



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2457

Introduced 2/3/2004, by Todd Sieben

SYNOPSIS AS INTRODUCED:

520 ILCS 5/1.2b-2 new
520 ILCS 5/1.33 new
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. Provides that the Department of Natural Resources may issue a special tracking license that allows for the use of certified leashed tracking dogs for the sole purpose of tracking wounded game. Provides that in order to obtain a tracking license, an individual must (i) possess a valid State hunting license and (ii) have wounded or reasonably believe that he or she has wounded a game animal during a game season. Provides that individuals wishing to use a tracking dog during firearm or handgun season must also possess a valid FOID card. Provides that a licensed individual must maintain physical control of the tracking dog or tracking dogs at all times during tracking by means of a lead attached to the dog's collar or harness. Sets forth other license guidelines and prohibitions. Provides that the Department, by administrative rule, shall set forth the cost of obtaining the license, the time periods during which the licenses may be issued, and any additional license requirements.

LRB093 20385 RAS 46156 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 2.26 and 2.33 and by adding Sections 1.2b-2 and 1.33
6 as follows:

7 (520 ILCS 5/1.2b-2 new)

8 Sec. 1.2b-2. "Certified leashed tracking dog" means a
9 leashed dog, for which proof of current vaccinations has been
10 provided, that is used to track and find wounded game by an
11 individual licensed under this Act.

12 (520 ILCS 5/1.33 new)

13 Sec. 1.33. Tracking wounded game. The Department is
14 authorized to issue a special tracking license that allows for
15 the use of certified leashed tracking dogs for the sole purpose
16 of tracking wounded game.

17 A special tracking license may be granted to an individual
18 who (i) possesses a valid State hunting license and who (ii)
19 has wounded or reasonably believes that he or she has wounded a
20 game animal during a game season. Individuals wishing to use a
21 certified leashed tracking dog during firearm or handgun season
22 must also possess a valid FOID card.

23 Any individual licensed to use certified leashed tracking
24 dogs must maintain physical control of the dog or dogs at all
25 times during tracking by means of a lead attached to the dog's
26 collar or harness.

27 An individual licensed to use a certified leashed tracking
28 dog must notify by telephone or in person the local
29 conservation officer assigned to the area or, if unavailable,
30 the nearest available conservation officer prior to tracking.
31 Notification must include the name, address, and telephone

1 number of the licensee, the general location of the wounded
2 animal, and the name of the landowner or landowners on whose
3 land the search will be conducted.

4 Trespassing on private property during tracking is
5 strictly prohibited. Tracking is not permitted after legal
6 hunting hours or after dark. No individual shall carry a weapon
7 of any kind while tracking wounded game.

8 Animals judged unlikely to survive are to be dispatched in
9 a humane manner.

10 Certified leashed tracking dogs shall not be used to herd
11 deer.

12 The Department, by administrative rule, shall set forth the
13 cost of obtaining a special tracking license, the time periods
14 during which the licenses may be issued, and any additional
15 license requirements.

16 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

17 Sec. 2.26. Deer hunting permits. In this Section, "bona
18 fide equity shareholder" means an individual who (1) purchased,
19 for market price, publicly sold stock shares in a corporation,
20 purchased shares of a privately-held corporation for a value
21 equal to the percentage of the appraised value of the corporate
22 assets represented by the ownership in the corporation, or is a
23 member of a closely-held family-owned corporation and has
24 purchased or been gifted with shares of stock in the
25 corporation accurately reflecting his or her percentage of
26 ownership and (2) intends to retain the ownership of the shares
27 of stock for at least 5 years.

28 In this Section, "bona fide equity member" means an
29 individual who (1) (i) became a member upon the formation of
30 the limited liability company or (ii) has purchased a
31 distributional interest in a limited liability company for a
32 value equal to the percentage of the appraised value of the LLC
33 assets represented by the distributional interest in the LLC
34 and subsequently becomes a member of the company pursuant to
35 Article 30 of the Limited Liability Company Act and who (2)

1 intends to retain the membership for at least 5 years.

