases, indicating thereon the date of the transaction, the name and address of the fur buyer or fur-bearing mammal breeder, and the number and kinds of green hides so purchased. Such invoices shall be presented for inspection to officers and authorized employees of the Department, any sheriff, deputy sheriff, or any other peace officer when request is made for same. Failure to produce such invoice shall be prima facie evidence that such green hides are contraband within this State.

Such purchases of green hides of fur-bearing or game mammals shall be made for converting or manufacturing purposes only, and green hides so bought shall not be offered for resale in the green or raw condition.

(Source: P.A. 100-123, eff. 1-1-18.)

(520 ILCS 5/3.16) (from Ch. 61, par. 3.16)

Sec. 3.16. Fur tanner permits. Any individual, who for other individuals, engages in the business of dressing, dyeing or tanning the green hides of fur-bearing mammals, protected by this Act, shall be a fur tanner in the meaning of this Act. Before any individual shall engage in the business of dressing, dyeing, or tanning green hides of fur-bearing mammals, for any other individual, he or she shall first procure a fur tanner permit. Fur tanner permits shall be issued by the Department. The annual fee for each fur tanner's permit shall be \$25.00. All fur tanner permits shall expire on March 31st of each year. Any fur tanner who receives or collects green hides shall require an affidavit from the shipper or consignor, stating that said green hides were taken according to regulations of the state where they were taken, a certificate of purchase as provided for in Section 3.14 or an invoice as provided for in Section 3.15. The affidavit, certificate of purchase, or invoice shall show the name and address of the individual from whom the green hides

were received or collected and the records shall be kept by the fur tanner for a minimum period of one year following the date of receipt or collection. The affidavit, certificate of purchase, or invoice shall be immediately presented for inspection to officers and authorized employees of the Department, any sheriff, deputy sheriff, or any other peace officer upon request. Failure to produce such affidavit, certificate of purchase, or invoice shall be prima facie evidence that such green hides are contraband within this State. Upon receipt by the fur tanner of any green hide not accompanied by an affidavit, certificate of purchase or invoice, the fur tanner shall notify the shipper or consignor in writing of the requirement. The fur tanner shall then hold green hides until an affidavit, certificate of purchase, or invoice is received. The green hides shall be labeled with the name and address of the shipper or consignor, date of receipt, and the date notification was sent to the shipper or consignor. If the shipper or consignor shall fail to furnish the affidavit, certificate of purchase, or invoice within 30 days from the date of receipt of the green hides, the fur tanner shall notify the Department and green hides shall be disposed of in accordance with instructions from the Department. Additional Federal regulations may apply to the hides of certain endangered species.
(Source: P.A. 100-123, eff. 1-1-18.)

(520 ILCS 5/3.16a)

Sec. 3.16a. Non-resident auction participation permit; fee. Any individual who is not a resident of this State and does not possess a non-resident fur buyer permit must obtain a non-resident auction participation permit to receive, collect, buy, or act as an agent or broker in the receipt, collection, or purchase of the green hides of fur-bearing mammals at auctions organized for these purposes within this State. Non-resident auction participation permits shall be issued by the Department. The annual fee for each non-resident auction participation permit is \$50. Non-resident auction participation permits expire on March 31. A holder of a valid non-resident auction participation permit may receive, collect, buy, possess, transport, or act as an agent or broker in the receipt, collection, or purchase of legally taken fur-bearing mammals. Failure to establish proof of legality or origin of the green hides of fur-bearing mammals, however, is prima facie evidence that the green hides are contraband within this State. Nothing in this Section exempts any permittee from complying with any federal laws, rules, or regulations that may apply to the green hides of fur-bearing mammals.

(Source: P.A. 100-123, eff. 1-1-18.)

(520 ILCS 5/3.18) (from Ch. 61, par. 3.18)

Sec. 3.18. Non-resident fur buyers. Any individual not a resident of this State, who, within this State, receives, collects or buys, or who acts as an agent or broker in the receipt, collection or purchase of the green hides of fur-bearing mammals, protected by this Act, shall be a non-resident fur buyer in the meaning of this Act. Non-resident fur buyer permits shall be issued by the Department. Non-resident fur buyers must obtain a non-resident fur buyer permit before receiving, collecting, or purchasing the green hides of fur-bearing mammals within this State except that a non-resident fur buyer permit shall not be required for purchasing the green hides of fur-bearing mammals from resident fur buyers as defined in Section 3.11. The annual fee for each non-resident fur buyer permit shall be \$250.00. All non-resident fur buyer permits shall expire on March 31 of each year. A non-resident fur buyer

may buy, sell, possess, transport and ship the green hides of any legally taken fur-bearing mammals; provided, however, that failure to establish proof of the legality of or origin of the green hides of fur-bearing mammals shall be prima facie evidence that such green hides of fur-bearing mammals are contraband within this State. Nothing in this Section shall be construed to remove such permittee from responsibility for the observance of any federal laws, rules or regulations which may apply to the green hides of fur-bearing mammals.

(Source: P.A. 100-123, eff. 1-1-18.)

