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1 AMENDMENT TO SENATE BILL 2457

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2457 by replacing  
3 everything after the enacting clause with the following:

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 or organization 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. This special tracking license may be  
17 issued to an individual or to an organization engaged in the  
18 practice of tracking wounded game.

19 In granting the special tracking license to an individual,  
20 that individual must possess or have simultaneously applied for  
21 a valid State hunting license. Individuals wishing to use a  
22 certified leashed tracking dog during firearm or handgun season  
23 must also possess a valid FOID card.

1       Organizations engaged in the practice of tracking wounded  
2 game shall not be required to possess or to have simultaneously  
3 applied for a valid State hunting license or FOID card, unless  
4 they intend to dispatch the animal.

5       Any individual or organization or member of an organization  
6 licensed to use certified leashed tracking dogs must maintain  
7 physical control of the dog or dogs at all times during  
8 tracking by means of a lead attached to the dog's collar or  
9 harness.

10       An individual or organization or member of an organization  
11 licensed to use a certified leashed tracking dog must notify by  
12 telephone or in person the local conservation officer assigned  
13 to the area or the nearest available conservation officer or  
14 the local sheriff's office prior to tracking. Notification must  
15 include the name, address, and telephone number of the  
16 licensee, the general location of the wounded animal, and the  
17 name of the landowner or landowners on whose land the search  
18 will be conducted.

19       Trespassing on private property during tracking is  
20 strictly prohibited. Tracking is only permitted between  
21 sunrise and sunset.

22       Animals judged unlikely to survive are to be dispatched in  
23 a humane manner by the individual who has wounded or believes  
24 that he or she has wounded the animal or by a member of a  
25 tracking organization.

26       Certified leashed tracking dogs shall not be used to herd  
27 deer.

28       The Department, by administrative rule, shall set forth the  
29 cost of obtaining a special tracking license, the time periods  
30 during which the licenses may be issued, and any additional  
31 license requirements.

32       (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

33       Sec. 2.26. Deer hunting permits. In this Section, "bona

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

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

20         Any person attempting to take deer shall first obtain a  
21    "Deer Hunting Permit" in accordance with prescribed  
22    regulations set forth in an Administrative Rule. Deer Hunting  
23    Permits shall be issued by the Department. The fee for a Deer  
24    Hunting Permit to take deer with either bow and arrow or gun  
25    shall not exceed \$15.00 for residents of the State. The  
26    Department may by administrative rule provide for non-resident  
27    deer hunting permits for which the fee will not exceed \$200  
28    except as provided below for non-resident landowners and  
29    non-resident archery hunters. The Department may by  
30    administrative rule provide for a non-resident archery deer  
31    permit consisting of not more than 2 harvest tags at a total  
32    cost not to exceed \$225. Permits shall be issued without charge  
33    to:

34             (a) Illinois landowners residing in Illinois who own at

1 least 40 acres of Illinois land and wish to hunt their land  
2 only,

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

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

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

27 The deer hunting permit issued without fee shall be valid  
28 on all farm lands which the person to whom it is issued owns,  
29 leases or rents, except that in the case of a permit issued to  
30 a bona fide equity shareholder or bona fide equity member, the  
31 permit shall be valid on all lands owned by the corporation or  
32 limited liability company in the county.

33 The standards and specifications for use of guns and bow  
34 and arrow for deer hunting shall be established by

1 administrative rule.

2 No person may have in his possession any firearm not  
3 authorized by administrative rule for a specific hunting season  
4 when taking deer.

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

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

15 It shall be unlawful for any person to take deer by use of  
16 dogs, horses, automobiles, aircraft or other vehicles, or by  
17 the use of salt or bait of any kind, except that certified  
18 leashed tracking dogs may be used to track wounded deer, as set  
19 forth in this Act. An area is considered as baited during the  
20 presence of and for 10 consecutive days following the removal  
21 of bait.

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

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

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

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

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

3           It shall be legal for handicapped persons, as defined in  
4 Section 2.33, to utilize a crossbow device, as defined in  
5 Department rules, to take deer.

6           Any person who violates any of the provisions of this  
7 Section, including administrative rules, shall be guilty of a  
8 Class B misdemeanor.

9           (Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01;  
10 92-651, eff. 7-11-02; 93-554, eff. 8-20-03.)

11           (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

12           Sec. 2.33. Prohibitions.

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

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

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

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

30           (e) (Blank).

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

33           (g) It is unlawful to use poisons, chemicals or explosives

1 for the purpose of taking any species protected by this Act.

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

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

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

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

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

31 (m) It is unlawful to use any shotgun capable of holding  
32 more than 3 shells in the magazine or chamber combined, except  
33 on game breeding and hunting preserve areas licensed under  
34 Section 3.27 and except as permitted by the Code of Federal

1 Regulations for the taking of waterfowl. If the shotgun is  
2 capable of holding more than 3 shells, it shall, while being  
3 used on an area other than a game breeding and shooting  
4 preserve area licensed pursuant to Section 3.27, be fitted with  
5 a one piece plug that is irremovable without dismantling the  
6 shotgun or otherwise altered to render it incapable of holding  
7 more than 3 shells in the magazine and chamber, 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 be  
15 carried on horseback while not contained in a case, or to have  
16 or carry any bow or arrow device in or on any vehicle unless  
17 such bow or arrow device is unstrung or enclosed in a case, or  
18 otherwise made inoperable.

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

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

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

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

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

34 (t) It is unlawful for any person to trap or hunt, or allow



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

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

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

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

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

1 injure or destroy, in any manner whatsoever, any real or  
2 personal property on the land of another while engaged in  
3 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 and  
11 otherwise irretrievable) protected by this Act when not flying.  
12 Nothing in this Section shall prohibit a person from carrying  
13 an uncased, unloaded shotgun in a boat, while in pursuit of a  
14 crippled migratory waterfowl that is incapable of normal  
15 flight, for the purpose of attempting to reduce the migratory  
16 waterfowl to possession, provided that the attempt is made  
17 immediately upon downing the migratory waterfowl and is done  
18 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 fur-bearing  
26 mammals.

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

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

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

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

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

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

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

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

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