



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2549

Introduced 2/19/2021, by Rep. Andrew S. Chesney and Amy Elik

SYNOPSIS AS INTRODUCED:

520 ILCS 5/1.2m-0.5 new	
520 ILCS 5/2.25	from Ch. 61, par. 2.25
520 ILCS 5/2.26	from Ch. 61, par. 2.26
520 ILCS 5/2.33	from Ch. 61, par. 2.33

Amends the Wildlife Code. Permits deer hunting with a rifle. Provides that current ammunition and caliber restrictions on handguns that may be used for hunting deer also apply to rifles. Provides that current restrictions limiting deer hunting to persons having a firearm deer hunting permit to taking 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 bow and arrow also apply to the taking of deer with a rifle. Repeals a provision prohibiting the possession of a rifle while in the field during firearm deer season. Defines "rifle".

LRB102 10984 KMF 16316 b

1 AN ACT concerning wildlife.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Wildlife Code is amended by changing
5 Sections 2.25, 2.26, and 2.33 and by adding Section 1.2m-0.5
6 as follows:

7 (520 ILCS 5/1.2m-0.5 new)

8 Sec. 1.2m-0.5. Rifle. "Rifle" means any firearm designed,
9 made, or adapted to be fired from the shoulder that uses the
10 energy of an explosive in a fixed metallic cartridge to fire a
11 projectile through a rifled bore by a single function of the
12 trigger.

13 (520 ILCS 5/2.25) (from Ch. 61, par. 2.25)

14 Sec. 2.25. It shall be unlawful for any person to take deer
15 except: (i) with a shotgun, handgun, rifle, or muzzleloading
16 rifle; or (ii) as provided by administrative rule, with a bow
17 and arrow, during the open season of not more than 14 days
18 which will be set annually by the Director between the dates of
19 November 1st and December 31st, both inclusive, or a special
20 3-day, youth-only season between the dates of September 1 and
21 October 31. For the purposes of this Section, legal handguns
22 and rifles include any bottleneck centerfire cartridge

1 ~~handguns~~ of .30 caliber or larger with a case length not
2 exceeding 1.4 inches or any straight walled ~~minimum barrel~~
3 ~~length of 4 inches. The only legal ammunition for a centerfire~~
4 ~~handgun is a~~ cartridge of .30 caliber or larger both of which
5 must be available as a load with the published ballistic
6 tables of the manufacturer showing a ~~with a~~ capability of at
7 least 500 foot pounds of energy at the muzzle. The barrel of a
8 handgun shall be at least 4 inches. Full metal jacket bullets
9 may not be used to harvest deer.

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

13 It shall be unlawful for any person to take deer except
14 with a bow and arrow during the open season for bow and arrow
15 set annually by the Director between the dates of September
16 1st and January 31st, both inclusive.

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

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

26 The Department may establish separate harvest periods for

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

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

24 Beginning July 1, 2019, and on an annual basis thereafter,
25 the Department shall provide a report to the General Assembly
26 providing information regarding deer management programs

1 established by the Code or by administrative rule that
2 includes: (1) the number of surplus deer taken during each
3 separate harvest season; (2) the number of deer found to have a
4 communicable disease or other abnormality; and (3) what
5 happens to the deer taken during each separate harvest season.
6 (Source: P.A. 101-66, eff. 7-12-19.)

7 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

8 Sec. 2.26. Deer hunting permits. Any person attempting to
9 take deer shall first obtain a "Deer Hunting Permit" issued by
10 the Department in accordance with its administrative rules.
11 Those rules must provide for the issuance of the following
12 types of resident deer archery permits: (i) a combination
13 permit, consisting of one either-sex permit and one
14 antlerless-only permit, (ii) a single antlerless-only permit,
15 and (iii) a single either-sex permit. The fee for a Deer
16 Hunting Permit to take deer with either bow and arrow or gun
17 shall not exceed \$25.00 for residents of the State. The
18 Department may by administrative rule provide for non-resident
19 deer hunting permits for which the fee will not exceed \$300 in
20 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as
21 provided below for non-resident landowners and non-resident
22 archery hunters. The Department may by administrative rule
23 provide for a non-resident archery deer permit consisting of
24 not more than 2 harvest tags at a total cost not to exceed \$325
25 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. The

1 fees for a youth resident and non-resident archery deer permit
2 shall be the same.

3 The Department shall create a pilot program during the
4 special 3-day, youth-only deer hunting season to allow for
5 youth deer hunting permits that are valid statewide, excluding
6 those counties or portions of counties closed to firearm deer
7 hunting. The Department shall adopt rules to implement the
8 pilot program. Nothing in this paragraph shall be construed to
9 prohibit the Department from issuing Special Hunt Area Permits
10 for the youth-only deer hunting season or establishing,
11 through administrative rule, additional requirements
12 pertaining to the youth-only deer hunting season on
13 Department-owned or Department-managed sites, including
14 site-specific quotas or drawings. The provisions of this
15 paragraph are inoperative on and after January 1, 2023.

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

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

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

1 ~~muzzle-loading~~ rifle.

