



Rep. Ed Sullivan, Jr.

Filed: 3/26/2012

09700HB4819ham001

LRB097 17121 CEL 67814 a

1 AMENDMENT TO HOUSE BILL 4819

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4819 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Wildlife Code is amended by changing  
5 Sections 2.25, 2.26, and 2.33 as follows:

6 (520 ILCS 5/2.25) (from Ch. 61, par. 2.25)

7 Sec. 2.25. It shall be unlawful for any person to take deer  
8 except (i) with a shotgun, handgun, or muzzleloading rifle or  
9 (ii) as provided by administrative rule, with a bow and arrow  
10 or crossbow device ~~for handicapped persons, as defined in~~  
11 ~~Section 2.33, and persons age 62 or older~~ during the open  
12 season of not more than 14 days which will be set annually by  
13 the Director between the dates of November 1st and December  
14 31st, both inclusive, or a special 2-day, youth-only season  
15 between the dates of September 1 and October 31. For the  
16 purposes of this Section, legal handguns include any centerfire

1 handguns of .30 caliber or larger with a minimum barrel length  
2 of 4 inches. The only legal ammunition for a centerfire handgun  
3 is a cartridge of .30 caliber or larger with a capability of at  
4 least 500 foot pounds of energy at the muzzle. Full metal  
5 jacket bullets may not be used to harvest deer.

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

9 It shall be unlawful for any person to take deer except  
10 with a bow and arrow<sup>7</sup> or crossbow device ~~for handicapped~~  
11 ~~persons, as defined in Section 2.33, and persons age 62 or~~  
12 ~~older~~ during the open season for bow and arrow set annually by  
13 the Director between the dates of September 1st and January  
14 31st, both inclusive.

15 It shall be unlawful for any person to take deer except  
16 with (i) a muzzleloading rifle, or (ii) bow and arrow<sup>7</sup> or  
17 crossbow device ~~for handicapped persons, as defined in Section~~  
18 ~~2.33, and persons age 62 or older~~ during the open season for  
19 muzzleloading rifles set annually by the Director.

20 The Director shall cause an administrative rule setting  
21 forth the prescribed rules and regulations, including bag and  
22 possession limits and those counties of the State where open  
23 seasons are established, to be published in accordance with  
24 Sections 1.3 and 1.13 of this Act.

25 The Department may establish separate harvest periods for  
26 the purpose of managing or eradicating disease that has been

1 found in the deer herd. This season shall be restricted to gun  
2 or bow and arrow hunting only. The Department shall publicly  
3 announce, via statewide news release, the season dates and  
4 shooting hours, the counties and sites open to hunting, permit  
5 requirements, application dates, hunting rules, legal weapons,  
6 and reporting requirements.

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

23 (Source: P.A. 94-919, eff. 6-26-06; 95-13, eff. 1-1-08; 95-329,  
24 eff. 8-21-07; 95-876, eff. 8-21-08.)

1           Sec. 2.26. Deer hunting permits. In this Section, "bona  
2 fide equity shareholder" means an individual who (1) purchased,  
3 for market price, publicly sold stock shares in a corporation,  
4 purchased shares of a privately-held corporation for a value  
5 equal to the percentage of the appraised value of the corporate  
6 assets represented by the ownership in the corporation, or is a  
7 member of a closely-held family-owned corporation and has  
8 purchased or been gifted with shares of stock in the  
9 corporation accurately reflecting his or her percentage of  
10 ownership and (2) intends to retain the ownership of the shares  
11 of stock for at least 5 years.

12           In this Section, "bona fide equity member" means an  
13 individual who (1) (i) became a member upon the formation of  
14 the limited liability company or (ii) has purchased a  
15 distributional interest in a limited liability company for a  
16 value equal to the percentage of the appraised value of the LLC  
17 assets represented by the distributional interest in the LLC  
18 and subsequently becomes a member of the company pursuant to  
19 Article 30 of the Limited Liability Company Act and who (2)  
20 intends to retain the membership for at least 5 years.