(520 ILCS 5/3.19) (from Ch. 61, par. 3.19)

Sec. 3.19. Permit requirements. Each resident fur buyer, nonresident fur buyer, non-resident auction participant, fur-bearing mammal breeder, or fur tanner shall have his or her permit in his or her possession when receiving, collecting, buying, selling, or offering for sale the green hides of fur-bearing mammals or accepting the same for dressing, dyeing, or tanning and shall immediately produce the same when requested to do so by an officer or authorized employees of the Department, any sheriff, deputy sheriff or any other peace officer. Persons conducting organized and established auction sales or the green hides of fur-bearing mammals, protected by this Act, shall be exempt from the provisions of this Section.

(Source: P.A. 100-123, eff. 1-1-18; 100-863, eff. 8-14-18.)

(520 ILCS 5/3.20) (from Ch. 61, par. 3.20)

Sec. 3.20. Reporting; fur buyers and non-resident auction participants. All fur buyers and non-resident auction participants shall submit a report to the Department on forms provided by the Department showing the number and kinds of all green hides of fur-bearing mammals received, collected or purchased, and the average price, if any, paid therefore and such other information as required by the Department. This report shall be made on or before May 10 of each year and shall include all operations for the 12 months preceding May 1 of the current year. All such receipts, reports, and records required by this Section shall be available for inspection by any officer or authorized employee of the Department, any sheriff, deputy sheriff, or any other peace officer at any reasonable time when request is made for same. Failure to comply with the provisions of this Section shall bar the permittee from obtaining a fur buyer or non-resident auction participant permit for the following year.

(Source: P.A. 100-123, eff. 1-1-18.)

(520 ILCS 5/3.21) (from Ch. 61, par. 3.21)

Sec. 3.21. (a) Every person before engaging in the business of taxidermy shall obtain a license for such purpose from the Department. Application for such license shall be filed with the Department and shall set forth the name of the applicant; its principal officers, if the applicant is a corporation, or the partners, if the applicant is a partnership; the location of the place of business and such additional information as the Department may require. The annual fee for each taxidermist license shall be \$25.00. All licenses issued to taxidermists are valid only at the location described and designated on the application for such license. All taxidermist permits shall expire on March 31 of each year. Persons employed by a licensed taxidermist shall not be required to possess a taxidermist license while working for and at the place of business of the license holder.

Licensed taxidermists shall submit to the Department a list naming all individuals who will be working at the place of

business specified on the license. Only those individuals whose names are on file with the Department shall be authorized to work under the scope of the taxidermist's license.

(b) Taxidermists shall keep written records of all birds or mammals, or parts thereof, received or returned by them. Records shall include the following information:

- (1) The date the bird or mammal was received.
- (2) The name and address of the person from whom the bird or mammal was received.
- (3) The number and species of each bird or mammal received.
- (4) The number and state of issuance of the hunting or trapping license, or special Department permit, of the individual from whom the bird or mammal was received. In the absence of a license or permit number, the taxidermist may rely on the written certification of the person from whom the bird or mammal was received that the specimen was legally taken or obtained, or, in the event the individual is exempt from the apposite license requirements, an indication of such exemption.

(c) All birds or mammals or parts thereof that have been received, preserved or mounted or possessed by a taxidermist are required to bear a coded origin tag or label. The origin tag or label shall correspond with written records containing more complete information as required by the Department.

(d) Taxidermy records shall be open for inspection by any peace officer at any reasonable hour. Taxidermists shall maintain records for a period of 2 years from the date of receipt of the bird or mammal or for as long as the specimen or mount remains in the taxidermist's possession, whichever is longer. The Department may require the taxidermist to submit to it such information as it deems necessary.

(e) A licensed taxidermist may possess the green hides of furbearers and other game mammals the year round as long as such hides are tagged as and remain the property of the individual who legally took them and for whom the taxidermist is performing services.

(f) A licensed taxidermist may without a fur tanners permit tan the green hides of furbearers and other game mammals as long as such hides are tagged as and remain the property of the individual who legally took them and for whom the taxidermist is performing services.

(f.5) A licensed taxidermist may, without a fur buyer's permit, buy, sell, transport and possess the green or tanned hides of any legally obtained furbearer or game mammal the year round as long as the hides in the taxidermist's possession are used for taxidermy purposes only and bear a coded origin tag or label. The origin tag or label shall correspond with written records containing more complete information as required by the Department.

(g) No taxidermist shall have in his or her possession any bird or mammal that is not listed in his written records and properly tagged or labeled.

(h) All persons licensed as taxidermists under this Act who shall ship any birds or mammals or parts thereof that have been received, preserved or mounted, shall tag or label such shipment and such tag or label shall state the name of the taxidermist and the number and date of his or her license.

(i) Nothing in this Section removes taxidermists from responsibility for the observance of any federal laws, rules, or regulations that may apply to the taxidermy business.

(Source: P.A. 100-256, eff. 1-1-18.)