2 Any person attempting to take deer shall first obtain a
3 "Deer Hunting Permit" in accordance with prescribed
4 regulations set forth in an Administrative Rule. Deer Hunting
5 Permits shall be issued by the Department. The fee for a Deer
6 Hunting Permit to take deer with either bow and arrow or gun
7 shall not exceed \$15.00 for residents of the State. The
8 Department may by administrative rule provide for non-resident
9 deer hunting permits for which the fee will not exceed \$200
10 except as provided below for non-resident landowners and
11 non-resident archery hunters. The Department may by
12 administrative rule provide for a non-resident archery deer
13 permit consisting of not more than 2 harvest tags at a total
14 cost not to exceed \$225. Permits shall be issued without charge
15 to:

16 (a) Illinois landowners residing in Illinois who own at
17 least 40 acres of Illinois land and wish to hunt their land
18 only,

19 (b) resident tenants of at least 40 acres of commercial
20 agricultural land where they will hunt, and

21 (c) Bona fide equity shareholders of a corporation or
22 bona fide equity members of a limited liability company
23 which owns at least 40 acres of land in a county in
24 Illinois who wish to hunt on the corporation's or company's
25 land only. One permit shall be issued without charge to one
26 bona fide equity shareholder or one bona fide equity member
27 for each 40 acres of land owned by the corporation or
28 company in a county; however, the number of permits issued
29 without charge to bona fide equity shareholders of any
30 corporation or bona fide equity members of a limited
31 liability company in any county shall not exceed 15.

32 Bona fide landowners or tenants who do not wish to hunt
33 only on the land they own, rent or lease or bona fide equity
34 shareholders or bona fide equity members who do not wish to
35 hunt only on the land owned by the corporation or limited
36 liability company shall be charged the same fee as the

1 applicant who is not a landowner, tenant, bona fide equity
2 shareholder, or bona fide equity member. Nonresidents of
3 Illinois who own at least 40 acres of land and wish to hunt on
4 their land only shall be charged a fee set by administrative
5 rule. The method for obtaining these permits shall be
6 prescribed by administrative rule.

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

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

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

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

24 Persons having an archery 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
27 days for which an open season is established for the taking of
28 deer by use of bow and arrow.

29 It shall be unlawful for any person to take deer by use of
30 dogs, horses, automobiles, aircraft or other vehicles, or by
31 the use of salt or bait of any kind, except that certified
32 leashed tracking dogs may be used to track wounded deer, as set
33 forth in this Act. An area is considered as baited during the
34 presence of and for 10 consecutive days following the removal
35 of bait.

36 It shall be unlawful to possess or transport any wild deer

1 which has been injured or killed in any manner upon a public
2 highway or public right-of-way of this State unless exempted by
3 administrative rule.

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

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

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

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

15 It shall be legal for handicapped persons, as defined in
16 Section 2.33, to utilize a crossbow device, as defined in
17 Department rules, to take deer.

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

21 (Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01;
22 92-651, eff. 7-11-02; 93-554, eff. 8-20-03.)

23 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

24 Sec. 2.33. Prohibitions.

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

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

33 (c) It is unlawful for any person at any time to take a
34 wild mammal protected by this Act from its den by means of any
35 mechanical device, spade, or digging device or to use smoke or

1 other gases to dislodge or remove such mammal except as
2 provided in Section 2.37.

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

7 (e) (Blank).

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

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

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

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

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

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

1 (l) or administrative rule.

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

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

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

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

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

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

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

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

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

1 owner to do so.

2 (w) It is unlawful for any owner of a dog to knowingly or
3 wantonly allow his or her dog to pursue, harass or kill deer.

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

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

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

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

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

36 (cc) It is unlawful for any person to have in his or her

1 possession any freshly killed species protected by this Act
2 during the season closed for taking.

3 (dd) It is unlawful to take any species protected by this
4 Act and retain it alive.

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

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

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

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

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

30 (jj) Nothing contained in this Section shall prohibit the
31 use of bow and arrow, or prevent the Director from issuing
32 permits to use a crossbow to handicapped persons as provided by
33 administrative rule. As used herein, "handicapped persons"
34 means those persons who have a permanent physical impairment
35 due to injury or disease, congenital or acquired, which renders
36 them so severely disabled as to be unable to use a conventional

1 bow and arrow device. Permits will be issued only after the
2 receipt of a physician's statement confirming the applicant is
3 handicapped as defined above.

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

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

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

23 (nn) Nothing contained in this Act shall prohibit the use
24 of certified leashed tracking dogs for the purpose of tracking
25 wounded game.

26 (Source: P.A. 91-654, eff. 12-15-99; 92-325, eff. 8-9-01;
27 92-651, eff. 7-11-02.)