



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4679

Introduced 1/21/2022, by Rep. Tony McCombie

#### 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. Defines "rifle" as any firearm designed, made, or adapted to be fired from the shoulder that uses the energy of an explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger. Permits hunting with a rifle for the taking of deer; makes related changes. Provides that legal handguns and rifles include any bottleneck centerfire cartridge of .30 caliber or larger with a case length not exceeding 1.4 inches or any straight walled centerfire cartridge of .30 caliber or larger both of which must be available as a load with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle.

LRB102 23517 CMG 32698 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 2.6, 2.7, 2.11, 2.13, 2.25, 2.26, 2.27, 2.28, and  
6 2.33 and by adding Section 1.2m-0.5 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 ~~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.

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

25 Beginning July 1, 2019, and on an annual basis thereafter,  
26 the Department shall provide a report to the General Assembly

1 providing information regarding deer management programs  
2 established by the Code or by administrative rule that  
3 includes: (1) the number of surplus deer taken during each  
4 separate harvest season; (2) the number of deer found to have a  
5 communicable disease or other abnormality; and (3) what  
6 happens to the deer taken during each separate harvest season.  
7 (Source: P.A. 101-66, eff. 7-12-19; 102-314, eff. 1-1-22.)

8 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

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

1 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. The  
2 fees for a youth resident and non-resident archery deer permit  
3 shall be the same.

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

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

20 No person may have in his or her possession any firearm not  
21 authorized by administrative rule for a specific hunting  
22 season when taking deer unless in accordance with the Firearm  
23 Concealed Carry Act.

24 Persons having a firearm deer hunting permit shall be  
25 permitted to take deer only during the period from 1/2 hour  
26 before sunrise to 1/2 hour after sunset, and only during those

1 days for which an open season is established for the taking of  
2 deer by use of shotgun, handgun, rifle, or muzzleloading  
3 ~~muzzle loading~~ rifle.

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

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

1 or archery device. Persons tracking wounded deer with a dog  
2 during the firearm deer seasons shall wear blaze orange or  
3 solid blaze pink color as required. Dog handlers tracking  
4 wounded deer with a dog are exempt from hunting license and  
5 deer permit requirements so long as they are accompanied by  
6 the licensed deer hunter who wounded the deer.

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

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

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

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

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

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

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



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

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

17 (Source: P.A. 101-81, eff. 7-12-19; 101-444, eff. 6-1-20;  
18 102-237, eff. 1-1-22.)

19 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

20 Sec. 2.33. Prohibitions.

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

23 (b) It is unlawful to use or possess any snare or  
24 snare-like device, deadfall, net, or pit trap to take any  
25 species, except that snares not powered by springs or other

1 mechanical devices may be used to trap fur-bearing mammals, in  
2 water sets only, if at least one-half of the snare noose is  
3 located underwater at all times.

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

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

13 (e) (Blank).

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

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

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

21 (i) It is unlawful to take, pursue or intentionally harass  
22 or disturb in any manner any wild birds or mammals by use or  
23 aid of any vehicle or conveyance, except as permitted by the  
24 Code of Federal Regulations for the taking of waterfowl. It is  
25 also unlawful to use the lights of any vehicle or conveyance or  
26 any light from or any light connected to the vehicle or

1 conveyance in any area where wildlife may be found except in  
2 accordance with Section 2.37 of this Act; however, nothing in  
3 this Section shall prohibit the normal use of headlamps for  
4 the purpose of driving upon a roadway. Striped skunk, opossum,  
5 red fox, gray fox, raccoon, bobcat, and coyote may be taken  
6 during the open season by use of a small light which is worn on  
7 the body or hand-held by a person on foot and not in any  
8 vehicle.

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

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

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

24 (m) It is unlawful to use any shotgun capable of holding  
25 more than 3 shells in the magazine or chamber combined, except  
26 on game breeding and hunting preserve areas licensed under

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

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

22 (o) (Blank).

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

26 (q) It is unlawful to fire a rifle, pistol, revolver or

1     airgun on, over or into any waters of this State, including  
2     frozen waters.

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

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

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

1 regarding this notice shall not be rendered inadmissible by  
2 the hearsay rule when offered for the purpose of showing the  
3 required notice.

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

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

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

26 (x) It is unlawful for any person to wantonly or

1 carelessly injure or destroy, in any manner whatsoever, any  
2 real or personal property on the land of another while engaged  
3 in hunting or trapping thereon.

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

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

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

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

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

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

12 (ee) (Blank). ~~It is unlawful to possess any rifle while in~~  
13 ~~the field during gun deer season except as provided in Section~~  
14 ~~2.26 and administrative rules.~~

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

23 (gg) It is unlawful during the upland game season for any  
24 person to take upland game with a firearm unless he or she  
25 wears, while in the field, a cap of solid blaze orange color or  
26 solid blaze pink color. For purposes of this Act, upland game



1 is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked  
2 Pheasant, Eastern Cottontail and Swamp Rabbit.

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

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

26 (jj) (Blank).

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

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

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

20           (nn) It shall be unlawful to possess any species of  
21 wildlife or wildlife parts taken unlawfully in Illinois, any  
22 other state, or any other country, whether or not the wildlife  
23 or wildlife parts is indigenous to Illinois. For the purposes  
24 of this subsection, the statute of limitations for unlawful  
25 possession of wildlife or wildlife parts shall not cease until  
26 2 years after the possession has permanently ended.

1 (Source: P.A. 102-237, eff. 1-1-22.)