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

Sec. 3.22. Issuance of scientific and special purpose permits. Scientific permits may be granted by the Department to any properly accredited person at least 18 years of age, permitting the capture, marking, handling, banding, or collecting (including fur, hide, skin, teeth, feathers, claws, nests, eggs, or young), for strictly scientific purposes, of any of the fauna now protected under this Code. A special purpose permit may be granted to qualified individuals for the purpose of salvaging dead, sick, orphaned, or crippled wildlife species protected by this Act for permanent donation to bona fide public or state scientific, educational or zoological institutions or, for the purpose of rehabilitation and subsequent release to the wild, or other disposal as directed by the Department. Private educational organizations may be granted a special purpose permit to possess wildlife or parts thereof for educational purposes. A special purpose permit is required prior to treatment, administration, or both of any wild fauna protected by this Code that is captured, handled, or both in the wild or will be released to the wild with any type of chemical or other compound (including but not limited to vaccines, inhalants, medicinal agents requiring oral or dermal application) regardless of means of delivery, except that individuals and organizations removing or destroying wild birds and wild mammals under Section 2.37 of this Code or releasing game birds under Section 3.23 of this Code are not required to obtain those special purpose permits. Treatment under this special purpose permit means to effect a cure or physiological change within the animal. The criteria, definitions, application process, fees, and standards for a scientific or special purpose permit shall be provided by administrative rule. The annual fee for a scientific or special purpose permit shall not exceed \$100. The Department shall set forth applicable regulations in an administrative rule covering qualifications and facilities needed to obtain both a scientific and a special purpose permit. The application for these permits shall be approved by the Department to determine if a permit should be issued. Disposition of fauna taken under the authority of this Section shall be specified by the Department.

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

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

(520 ILCS 5/3.23) (from Ch. 61, par. 3.23)

Sec. 3.23. Before any person shall hold, possess or engage in the raising of game mammals, game birds or migratory game birds protected by this Act, he shall procure a permit from the Department to do so. Any person desiring to possess, propagate, hold in captivity but not offer for sale any species protected by this Act may do so by acquiring either a Class A Noncommercial bird breeders permit or a Class A Noncommercial game breeders permit. Any person desiring to possess, propagate, to hold in captivity, to sell alive, for propagation or hunting purposes, sell dressed for food purposes any species protected by this Act may do so by acquiring a Class B Commercial bird breeders permit or a Class B Commercial/game breeders permit.

No person shall breed, raise, sell or offer to sell ferrets without first obtaining from the Department either a Class A

noncommercial game breeder permit or a Class B commercial game breeder permit; such permit shall not, however, authorize the use or sale of ferrets for taking any of the wild birds or wild mammals protected by this Act.

Except for a Class A noncommercial ferret permit which shall be issued free of charge, the fee for a Class A permit shall be \$10. The fee for a Class B permit shall be \$20. Both Class A and Class B permits shall expire on March 31 of each year.

Holders of wild game or bird breeder's permits may import game mammals, game birds or migratory game birds into the State of Illinois but may release the same only with the permission of the Director.

Bobwhite quail and male pheasants raised in Illinois from eggs originating in Illinois and reared under the provisions of this Act may be released and harvested by hunting during the open season provided by the regulations under Sections 2.6 and 2.7 of this Act. Hen pheasants raised in Illinois from eggs originating in Illinois and reared under the provisions of this Act may be released but may be harvested only as provided by the regulations under Sections 2.34 and 3.28 of this Act.

Licensed breeders who hold Class B permits may sell live hand-reared pheasants, bobwhite quail and chukar partridges to organized field trial clubs, or to individuals operating dog training grounds designated by the Department, to be used for field trial purposes and such pheasants, bobwhite quail and chukar partridges may be killed by shooting in connection therewith on areas approved by the Department.

Tags or decals on containers, of a type not removable without breaking or mutilating the tag or decal, shall be used to designate the carcasses of game mammals, game birds or migratory game birds raised in captivity, as provided in this Section, and all game imported legally from any source outside the State of Illinois shall be so designated with irremovable tags or decals. If such tag or decal is not provided for in the State of origin the consignor shall obtain such tags or decals from the Department to identify such carcasses. Upon the application and payment of a fee of 10 cents for such tag or decal, the Department shall furnish permittees with such tags or decals, except that the Department shall only furnish any permittee with sufficient tags or decals for the number of game mammals, game birds or migratory game birds, or parts of carcasses thereof, as may from time to time have been disposed of by the permittee. One of such tags shall be securely affixed to one of the legs of each game mammal, except deer, where a tag shall be affixed to each leg, game bird or migratory game bird before removing such game mammal, game bird or migratory game bird from the premises of the permittee, and such tags shall remain upon the leg or legs of such mammal, game bird or migratory bird until prepared for consumption. Class B permit holders who sell such species dressed for food purposes shall affix such tags to one of the legs of each game mammal, except deer, where a tag must be secured to each leg, game bird or migratory game bird or shall secure such decals on the containers in which the carcasses are transported before removing such species from the premises of the permittees.

Nothing in this Section shall be construed to give any such permittee authority to take game mammals, game birds or migratory game birds in their wild state contrary to other provisions of this Act, or to remove such permittee from responsibility for the observance of any Federal laws, rules or regulations which may apply to such game mammals, game birds or migratory game birds.

When any wild birds or wild mammals raised in captivity, or parts thereof, are transported or offered for shipment by the

holder of a permit, issued under the provisions of Sections 1.6 and 1.7 hereof, or by a licensed breeder from outside the State, such shipment shall be plainly tagged or with decals if in containers so as to show the contents thereof, the name of the shipper, his place of residence, the place from where the shipment is made, its destination, name of consignee and the number, date and type of permit under which shipment is offered.

