



Sen. Todd Sieben

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09300SB2457sam002

LRB093 20385 RAS 48449 a

1 AMENDMENT TO SENATE BILL 2457

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

5 "Section 5. The Wildlife Code is amended by changing  
6 Sections 2.26 and 2.33 as follows:

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

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

19 In this Section, "bona fide equity member" means an  
20 individual who (1) (i) became a member upon the formation of  
21 the limited liability company or (ii) has purchased a  
22 distributional interest in a limited liability company for a  
23 value equal to the percentage of the appraised value of the LLC  
24 assets represented by the distributional interest in the LLC

1 and subsequently becomes a member of the company pursuant to  
2 Article 30 of the Limited Liability Company Act and who (2)  
3 intends to retain the membership for at least 5 years.

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

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

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

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

34 Bona fide landowners or tenants who do not wish to hunt

1 only on the land they own, rent or lease or bona fide equity  
2 shareholders or bona fide equity members who do not wish to  
3 hunt only on the land owned by the corporation or limited  
4 liability company shall be charged the same fee as the  
5 applicant who is not a landowner, tenant, bona fide equity  
6 shareholder, or bona fide equity member. Nonresidents of  
7 Illinois who own at least 40 acres of land and wish to hunt on  
8 their land only shall be charged a fee set by administrative  
9 rule. The method for obtaining these permits shall be  
10 prescribed by administrative rule.

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

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 possession any firearm not  
21 authorized by administrative rule for a specific hunting season  
22 when taking deer.

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

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

33 It shall be unlawful for any person to take deer by use of  
34 dogs, horses, automobiles, aircraft or other vehicles, or by

1 the use of salt or bait of any kind. An area is considered as  
2 baited during the presence of and for 10 consecutive days  
3 following the removal of bait. Nothing in this Section shall  
4 prohibit the use of a dog to track wounded deer. Any person  
5 using a dog for tracking wounded deer must maintain physical  
6 control of the dog at all times by means of a maximum 50 foot  
7 lead attached to the dog's collar or harness. Tracking wounded  
8 deer is permissible at night, but at no time outside of legal  
9 deer hunting hours or seasons shall any person handling or  
10 accompanying a dog being used for tracking wounded deer be in  
11 possession of any firearm or archery device. Persons tracking  
12 wounded deer with a dog during the firearm deer seasons shall  
13 wear blaze orange as required. Dog handlers tracking wounded  
14 deer with a dog are exempt from hunting license and deer permit  
15 requirements so long as they are accompanied by the licensed  
16 deer hunter who wounded the deer.

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

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

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

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

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

32 It shall be legal for handicapped persons, as defined in  
33 Section 2.33, to utilize a crossbow device, as defined in  
34 Department rules, to take deer.

1 Any person who violates any of the provisions of this  
2 Section, including administrative rules, shall be guilty of a  
3 Class B misdemeanor.

4 (Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01;  
5 92-651, eff. 7-11-02; 93-554, eff. 8-20-03.)

6 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

7 Sec. 2.33. Prohibitions.

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

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

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

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

25 (e) (Blank).

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

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

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

32 (i) It is unlawful to take, pursue or intentionally harass  
33 or disturb in any manner any wild birds or mammals by use or

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

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

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

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

26 (m) It is unlawful to use any shotgun capable of holding  
27 more than 3 shells in the magazine or chamber combined, except  
28 on game breeding and hunting preserve areas licensed under  
29 Section 3.27 and except as permitted by the Code of Federal  
30 Regulations for the taking of waterfowl. If the shotgun is  
31 capable of holding more than 3 shells, it shall, while being  
32 used on an area other than a game breeding and shooting  
33 preserve area licensed pursuant to Section 3.27, be fitted with  
34 a one piece plug that is irremovable without dismantling the

1 shotgun or otherwise altered to render it incapable of holding  
2 more than 3 shells in the magazine and chamber, combined.

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

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

17 (p) It is unlawful to take game birds, migratory game birds  
18 or migratory waterfowl with a rifle, pistol, revolver or  
19 airgun.

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

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

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

29 (t) It is unlawful for any person to trap or hunt, or allow  
30 a dog to hunt, within or upon the land of another, or upon  
31 waters flowing over or standing on the land of another, without  
32 first obtaining permission from the owner or tenant. It shall  
33 be prima facie evidence that a person does not have permission  
34 of the owner or tenant if the person is unable to demonstrate

1 to the law enforcement officer in the field that permission had  
2 been obtained. This provision may only be rebutted by testimony  
3 of the owner or tenant that permission had been given. Before  
4 enforcing this Section the law enforcement officer must have  
5 received notice from the owner or tenant of a violation of this  
6 Section. Statements made to the law enforcement officer  
7 regarding this notice shall not be rendered inadmissible by the  
8 hearsay rule when offered for the purpose of showing the  
9 required notice.

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

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

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

32 (x) It is unlawful for any person to wantonly or carelessly  
33 injure or destroy, in any manner whatsoever, any real or  
34 personal property on the land of another while engaged in



1 hunting or trapping thereon.

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

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

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

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

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

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

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

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

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

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

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) Nothing contained in this Section shall prohibit the  
27 use of bow and arrow, or prevent the Director from issuing  
28 permits to use a crossbow to handicapped persons as provided by  
29 administrative rule. As used herein, "handicapped persons"  
30 means those persons who have a permanent physical impairment  
31 due to injury or disease, congenital or acquired, which renders  
32 them so severely disabled as to be unable to use a conventional  
33 bow and arrow device. Permits will be issued only after the  
34 receipt of a physician's statement confirming the applicant is

1 handicapped as defined above.

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

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

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

21 (Source: P.A. 91-654, eff. 12-15-99; 92-325, eff. 8-9-01;  
22 92-651, eff. 7-11-02.)".

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.".