21           In this Section, "bona fide equity partner" means an  
22 individual who (1) (i) became a partner, either general or  
23 limited, upon the formation of a partnership or limited  
24 partnership, or (ii) has purchased, acquired, or been gifted a  
25 partnership interest accurately representing his or her  
26 percentage distributional interest in the profits, losses, and

1 assets of a partnership or limited partnership, (2) intends to  
2 retain ownership of the partnership interest for at least 5  
3 years, and (3) is a resident of Illinois.

4 Any person attempting to take deer shall first obtain a  
5 "Deer Hunting Permit" issued by the Department in accordance  
6 with its administrative rules. Those rules must provide for the  
7 issuance of the following types of resident deer archery  
8 permits: (i) a combination permit, consisting of one either-sex  
9 permit and one antlerless-only permit, (ii) a single  
10 antlerless-only permit, and (iii) a single either-sex permit.

11 The fee for a Deer Hunting Permit to take deer with either bow  
12 and arrow or gun shall not exceed \$25.00 for residents of the  
13 State. The Department may by administrative rule provide for  
14 non-resident deer hunting permits for which the fee will not  
15 exceed \$300 in 2005, \$350 in 2006, and \$400 in 2007 and  
16 thereafter except as provided below for non-resident  
17 landowners and non-resident archery hunters. The Department  
18 may by administrative rule provide for a non-resident archery  
19 deer permit consisting of not more than 2 harvest tags at a  
20 total cost not to exceed \$325 in 2005, \$375 in 2006, and \$425  
21 in 2007 and thereafter. Permits shall be issued without charge  
22 to:

23 (a) Illinois landowners residing in Illinois who own at  
24 least 40 acres of Illinois land and wish to hunt their land  
25 only,

26 (b) resident tenants of at least 40 acres of commercial

1 agricultural land where they will hunt, and

2 (c) Bona fide equity shareholders of a corporation,  
3 bona fide equity members of a limited liability company, or  
4 bona fide equity partners of a general or limited  
5 partnership which owns at least 40 acres of land in a  
6 county in Illinois who wish to hunt on the corporation's,  
7 company's, or partnership's land only. One permit shall be  
8 issued without charge to one bona fide equity shareholder,  
9 one bona fide equity member, or one bona fide equity  
10 partner for each 40 acres of land owned by the corporation,  
11 company, or partnership in a county; however, the number of  
12 permits issued without charge to bona fide equity  
13 shareholders of any corporation or bona fide equity members  
14 of a limited liability company in any county shall not  
15 exceed 15, and shall not exceed 3 in the case of bona fide  
16 equity partners of a partnership.

17 Bona fide landowners or tenants who do not wish to hunt  
18 only on the land they own, rent, or lease or bona fide equity  
19 shareholders, bona fide equity members, or bona fide equity  
20 partners who do not wish to hunt only on the land owned by the  
21 corporation, limited liability company, or partnership shall  
22 be charged the same fee as the applicant who is not a  
23 landowner, tenant, bona fide equity shareholder, bona fide  
24 equity member, or bona fide equity partner. Nonresidents of  
25 Illinois who own at least 40 acres of land and wish to hunt on  
26 their land only shall be charged a fee set by administrative

1 rule. The method for obtaining these permits shall be  
2 prescribed by administrative rule.

3 The deer hunting permit issued without fee shall be valid  
4 on all farm lands which the person to whom it is issued owns,  
5 leases or rents, except that in the case of a permit issued to  
6 a bona fide equity shareholder, bona fide equity member, or  
7 bona fide equity partner, the permit shall be valid on all  
8 lands owned by the corporation, limited liability company, or  
9 partnership in the county.