Game and game bird breeders shall keep records of the acquisition, sale or disposition of each game mammal or game bird so raised or propagated, showing the date of such transaction, the name and address of the person acquiring or receiving such game mammal or game bird, and shall furnish such person with a certificate of purchase showing the number and kinds of game mammals or game birds so disposed of, the date of transaction, the name of the person receiving, collecting, or buying such game mammals or game birds, and such other information as the Department may require. Such records and certificates of purchase or disposition shall be immediately presented to officers or authorized employees of the Department, any Sheriff, Deputy Sheriff, or other peace officer when request is made for same.

Failure to produce such records of certificates of purchase or disposition shall be prima facie evidence that such game mammals or game birds are contraband within the State of Illinois. Records shall be maintained from the date of acquisition until 2 years after the date of disposition or sale.

Duly organized clubs and associations approved by the Department and engaged in the raising, for release only and without profit, any of the game mammals and game birds protected by this Act are exempt from the provisions of this Section.

No person shall release, hold, possess, or engage in raising San Juan (sometimes called European) rabbits or finnraccoons (sometimes called raccoon dogs) (*Nyctereutes procyonoides*) in this State and no permit shall be issued therefor.

No person shall release, or propagate for the release any *Nutria* (*Myocastor coypus*), and monk parakeet (*Myiopsitta monachus*), in this State at any time.

(Source: P.A. 95-331, eff. 8-21-07.)

(520 ILCS 5/3.24) (from Ch. 61, par. 3.24)

Sec. 3.24. Before any person, except permittees under Section 3.23 of this Act, shall engage in buying, selling or processing wild game for the purpose of buying, selling or shipping the same, including the carcasses of fur-bearing mammals, for public consumption, he shall first procure a license to do so from the Department. Dealers in deer, or any parts thereof, legally taken and possessed in and transported from, other states, shall also be licensed under the provisions of this Section. All such deer, or parts thereof, shall be marked with permanent irremovable tags, or similar devices, to establish and retain their origin and identity.

The terms "buying or selling" include buying or selling by hotel keepers, restaurant keepers and others engaged in buying or selling prepared foods for consumption.

A permit shall be procured for each separate market or place of business operated by any person who sells wild game for public consumption and for each vehicle from which game or fur-bearing mammals are sold. Such permits shall be conspicuously displayed at all times.

This permit shall be known as a processed wild game dealer's permit. It shall be issued by the Department for a fee of \$25.00 annually and shall expire on March 31st of each year. The Department may prescribe the necessary forms as may be desirable for the maintenance of records by the licensee, to record all

transactions in wild game that may be marketed under the provisions of the laws of this State and game imported legally from other states.

Nothing in this Section shall be construed to give the holder of a processed wild game dealer's permit authority to take game birds, game or fur-bearing mammals in their wild state contrary to other provisions of this Act. The person in possession of such game birds and mammals has the burden of proving the legality of his possession.

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

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

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

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

Fur-bearing mammal breeders shall keep a record for 2 years from the date of the acquisition, sale or other disposition of each live fur-bearing mammal or its green hide so raised or propagated, showing the date of such transaction, the name and address of the individual receiving or buying such live fur-bearing mammal or its green hide, and when requested to do so, shall furnish such individual with a certificate of purchase showing the number and kinds of live fur-bearing mammals or green hides so disposed of, the date of the transaction, the name and permit number of the breeder, and the name of the individual receiving, collecting, or buying such live fur-bearing mammals or green hides, and such other information as the Department may require. Such records and certificates of purchase shall be immediately presented to officers or authorized employees of the Department, any sheriff, deputy sheriff, or other peace officer when request is made for same. Failure to produce such records or certificates of purchase shall be prima facie evidence that such live fur-bearing mammals or green hides are contraband with the State of Illinois. The holder of a fur-bearing mammal breeder permit may exhibit fur-bearing mammals commercially.

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

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

The breeding, raising and producing in captivity, and the marketing, by the producer, of mink (*Mustela vison*), red fox (*Vulpes vulpes*) or arctic fox (*Alopex lagopus*), as live animals, or as animal pelts or carcasses shall be deemed an agricultural pursuit, and all such animals so raised in captivity shall be

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

No fur-bearing mammal breeder permits will be issued to hold, possess, or engage in the breeding and raising of striped skunks acquired after July 1, 1975, or coyotes acquired after July 1, 1978, except for coyotes that are held or possessed by a person who holds a hound running area permit under Section 3.26 of this Act.

(Source: P.A. 95-196, eff. 1-1-08.)

(520 ILCS 5/3.26)

Sec. 3.26. Hound running area permits; requirements.

(a) Any person owning, holding, or controlling by lease, for a term of at least 5 years, any contiguous tract of land having an area prescribed by administrative rule who desires to establish a hound running area to pursue authorized species with hounds in a way that is not designed to capture or kill the authorized species, shall apply to the Department for a hound running area permit under this Section. The application shall be made under oath of the applicant or under oath of one of the applicant's principal officers if the applicant is an association, club, or corporation. The annual fee for each hound running area permit is \$250. All hound running area permits expire on March 31 of each year.