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

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

1 solid blaze pink color as required. Dog handlers tracking
2 wounded deer with a dog are exempt from hunting license and
3 deer permit requirements so long as they are accompanied by
4 the licensed deer hunter who wounded the deer.

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

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

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

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

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

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

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

25 For the purposes of calculating acreage under this
26 Section, the Department shall, after determining the total

1 acreage of the applicable tract or tracts of land, round
2 remaining fractional portions of an acre greater than or equal
3 to half of an acre up to the next whole acre.

4 For the purposes of taking white-tailed deer, nothing in
5 this Section shall be construed to prevent the manipulation,
6 including mowing or cutting, of standing crops as a normal
7 agricultural or soil stabilization practice, food plots, or
8 normal agricultural practices, including planting, harvesting,
9 and maintenance such as cultivating or the use of products
10 designed for scent only and not capable of ingestion, solid or
11 liquid, placed or scattered, in such a manner as to attract or
12 lure deer. Such manipulation for the purpose of taking
13 white-tailed deer may be further modified by administrative
14 rule.

15 (Source: P.A. 100-691, eff. 1-1-19; 100-949, eff. 1-1-19;
16 101-81, eff. 7-12-19; 101-444, eff. 6-1-20.)

17 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

18 Sec. 2.33. Prohibitions.

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

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

1 located underwater at all times.

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

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

11 (e) (Blank).

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

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

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

19 (i) It is unlawful to take, pursue or intentionally harass
20 or disturb in any manner any wild birds or mammals by use or
21 aid of any vehicle or conveyance, except as permitted by the
22 Code of Federal Regulations for the taking of waterfowl. It is
23 also unlawful to use the lights of any vehicle or conveyance or
24 any light from or any light connected to the vehicle or
25 conveyance in any area where wildlife may be found except in
26 accordance with Section 2.37 of this Act; however, nothing in

1 this Section shall prohibit the normal use of headlamps for
2 the purpose of driving upon a roadway. Striped skunk, opossum,
3 red fox, gray fox, raccoon, bobcat, and coyote may be taken
4 during the open season by use of a small light which is worn on
5 the body or hand-held by a person on foot and not in any
6 vehicle.

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

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

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

22 (m) It is unlawful to use any shotgun capable of holding
23 more than 3 shells in the magazine or chamber combined, except
24 on game breeding and hunting preserve areas licensed under
25 Section 3.27 and except as permitted by the Code of Federal
26 Regulations for the taking of waterfowl. If the shotgun is

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

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

19 (o) (Blank).

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

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

26 (r) It is unlawful to discharge any gun or bow and arrow

1 device along, upon, across, or from any public right-of-way or
2 highway in this State.

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

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

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

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

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

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

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

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

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

24 (bb) It is unlawful for any person, except licensed game
25 breeders, pursuant to Section 2.29 to import, carry into, or
26 possess alive in this State any species of wildlife taken

1 outside of this State, without obtaining permission to do so
2 from the Director.

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

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

9 (ee) (Blank). ~~It is unlawful to possess any rifle while in~~
10 ~~the field during gun deer season except as provided in Section~~
11 ~~2.26 and administrative rules.~~

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

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

26 (hh) It shall be unlawful to kill or cripple any species

1 protected by this Act for which there is a bag limit without
2 making a reasonable effort to retrieve such species and
3 include such in the bag limit. It shall be unlawful for any
4 person having control over harvested game mammals, game birds,
5 or migratory game birds for which there is a bag limit to
6 wantonly waste or destroy the usable meat of the game, except
7 this shall not apply to wildlife taken under Sections 2.37 or
8 3.22 of this Code. For purposes of this subsection, "usable
9 meat" means the breast meat of a game bird or migratory game
10 bird and the hind ham and front shoulders of a game mammal. It
11 shall be unlawful for any person to place, leave, dump, or
12 abandon a wildlife carcass or parts of it along or upon a
13 public right-of-way or highway or on public or private
14 property, including a waterway or stream, without the
15 permission of the owner or tenant. It shall not be unlawful to
16 discard game meat that is determined to be unfit for human
17 consumption.

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

23 (jj) (Blank).

24 (kk) Nothing contained in this Section shall prohibit the
25 Director from issuing permits to paraplegics or to other
26 persons with disabilities who meet the requirements set forth

1 in administrative rule to shoot or hunt from a vehicle as
2 provided by that rule, provided that such is otherwise in
3 accord with this Act.

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

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

17 (nn) It shall be unlawful to possess any species of
18 wildlife or wildlife parts taken unlawfully in Illinois, any
19 other state, or any other country, whether or not the wildlife
20 or wildlife parts is indigenous to Illinois. For the purposes
21 of this subsection, the statute of limitations for unlawful
22 possession of wildlife or wildlife parts shall not cease until
23 2 years after the possession has permanently ended.

24 (Source: P.A. 99-33, eff. 1-1-16; 99-143, eff. 7-27-15;
25 99-642, eff. 7-28-16; 100-489, eff. 9-8-17; 100-949, eff.
26 1-1-19.)