

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 as follows:

6 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

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

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

27 Any person attempting to take deer shall first obtain a
28 "Deer Hunting Permit" in accordance with prescribed
29 regulations set forth in an Administrative Rule. Deer Hunting
30 Permits shall be issued by the Department. The fee for a Deer
31 Hunting Permit to take deer with either bow and arrow or gun
32 shall not exceed \$15.00 for residents of the State. The

1 Department may by administrative rule provide for non-resident
2 deer hunting permits for which the fee will not exceed \$200
3 except as provided below for non-resident landowners and
4 non-resident archery hunters. The Department may by
5 administrative rule provide for a non-resident archery deer
6 permit consisting of not more than 2 harvest tags at a total
7 cost not to exceed \$225. Permits shall be issued without charge
8 to:

9 (a) Illinois landowners residing in Illinois who own at
10 least 40 acres of Illinois land and wish to hunt their land
11 only,

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

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

25 Bona fide landowners or tenants who do not wish to hunt
26 only on the land they own, rent or lease or bona fide equity
27 shareholders or bona fide equity members who do not wish to
28 hunt only on the land owned by the corporation or limited
29 liability company shall be charged the same fee as the
30 applicant who is not a landowner, tenant, bona fide equity
31 shareholder, or bona fide equity member. Nonresidents of
32 Illinois who own at least 40 acres of land and wish to hunt on
33 their land only shall be charged a fee set by administrative
34 rule. The method for obtaining these permits shall be
35 prescribed by administrative rule.

36 The deer hunting permit issued without fee shall be valid

1 on all farm lands which the person to whom it is issued owns,
2 leases or rents, except that in the case of a permit issued to
3 a bona fide equity shareholder or bona fide equity member, the
4 permit shall be valid on all lands owned by the corporation or
5 limited liability company in the county.

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

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

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

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

22 It shall be unlawful for any person to take deer by use of
23 dogs, horses, automobiles, aircraft or other vehicles, or by
24 the use of salt or bait of any kind. An area is considered as
25 baited during the presence of and for 10 consecutive days
26 following the removal of bait. Nothing in this Section shall
27 prohibit the use of a dog to track wounded deer. Any person
28 using a dog for tracking wounded deer must maintain physical
29 control of the dog at all times by means of a maximum 50 foot
30 lead attached to the dog's collar or harness. Tracking wounded
31 deer is permissible at night, but at no time outside of legal
32 deer hunting hours or seasons shall any person handling or
33 accompanying a dog being used for tracking wounded deer be in
34 possession of any firearm or archery device. Persons tracking
35 wounded deer with a dog during the firearm deer seasons shall
36 wear blaze orange as required. Dog handlers tracking wounded

1 deer with a dog are exempt from hunting license and deer permit
2 requirements so long as they are accompanied by the licensed
3 deer hunter who wounded the deer.

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

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

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

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

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

19 It shall be legal for handicapped persons, as defined in
20 Section 2.33, to utilize a crossbow device, as defined in
21 Department rules, to take deer.

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 (Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01;
26 92-651, eff. 7-11-02; 93-554, eff. 8-20-03.)

27 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

28 Sec. 2.33. Prohibitions.

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

31 (b) It is unlawful to use or possess any snare or
32 snare-like device, deadfall, net, or pit trap to take any
33 species, except that snares not powered by springs or other
34 mechanical devices may be used to trap fur-bearing mammals, in
35 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 burning.

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

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

34 (k) It is unlawful to use or possess in the field any
35 shotgun shell loaded with a shot size larger than lead BB or
36 steel T (.20 diameter) when taking or attempting to take any

1 species of wild game mammals (excluding white-tailed deer),
2 wild game birds, migratory waterfowl or migratory game birds
3 protected by this Act, except white-tailed deer as provided for
4 in Section 2.26 and other species as provided for by subsection
5 (l) or administrative rule.

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

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

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

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

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

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

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

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

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

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

1 shall apply.

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

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

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

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

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

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

1 mammals.

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

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

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

12 (ee) It is unlawful to possess any rifle while in the field
13 during gun deer season except as provided in Section 2.26 and
14 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, with such
20 articles of clothing displaying a minimum of 400 square inches
21 of blaze orange material.

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

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

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

1 (jj) Nothing contained in this Section shall prohibit the
2 use of bow and arrow, or prevent the Director from issuing
3 permits to use a crossbow to handicapped persons as provided by
4 administrative rule. As used herein, "handicapped persons"
5 means those persons who have a permanent physical impairment
6 due to injury or disease, congenital or acquired, which renders
7 them so severely disabled as to be unable to use a conventional
8 bow and arrow device. Permits will be issued only after the
9 receipt of a physician's statement confirming the applicant is
10 handicapped as defined above.

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

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

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

30 (Source: P.A. 91-654, eff. 12-15-99; 92-325, eff. 8-9-01;
31 92-651, eff. 7-11-02.)

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.