Every applicant under this Section must also hold a fur-bearing mammal breeder permit or a Class B commercial game breeder permit, as appropriate.

Upon receipt of an application, the Department is authorized to inspect the area proposed to be a hound running area as described in the application, the general premises, the facilities where the authorized species are to be maintained or propagated, and the habitat for the authorized species. As part of the application and inspection process, the Department shall assess the ability of the applicant to operate a property as a hound running area. If the Department finds that (i) the area meets the requirements of all applicable laws and rules, (ii) the authorized species are healthy and disease free, and (iii) the issuing of the permit will otherwise be in the public interest, then the Department shall approve the application and issue the permit for the operation of the property described in the application.

(b) Hound running areas shall be operated in a manner consistent with the following:

(1) Authorized species may be pursued with dogs in a hound running area, but not in a manner or with the intent to capture or kill. The Department shall promulgate rules that establish appropriate and prohibited activities for hound running areas.

(2) Every hound running area shall have dog-proof escape areas. "Dog-proof escape area" means a culvert, brush pile, fenced refuge, or other structure suitable for use by authorized species to safely escape from dogs present on the hound running area. The number, type, and spacing of dog-proof escape areas shall be prescribed by administrative rule.

(3) Every permit holder shall promptly post on the hound running area, at intervals of not more than 500 feet, signs prescribed by the Department by administrative rule. The boundaries of the hound running area shall also be clearly defined by fencing and signs under administrative rules promulgated by the Department. The area, signs, fencing, dog-proof escape areas, and facilities to maintain the authorized species are subject to inspection by the Department at any reasonable time.

(4) A permit holder may maintain authorized species in temporary confinement facilities on the hound running area or at another location inspected by the Department and specified on the permit. Authorized species held by a permit holder may only be released into a hound running area, except that authorized species held by a permit holder may be released into the wild, exported, or given to a person that does not hold a hound running area permit or a fur-bearing mammal breeder permit or a Class B Commercial game breeders permit as appropriate, after written authorization is obtained from the Director. Prior to being released into a hound running area, all newly acquired authorized species shall be provided at least 7 days to acclimate to the hound running area in which the animal will be pursued. Authorized species held under a permit are subject to inspection by an agent of the Department and this inspection may include removal of reasonable samples for examination.

(5) Any person who releases or handles dogs on a hound running area is subject to the hunting license and habitat stamp requirements of this Act.

(6) The permit holder shall keep accurate permanent records on forms prescribed by the Department. The permanent records shall include, for each supplier of authorized species: (i) the supplier's full name, address, and telephone numbers; (ii) the number, sex, and identifier designation of each animal purchased, donated, sold, traded, or given to the permit holder by that supplier; and (iii) the date of the event or transaction. The permanent records shall also include the identification of all authorized species, while under the control of the permit holder on the area or elsewhere, by identifier designation and sex, along with information for each animal of the authorized species that gave birth, was born, died, or was disposed of in some other manner or that was sold, traded, donated, or conveyed in some other manner, and the dates on which those events occurred.

(7) Every permit holder shall attach an individually marked identifier provided by the Department to each animal of the authorized species maintained by the permit holder. The permit holder shall pay a fee for each identifier as established by the Department by administrative rule. The permit holder shall record the identifier for each animal maintained on the area or elsewhere or released into the area.

(8) Any person using the hound running area shall at all times respect the property rights of the property owners and the owners of adjacent properties, and shall not injure or destroy any livestock or property of any of those property owners. Springs and streams shall not be contaminated or polluted in any manner by persons using the hound running area. The natural use of springs and streams by dogs using the area shall not constitute contamination or pollution. Unless the express permission of the property owner has been given, no person using a hound running area may (i) mutilate or cut trees or shrubs on the hound

running area or (ii) pick berries, fruits, or nuts present on the hound running area.

(c) Except as otherwise provided by administrative rule, it is unlawful for any person to enter a hound running area at any time with a firearm, bow and arrow, or trap.

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

(e) All authorized species must be legally acquired.

(f) A person breeding or otherwise maintaining authorized species in conjunction with a hound running area must have the authorized species annually inspected and certified by a licensed Illinois veterinarian to be disease free. Anyone violating this subsection (f) is guilty of a business offense and shall be fined an amount not exceeding \$5,000.

(g) The provisions of this Section are subject to modification by administrative rule.

(Source: P.A. 95-196, eff. 1-1-08.)

(520 ILCS 5/3.27) (from Ch. 61, par. 3.27)

Sec. 3.27. Any person owning, holding or controlling, by lease, which possession must be for a term of 5 or more years, any contiguous tract of land having an area of not less than 200 acres, and not more than 1280 acres, with at least 100 acres of suitable wildlife habitat, who desires to establish a game breeding and hunting preserve area, to propagate, preserve and hunt game birds shall make application to the Department for a license as herein provided. Such application shall be made under oath of the applicant or under oath of one of its principal officers if the applicant is an association, club or corporation. In the case of releasing and harvesting hand reared mallards, the tract of land, with the approval of the Department, may be smaller than that required in this Section but in all other respects the applicant shall conform to the provisions of this Act. The application shall be accompanied by a license fee of not to exceed \$100 for a Class A license or a license fee not to exceed \$200 for a Class B license.

