



Rep. Mark H. Beaubien Jr.

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09400HB5407ham001

LRB094 17166 RSP 56880 a

1 AMENDMENT TO HOUSE BILL 5407

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5407 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Wildlife Code is amended by changing  
5 Sections 2.10, 2.11, 2.26, and 3.1 and by adding Section 3.1-5  
6 as follows:

7 (520 ILCS 5/2.10) (from Ch. 61, par. 2.10)

8 Sec. 2.10. The Department may, on an annual basis,  
9 establish a spring wild turkey open season within the period  
10 beginning on March 1 and running through May 31, and a fall  
11 wild turkey season within the period beginning on October 1 and  
12 running through January 31. It shall be unlawful for any person  
13 to take wild turkey without possessing a valid "Wild Turkey  
14 Hunting Permit", except as provided in Section 3.1-5 of this  
15 Code. Persons holding a spring permit may take female wild  
16 turkeys with visible beards or male wild turkeys during the  
17 spring open season. Persons holding a fall permit may take  
18 turkeys of either sex during the fall open season. The  
19 Department shall cause notice of administrative rules setting  
20 forth the prescribed rules and regulations, including those  
21 counties of the State where open seasons are established, to be  
22 given in accordance with Sections 1.3 and 1.13.

23 (Source: P.A. 89-341, eff. 8-17-95.)

1 (520 ILCS 5/2.11) (from Ch. 61, par. 2.11)

2 Sec. 2.11. Before any person may lawfully hunt wild turkey,  
3 he shall first obtain a "Wild Turkey Hunting Permit", except as  
4 provided in Section 3.1-5 of this Code, in accordance with the  
5 prescribed regulations set forth in an administrative rule of  
6 the Department. The fee for a Resident Wild Turkey Hunting  
7 Permit shall not exceed \$15.

8 Upon submitting suitable evidence of legal residence in any  
9 other state, non-residents shall be charged a fee not to exceed  
10 \$125 for wild turkey hunting permits, except as provided below  
11 for non-resident land owners.

12 Permits shall be issued without charge to:

13 (a) Illinois landowners residing in Illinois who own at  
14 least 40 acres of Illinois land and wish to hunt on their  
15 land only,

16 (b) resident tenants of at least 40 acres of commercial  
17 agricultural land, and

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

25 The turkey hunting permit issued without fee shall be valid  
26 on all lands upon which the person to whom it is issued owns,  
27 leases or rents, except that in the case of a permit issued  
28 without charge to a shareholder of a corporation, the permit  
29 shall be valid on all lands owned by the corporation in the  
30 county.

31 The Department may by administrative rule allocate and  
32 issue non-resident Wild Turkey Permits and establish fees for  
33 such permits.

34 It shall be unlawful to take wild turkey except by use of a

1 bow and arrow or a shotgun of not larger than 10 nor smaller  
2 than 20 gauge with shot size not larger than No. 4, and no  
3 person while attempting to so take wild turkey may have in his  
4 possession any other gun.

5 It shall be unlawful to take, or attempt to take wild  
6 turkey except during the time from 1/2 hour before sunrise to  
7 1/2 hour after sunset or during such lesser period of time as  
8 may be specified by administrative rule, during those days for  
9 which an open season is established.

10 It shall be unlawful for any person to take, or attempt to  
11 take, wild turkey by use of dogs, horses, automobiles, aircraft  
12 or other vehicles, or conveyances, or by the use of bait of any  
13 kind.

14 It is unlawful for any person to take in Illinois or have  
15 in his possession more than one wild turkey per valid permit.

16 (Source: P.A. 92-177, eff. 7-27-01.)

17 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

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

29 In this Section, "bona fide equity member" means an  
30 individual who (1) (i) became a member upon the formation of  
31 the limited liability company or (ii) has purchased a  
32 distributional interest in a limited liability company for a  
33 value equal to the percentage of the appraised value of the LLC

1 assets represented by the distributional interest in the LLC  
2 and subsequently becomes a member of the company pursuant to  
3 Article 30 of the Limited Liability Company Act and who (2)  
4 intends to retain the membership for at least 5 years.

5 In this Section, "bona fide equity partner" means an  
6 individual who (1) (i) became a partner, either general or  
7 limited, upon the formation of a partnership or limited  
8 partnership, or (ii) has purchased, acquired, or been gifted a  
9 partnership interest accurately representing his or her  
10 percentage distributional interest in the profits, losses, and  
11 assets of a partnership or limited partnership, (2) intends to  
12 retain ownership of the partnership interest for at least 5  
13 years, and (3) is a resident of Illinois.