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

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

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

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

26 It shall be unlawful for any person to take deer by use of

1 dogs, horses, automobiles, aircraft or other vehicles, or by  
2 the use or aid of bait or baiting of any kind. For the purposes  
3 of this Section, "bait" means any material, whether liquid or  
4 solid, including food, salt, minerals, and other products that  
5 can be ingested, placed, or scattered in such a manner as to  
6 attract or lure white-tailed deer. "Baiting" means the  
7 placement or scattering of bait to attract deer. An area is  
8 considered as baited during the presence of and for 10  
9 consecutive days following the removal of bait. Nothing in this  
10 Section shall prohibit the use of a dog to track wounded deer.  
11 Any person using a dog for tracking wounded deer must maintain  
12 physical control of the dog at all times by means of a maximum  
13 50 foot lead attached to the dog's collar or harness. Tracking  
14 wounded deer is permissible at night, but at no time outside of  
15 legal deer hunting hours or seasons shall any person handling  
16 or accompanying a dog being used for tracking wounded deer be  
17 in possession of any firearm or archery device. Persons  
18 tracking wounded deer with a dog during the firearm deer  
19 seasons shall wear blaze orange as required. Dog handlers  
20 tracking wounded deer with a dog are exempt from hunting  
21 license and deer permit requirements so long as they are  
22 accompanied by the licensed deer hunter who wounded the deer.

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



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

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

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

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

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

14          It shall be legal ~~for handicapped persons, as defined in~~  
15 ~~Section 2.33, and persons age 62 or older~~ to utilize a crossbow  
16 device, as defined in Department rules, to take deer.

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

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

25          For the purposes of taking white-tailed deer, nothing in  
26 this Section shall be construed to prevent the manipulation,

1 including mowing or cutting, of standing crops as a normal  
2 agricultural or soil stabilization practice, food plots, or  
3 normal agricultural practices, including planting, harvesting,  
4 and maintenance such as cultivating or the use of products  
5 designed for scent only and not capable of ingestion, solid or  
6 liquid, placed or scattered, in such a manner as to attract or  
7 lure deer. Such manipulation for the purpose of taking  
8 white-tailed deer may be further modified by administrative  
9 rule.

10 (Source: P.A. 96-162, eff. 1-1-10; 96-831, eff. 1-1-10;  
11 96-1042, eff. 1-1-11; 97-564, eff. 8-25-11.)

12 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

13 Sec. 2.33. Prohibitions.

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

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

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

1 provided in Section 2.37.

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

6 (e) (Blank).

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

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

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

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

26 (j) It is unlawful to use any shotgun larger than 10 gauge

1 while taking or attempting to take any of the species protected  
2 by this Act.

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

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

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

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

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

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

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

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

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

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

25 (t) It is unlawful for any person to trap or hunt, or  
26 intentionally or wantonly allow a dog to hunt, within or upon

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

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

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

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

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

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

19          (z) It is unlawful to take any game bird (excluding wild  
20 turkeys and crippled pheasants not capable of normal flight and  
21 otherwise irretrievable) protected by this Act when not flying.  
22 Nothing in this Section shall prohibit a person from carrying  
23 an uncased, unloaded shotgun in a boat, while in pursuit of a  
24 crippled migratory waterfowl that is incapable of normal  
25 flight, for the purpose of attempting to reduce the migratory  
26 waterfowl to possession, provided that the attempt is made

1 immediately upon downing the migratory waterfowl and is done  
2 within 400 yards of the blind from which the migratory  
3 waterfowl was downed. This exception shall apply only to  
4 migratory game birds that are not capable of normal flight.  
5 Migratory waterfowl that are crippled may be taken only with a  
6 shotgun as regulated by subsection (j) of this Section using  
7 shotgun shells as regulated in subsection (k) of this Section.

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

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

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

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

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

25 (ff) It is unlawful for any person to take any species  
26 protected by this Act, except migratory waterfowl, during the



1 gun deer hunting season in those counties open to gun deer  
2 hunting, unless he or she wears, when in the field, a cap and  
3 upper outer garment of a solid blaze orange color, with such  
4 articles of clothing displaying a minimum of 400 square inches  
5 of blaze orange material.

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

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

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

21 (jj) Nothing contained in this Section shall prohibit the  
22 use of bow and arrow, prohibit the use of a crossbow ~~by persons~~  
23 ~~age 62 or older~~, or prevent the Director from issuing permits  
24 to use a crossbow to handicapped persons as provided by  
25 administrative rule. As used herein, "handicapped persons"  
26 means those persons who have a physical impairment due to

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

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

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

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

25 (Source: P.A. 96-390, eff. 8-13-09; 97-645, eff. 12-30-11.)

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