Every licensee under this Section shall release not less than 250 Bobwhite quail or pheasants each season.

Upon receipt of such application, the Department shall inspect the proposed licensed area described in such application and the premises and facilities where game birds are to be propagated and the cover for game birds and the ability of the applicant to operate a property of this character. If the Department finds that the area meets the requirements of all applicable laws and administrative rules and that the game birds are reasonably healthy and disease free; and that the issuing of the license will otherwise be in the public interest; the Department shall approve the application and issue the license for the operation of the property described in the application with the rights and subject to the limitations in this Act prescribed.

All game breeding and hunting preserve area licenses expire on April 30 of each year.

Upon receipt of such license, the licensee shall promptly post such licensed areas at intervals of not more than 500 feet with signs to be prescribed by the Department. The boundaries of such licensed game breeding and hunting preserve areas shall also be clearly defined by natural or artificial boundaries and by signs.

(Source: P.A. 93-554, eff. 8-20-03.)

(520 ILCS 5/3.28) (from Ch. 61, par. 3.28)

Sec. 3.28. The licensee of any licensed game breeding and hunting preserve area may take, or authorize to be taken, on licensed areas and within the season fixed and designated, and in such numbers as herein provided, the following: (a) 100% of each of the following species of game birds released within the said season: hand reared pheasants, Bobwhite quail, Hungarian partridges, Chukar partridges, Coturnix and wild turkeys; and (b) hand reared mallard ducks may be released at any time of the year for shooting purposes and 100% of those released may be harvested by shooting.

All the foregoing birds so released, except Coturnix, shall be at least 16 weeks of age before releasing the same and shall possess full plumage.

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

(520 ILCS 5/3.29) (from Ch. 61, par. 3.29)

Sec. 3.29. For the purpose of this Act, game birds shall be released upon licensed game breeding and hunting preserve areas in a manner satisfactory to the Department. The licensee shall keep a register on forms prescribed by the Department which shall clearly show the number and kind of game birds released each year, the month of release, and also the number and kind of game birds taken, the month when taken and the disposition made of such game birds, and shall submit such reports under oath as to game birds released and taken, to the Department not later than 10 days following the end of each month during the season. The Department shall keep an adequate record of the number of birds released on each licensed game breeding and hunting preserve area in each year and of the birds taken.

The Department shall prepare special tags suitable for use upon legs of game birds, including hand reared mallard ducks, which tags shall be of a type not removable without breaking and mutilating the tag, such tags to be used to designate birds taken upon a licensed game breeding and hunting preserve area, and such tag shall remain upon the leg of such game bird until such bird is finally prepared for consumption. Those licensed areas which dress game birds may affix the tag to the bag in which the dressed game birds are contained. Upon application and payment of a fee of 10 cents for each such tag, the Department shall furnish licensees with such tags. All game birds harvested on licensed areas are to be properly banded on the same day they are taken.

(Source: P.A. 93-554, eff. 8-20-03.)

(520 ILCS 5/3.30) (from Ch. 61, par. 3.30)

Sec. 3.30. Game birds may be taken upon a Class A game breeding and hunting preserve area only during the period from September 1st to April 15th of each year, both dates inclusive. Game birds may be taken upon a Class B game breeding and hunting preserve area all year.

Before any person shall take or attempt to take game birds upon such licensed game breeding and hunting preserve areas, he shall first secure a hunting license in accordance with this Act.

(Source: P.A. 93-554, eff. 8-20-03.)

(520 ILCS 5/3.31) (from Ch. 61, par. 3.31)

Sec. 3.31. The Department may designate any operator of a licensed game breeding and hunting preserve area or any of his or its agents or employees as a special representative of the Department with power to enforce the game laws and to prevent trespassing upon such property; provided that not more than two

special representatives may be appointed for each such preserve. Such special representative shall be subject to rules and regulations to be prescribed by the Department and shall serve without compensation from the Department.

(Source: P.A. 99-642, eff. 7-28-16.)

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

Sec. 3.33. The Department may either refuse to issue or refuse to renew or may suspend or may revoke any game breeding and hunting preserve area license or hound running area permit if the Department finds that such licensed area or the operator thereof is not complying or does not comply with the provisions of Section 3.35 of this Act, or that such property, or area is operated in violation of other provisions of this Act, or in an unlawful or illegal manner; however, the Department shall not refuse to issue, refuse to renew nor suspend or revoke any license for any of these causes, unless the licensee affected has been given at least 15 days notice, in writing, of the reasons for the action of the Department and an opportunity to appear before the Department or a representative thereof in opposition to the action of the Department. Upon the hearing of any such proceeding, the person designated by the Department to conduct the hearing may administer oaths and the Department may procure, by its subpoena, the attendance of witnesses and the production of relevant books and papers. The Circuit Court upon application either of the licensee affected, or of the Department, may, on order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department or its representative in any such hearing. Upon refusal or neglect to obey its order, the Court may compel obedience by proceedings for contempt of court.

(Source: P.A. 95-196, eff. 1-1-08.)

(520 ILCS 5/3.34)

Sec. 3.34. (Repealed).

(Source: P.A. 89-445, eff. 2-7-96. Repealed by P.A. 97-431, eff. 8-16-11.)