14 Any person attempting to take deer shall first obtain a  
15 "Deer Hunting Permit", except as provided in Section 3.1-5 of  
16 this Code, in accordance with prescribed regulations set forth  
17 in an Administrative Rule. Deer Hunting Permits shall be issued  
18 by the Department. The fee for a Deer Hunting Permit to take  
19 deer with either bow and arrow or gun shall not exceed \$15.00  
20 for residents of the State. The Department may by  
21 administrative rule provide for non-resident deer hunting  
22 permits for which the fee will not exceed \$300 in 2005, \$350 in  
23 2006, and \$400 in 2007 and thereafter except as provided below  
24 for non-resident landowners and non-resident archery hunters.  
25 The Department may by administrative rule provide for a  
26 non-resident archery deer permit consisting of not more than 2  
27 harvest tags at a total cost not to exceed \$325 in 2005, \$375  
28 in 2006, and \$425 in 2007 and thereafter. Permits shall be  
29 issued without charge to:

30 (a) Illinois landowners residing in Illinois who own at  
31 least 40 acres of Illinois land and wish to hunt their land  
32 only,

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

1 (c) Bona fide equity shareholders of a corporation,  
2 bona fide equity members of a limited liability company, or  
3 bona fide equity partners of a general or limited  
4 partnership which owns at least 40 acres of land in a  
5 county in Illinois who wish to hunt on the corporation's,  
6 company's, or partnership's land only. One permit shall be  
7 issued without charge to one bona fide equity shareholder,  
8 one bona fide equity member, or one bona fide equity  
9 partner for each 40 acres of land owned by the corporation,  
10 company, or partnership in a county; however, the number of  
11 permits issued without charge to bona fide equity  
12 shareholders of any corporation or bona fide equity members  
13 of a limited liability company in any county shall not  
14 exceed 15, and shall not exceed 3 in the case of bona fide  
15 equity partners of a partnership.

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

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

1           The standards and specifications for use of guns and bow  
2 and arrow for deer hunting shall be established by  
3 administrative rule.

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

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

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

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

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

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

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

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

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

16           The Department shall not limit the number of non-resident  
17 either sex archery deer hunting permits to less than 20,000.

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

21           Any person who violates any of the provisions of this  
22 Section, including administrative rules, shall be guilty of a  
23 Class B misdemeanor.

24           (Source: P.A. 93-554, eff. 8-20-03; 93-807, eff. 7-24-04;  
25 93-823, eff. 1-1-05; 94-10, eff. 6-7-05.)

26           (520 ILCS 5/3.1) (from Ch. 61, par. 3.1)

27           Sec. 3.1. License and stamps required.

28           (a) Before any person shall take or attempt to take any of  
29 the species protected by Section 2.2 for which an open season  
30 is established under this Act, he shall first have procured and  
31 possess a valid hunting license, except as provided in Section  
32 3.1-5 of this Code.

33           Before any person 16 years of age or older shall take or

1 attempt to take any bird of the species defined as migratory  
2 waterfowl by Section 2.2, including coots, he shall first have  
3 procured a State Migratory Waterfowl Stamp.

4 Before any person 16 years of age or older takes, attempts  
5 to take, or pursues any species of wildlife protected by this  
6 Code, except migratory waterfowl, coots, and hand-reared birds  
7 on licensed game breeding and hunting preserve areas and state  
8 controlled pheasant hunting areas, he or she shall first obtain  
9 a State Habitat Stamp. Disabled veterans and former prisoners  
10 of war shall not be required to obtain State Habitat Stamps.  
11 Any person who obtained a lifetime license before January 1,  
12 1993, shall not be required to obtain State Habitat Stamps.  
13 Income from the sale of State Furbearer Stamps and State  
14 Pheasant Stamps received after the effective date of this  
15 amendatory Act of 1992 shall be deposited into the State  
16 Furbearer Fund and State Pheasant Fund, respectively.

17 Before any person 16 years of age or older shall take,  
18 attempt to take, or sell the green hide of any mammal of the  
19 species defined as fur-bearing mammals by Section 2.2 for which  
20 an open season is established under this Act, he shall first  
21 have procured a State Habitat Stamp.

22 (b) Before any person who is a non-resident of the State of  
23 Illinois shall take or attempt to take any of the species  
24 protected by Section 2.2 for which an open season is  
25 established under this Act, he shall, unless specifically  
26 exempted by law, first procure a non-resident license as  
27 provided by this Act for the taking of any wild game.

28 Before a nonresident shall take or attempt to take  
29 white-tailed deer, he shall first have procured a Deer Hunting  
30 Permit as defined in Section 2.26 of this Code.

