



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB2521

Introduced 2/18/2005, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.26

from Ch. 61, par. 2.26

Amends the Wildlife Code. Requires that deer hunting permits be issued without charge to the lineal descendants of an Illinois resident who owns at least 40 acres of Illinois land, provided that the lineal descendants hunt only upon that landowner's land.

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FISCAL NOTE ACT
MAY APPLY

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 Section
5 2.26 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 In this Section, "bona fide equity partner" means an
28 individual who (1) (i) became a partner, either general or
29 limited, upon the formation of a partnership or limited
30 partnership, or (ii) has purchased, acquired, or been gifted a
31 partnership interest accurately representing his or her
32 percentage distributional interest in the profits, losses, and

1 assets of a partnership or limited partnership, (2) intends to
2 retain ownership of the partnership interest for at least 5
3 years, and (3) is a resident of Illinois.

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 (a-5) The lineal descendants of a person described in
22 paragraph (a), but only for hunting land owned by the
23 person described in paragraph (a) of whom they are lineal
24 descendants,

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

27 (c) Bona fide equity shareholders of a corporation,
28 bona fide equity members of a limited liability company, or
29 bona fide equity partners of a general or limited
30 partnership which owns at least 40 acres of land in a
31 county in Illinois who wish to hunt on the corporation's,
32 company's, or partnership's land only. One permit shall be
33 issued without charge to one bona fide equity shareholder,
34 one bona fide equity member, or one bona fide equity
35 partner for each 40 acres of land owned by the corporation,
36 company, or partnership in a county; however, the number of

1 permits issued without charge to bona fide equity
2 shareholders of any corporation or bona fide equity members
3 of a limited liability company in any county shall not
4 exceed 15, and shall not exceed 3 in the case of bona fide
5 equity partners of a partnership.

6 Bona fide landowners (and their lineal descendants) or
7 tenants who do not wish to hunt only on the land they own,
8 rent, or lease or bona fide equity shareholders, bona fide
9 equity members, or bona fide equity partners who do not wish to
10 hunt only on the land owned by the corporation, limited
11 liability company, or partnership shall be charged the same fee
12 as the applicant who is not a landowner, landowner's lineal
13 descendant, tenant, bona fide equity shareholder, bona fide
14 equity member, or bona fide equity partner. Nonresidents of
15 Illinois who own at least 40 acres of land and wish to hunt on
16 their land only shall be charged a fee set by administrative
17 rule. The method for obtaining these permits shall be
18 prescribed by administrative rule.

19 The deer hunting permit issued without fee shall be valid
20 on all farm lands which the person to whom it is issued owns,
21 leases or rents, except that in the case of a permit issued to
22 a bona fide equity shareholder, bona fide equity member, or
23 bona fide equity partner, the permit shall be valid on all
24 lands owned by the corporation, limited liability company, or
25 partnership in the county.

26 The standards and specifications for use of guns and bow
27 and arrow for deer hunting shall be established by
28 administrative rule.

29 No person may have in his possession any firearm not
30 authorized by administrative rule for a specific hunting season
31 when taking deer.

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

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

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

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

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

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

34 It shall be unlawful for any person, having taken the legal
35 limit of deer by bow and arrow, to further participate with bow
36 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; 93-807, eff.
11 7-24-04; 93-823, eff. 1-1-05; revised 10-14-04.)