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

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

Any hound running area permit holder, or any other person, who intentionally transfers an identifier issued to the permit holder for a hound running area to another permit holder for a hound running area, or to any other person, or who affixes such an identifier to any of the authorized species under Section 3.26 that was not maintained at a hound running area, is guilty of a Class B misdemeanor.

(Source: P.A. 95-196, eff. 1-1-08.)

(520 ILCS 5/3.36) (from Ch. 61, par. 3.36)

Sec. 3.36. Revocation and suspension.

(a) Whenever a license or permit is issued to any person under this Act, and the holder thereof is found guilty of any misrepresentation in obtaining such license or permit or of a violation of Section 48-3 of the Criminal Code of 2012 or a violation of any of the provisions of this Act, including

administrative rules, his license or permit may be revoked by the Department, and the Department may refuse to issue any permit or license to such person and may suspend the person from engaging in the activity requiring the permit or license for a period of time not to exceed 5 years following such revocation.

Department revocation procedures shall be established by Administrative rule.

(b) Whenever any person who has not been issued a license or a permit under the provisions of this Code is found guilty of a violation of Section 48-3 of the Criminal Code of 2012 or a violation of the provisions of this Code, including administrative rules, the Department may refuse to issue any permit or license to that person, and suspend that person from engaging in the activity requiring the permit or license for a period of time not to exceed 5 years.

(c) Any person who knowingly or intentionally violates any of the provisions of this Act, including administrative rules, during such period when his license or permit is revoked or denied by virtue of this Section or during the time he is suspended under subsection (b), shall be guilty of a Class A misdemeanor. The penalties for a violation of Section 48-3 of the Criminal Code of 2012 shall be as provided in that Section.

(d) Licenses and permits authorized to be issued under the provisions of this Act shall be prepared by the Department and be in such form as prescribed by the Department. The information required on each license shall be completed thereon by the issuing agent or his sub-agent at the time of issuance and each license shall be signed by the licensee, or initialed by the designated purchaser and then signed immediately upon receipt by the licensee, and countersigned by the issuing agent or his sub-agent at the time of issuance. All such licenses shall be supplied by the Department, subject to such rules and regulations as the Department may prescribe. Any license not properly prepared, obtained and signed as required by this Act shall be void.

(e) A person whose license or permit to engage in any activity regulated by this Code has been suspended or revoked may not, during the period of the suspension or revocation or until obtaining such a license or permit, (i) be in the company of any person engaging in the activity covered by the suspension or revocation or (ii) serve as a guide, outfitter, or facilitator for a person who is engaged or prepared to engage in the activity covered by the suspension or revocation.

(f) No person may be issued or obtain a license or permit or engage in any activity regulated by this Code during the time that the person's privilege to engage in the same or similar activities is suspended or revoked by another state, by a federal agency, or by a province of Canada.

(Source: P.A. 98-402, eff. 8-16-13.)

(520 ILCS 5/3.37) (from Ch. 61, par. 3.37)

Sec. 3.37. The Department of Natural Resources has the authority to designate agents to sell licenses, stamps and permits on behalf of the Department. Any person receiving licenses from the Department for sale as provided for in this Section, shall execute and deliver receipts therefor; and shall on dates specified by the Department report in writing to the Department the number and kind of licenses sold, and shall, with such reports, make remittances to the Department covering the amounts received from such sales. Failure on the part of any clerk or agent to fully comply with this Act, including administrative rules, shall be justification for the Department to cancel or withdraw the issuance of licenses through such clerks or agents. A Federal Migratory Bird Hunting and

Conservation Stamp shall be deemed a license for the purpose of this Section. Any person authorized by the Department including any county, city, village, township, or incorporated town clerk issuing licenses, permits or stamps provided for in this Act, may add the following as the fees for issuing such licenses: 75 cents in the case of Sportsmen's Combination Licenses or nonresident hunting licenses, and 50 cents in the case of all other licenses, permits and stamps. However, such clerks shall remit to the treasurer of the political subdivision of which he is an officer or employee, the added fees or any portion thereof he or she collects provided in this Section. Issuing fees may be divided between such clerks and their appointed subagents other than employees of the clerk's office, but in no case may any clerk or subagent charge an issuing fee or fees totaling more than the issuing fee set out in this Section. No person, or subagent of any county, city, village, township or incorporated town clerk may charge a service fee for issuing licenses provided for in this Act, and the charging of fees for issuing such licenses in excess of the fees authorized is a petty offense. All fees, less issuing fees, collected from the sale of licenses and permits and not remitted to the Department as provided in this Section, shall be deemed to have been embezzled and the person or officer responsible for such remittance is subject to prosecution. Any person authorized to issue licenses by telephone and electronic transmission or incurring costs for customer convenience may charge in addition to the "issuing fee" authorized by this Section a fee not to exceed an amount set by the Department, by administrative rule, to cover the transaction cost.

(Source: P.A. 89-445, eff. 2-7-96; 90-225, eff. 7-25-97; 90-743, eff. 1-1-99.)

(520 ILCS 5/3.38) (from Ch. 61, par. 3.38)

Sec. 3.38. Within 30 days after the expiration of the time in which any class of license is usable, payment for licenses sold shall be made in full to the Department and the respective persons possessed of blank forms thereof shall return same to the Department prepaid.