31 Before a nonresident shall take or attempt to take wild  
32 turkeys, he shall have procured a Wild Turkey Hunting Permit as  
33 defined in Section 2.11 of this Code.

34 (c) The owners residing on, or bona fide tenants of, farm



1 lands and their children, parents, brothers, and sisters  
2 actually permanently residing on their lands shall have the  
3 right to hunt any of the species protected by Section 2.2 upon  
4 their lands and waters without procuring hunting licenses; but  
5 the hunting shall be done only during periods of time and with  
6 devices and by methods as are permitted by this Act. Any person  
7 on active duty with the Armed Forces of the United States who  
8 is now and who was at the time of entering the Armed Forces a  
9 resident of Illinois and who entered the Armed Forces from this  
10 State, and who is presently on ordinary leave from the Armed  
11 Forces, and any resident of Illinois who is disabled may hunt  
12 any of the species protected by Section 2.2 without procuring a  
13 hunting license, but the hunting shall be done only during such  
14 periods of time and with devices and by methods as are  
15 permitted by this Act. For the purpose of this Section a person  
16 is disabled when that person has a Type 1 or Type 4, Class 2  
17 disability as defined in Section 4A of the Illinois  
18 Identification Card Act. For purposes of this Section, an  
19 Illinois Disabled Person Identification Card issued pursuant  
20 to the Illinois Identification Card Act indicating that the  
21 person named has a Type 1 or Type 4, Class 2 disability shall  
22 be adequate documentation of the disability.

23 (d) A courtesy non-resident license, permit, or stamp for  
24 taking game may be issued at the discretion of the Director,  
25 without fee, to any person officially employed in the game and  
26 fish or conservation department of another state or of the  
27 United States who is within the State to assist or consult or  
28 cooperate with the Director; or to the officials of other  
29 states, the United States, foreign countries, or officers or  
30 representatives of conservation organizations or publications  
31 while in the State as guests of the Governor or Director. The  
32 Director may provide to nonresident participants and official  
33 gunners at field trials an exemption from licensure while  
34 participating in a field trial.

1 (e) State Migratory Waterfowl Stamps shall be required for  
2 those persons qualifying under subsections (c) and (d) who  
3 intend to hunt migratory waterfowl, including coots, to the  
4 extent that hunting licenses of the various types are  
5 authorized and required by this Section for those persons.

6 (f) Registration in the U.S. Fish and Wildlife Migratory  
7 Bird Harvest Information Program shall be required for those  
8 persons who are required to have a hunting license before  
9 taking or attempting to take any bird of the species defined as  
10 migratory game birds by Section 2.2, except that this  
11 subsection shall not apply to crows in this State or  
12 hand-reared birds on licensed game breeding and hunting  
13 preserve areas, for which an open season is established by this  
14 Act. Persons registering with the Program must carry proof of  
15 registration with them while migratory bird hunting.

16 The Department shall publish suitable prescribed  
17 regulations pertaining to registration by the migratory bird  
18 hunter in the U.S. Fish and Wildlife Service Migratory Bird  
19 Harvest Information Program.

20 (Source: P.A. 92-177, eff. 7-27-01.)

21 (520 ILCS 5/3.1-5 new)

22 Sec. 3.1-5. Apprentice hunter program. Beginning 90 days  
23 after the effective date of this amendatory Act of the 94th  
24 General Assembly, the Department shall establish an apprentice  
25 hunter program authorizing a resident parent, guardian, or  
26 grandparent of a youth who is at least 10 years old and not  
27 more than 15 years old to apply to the Department for an  
28 Apprentice Hunter Permit when that resident applicant applies  
29 for any permit or hunting license under this Code. In order to  
30 be eligible for this Apprentice Hunter Permit the applicant  
31 must be a resident of Illinois, meet the requirements for  
32 obtaining the permit or license for which the applicant is  
33 applying, request an Apprentice Hunter Permit on a form

1 designated and made available by the Department, and submit a  
2 \$7 fee, which is separate from and additional to any other  
3 stamp, permit, tag, or license fee required under this Code.  
4 For approved applicants, the Department shall issue an  
5 Apprentice Hunter Permit that authorizes a designated son,  
6 daughter, ward, or grandchild of the permit holder to exercise  
7 the same hunting privileges as the permit holder when  
8 accompanying that permit holder on a supervised hunt. The  
9 Department shall adopt suitable administrative rules that are  
10 reasonable and necessary for the administration of the program,  
11 but shall not require any certificate of competency or other  
12 hunting education as a condition of the Apprentice Hunter  
13 Permit."