No person is permitted to make deductions from remittances sent to the Department for postage, or for the cost of, or fees for, drafts or money orders.

Any county, city, village, township or incorporated town clerk handling or selling licenses as aforesaid is liable to the State personally. All other persons designated or appointed by the Department to handle or sell licenses as aforesaid shall before receiving such licenses for sale file with the Department a bond in an amount specified by the Department on a form to be approved by and with a surety or sureties satisfactory to the Department conditioned upon such person or persons paying to the State of Illinois all monies becoming due by reason of the sale of the licenses.

No person handling or selling licenses is required to remit for any license heretofore or hereafter stolen, by means of forcible entry, or destroyed by a fire in the premises where such licenses are kept, if he submits an affidavit to the Department describing the circumstances pertaining to such theft or causing such destruction and listing therein the type and numbers of the licenses so stolen or destroyed.

(Source: P.A. 81-382.)

(520 ILCS 5/3.39) (from Ch. 61, par. 3.39)

Sec. 3.39. Residents of the State of Illinois may obtain a Sportsmen's Combination License which shall entitle the holder to the same non-commercial fishing privileges as residents

holding a fishing license described in subparagraph (a) of Section 20-45 of the Fish and Aquatic Life Code, and to the same hunting privileges as residents holding a license to hunt all species, as described in Section 3.1 of this Act. However, no Sportsmen's Combination License shall be issued to any person who would be ineligible for either the fishing or hunting license separately. The Sportsmen's Combination License fee shall be \$25.50. For residents age 65 or older, the fee is one-half of the fee charged for a Sportsmen's Combination License. (Source: P.A. 96-831, eff. 1-1-10.)

(520 ILCS 5/3.40) (from Ch. 61, par. 3.40)

Sec. 3.40. Accidents; Reports - Transmittal of information. Accidents involving serious personal injury resulting from any action of a person who is directly involved in a hunting activity with a firearm or bow and arrow device or directly engaged in a trapping activity under the jurisdiction of this Act shall be subject to the following:

(a) Any person involved in an accident, as stated above, so far as he can do so without serious danger to himself and others, if any, shall render to other persons affected by the accident such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the accident, and also shall give his name and address to any person injured and to the owner of any property upon which the accident occurred.

(b) In the case of an accident, each person involved, if the accident results in death or injury to a person, shall file with the Department a full description of the accident, including such information as the Department may, by regulation, require. Reports of such accidents must be filed with the Department on a Department Accident Report form within 5 days.

(c) All required accident reports and supplemental reports are without prejudice to the individual so reporting, and are for the confidential use of the Department, except that the Department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report may be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Department must furnish upon demand of any person who claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department, solely to prove a compliance or a failure to comply with the requirements that such a report be made to the Department. (Source: P.A. 84-150.)

(520 ILCS 5/4.1) (from Ch. 61, par. 4.1)

Sec. 4.1. Whenever the word "transport" or "ship" is used in this Act, it shall include parcel post, United States Postal Service, express, freight, baggage or shipment by common carrier of any description; or by automobile, motorcycle or other vehicle of any kind; or by water or aircraft of any kind, or by any other means whatsoever.

Except as provided in Sections 2.18, 3.16, 3.23 and 3.25, it shall be lawful to ship or transport within the State any of the wild birds or wild mammals protected herein only if there is attached to every box, package, crate, or other receptacle containing wild birds or wild mammals shipped, or offered for shipment, a tag showing the different varieties of wild birds or wild mammals contained therein, the number of each variety, the name and address of the consignor, and of the consignee, and the number of the consignor's license.

It shall be unlawful for any person to carry with him or

transport as baggage on any train or conveyance for which he or she has purchased a transportation ticket, more than one package at any one time containing more than the possession limit of wild birds or wild mammals as provided in this Act. When the package containing the lawful amount is offered as baggage, the same shall be plainly labeled to show the name of the person transporting the same and the place to which it is being transported.

(Source: P.A. 81-382.)

(520 ILCS 5/4.2) (from Ch. 61, par. 4.2)

Sec. 4.2. It shall be unlawful for a non-resident of the State to transport from the State any wild mammals and wild birds protected by the provisions hereof except when they are carried, opened to inspection, in the personal possession of the owner thereof, who has in his or her possession at the time of so doing a non-resident hunting license, tag or permit.

Migratory game birds may be transported or shipped according to Federal regulations.

(Source: P.A. 85-152.)

(520 ILCS 5/4.3) (from Ch. 61, par. 4.3)

Sec. 4.3. It shall be unlawful for transportation companies or common carriers knowingly to transport into this State from without the State, any wild bird or wild mammal protected under the provisions hereof, illegally taken and shipped contrary to any laws, rules or regulations of the State of origin. Migratory game birds may be transported or shipped according to Federal regulations.

(Source: P.A. 77-1781.)

(520 ILCS 5/4.4) (from Ch. 61, par. 4.4)

Sec. 4.4. Should any court hold any section, subdivision, clause, phrase, or provision of this Act to be unconstitutional or invalid for any reason whatsoever such holdings shall not affect the validity of the remaining portions of this Act.

(Source: P.A. 78-255.)

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