



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB0138

Introduced 2/1/2005, by Sen. Todd Sieben

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.25	from Ch. 61, par. 2.25
520 ILCS 5/2.26	from Ch. 61, par. 2.26
520 ILCS 5/2.33	from Ch. 61, par. 2.33

Amends the Wildlife Code. Permits deer hunters under age 18 to use crossbows during archery season (now, used only by handicapped persons).

LRB094 08409 JAM 38611 b

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 2.25, 2.26, and 2.33 as follows:

6 (520 ILCS 5/2.25) (from Ch. 61, par. 2.25)

7 Sec. 2.25. It shall be unlawful for any person to take deer
8 except (i) with a shotgun, handgun, or muzzleloading rifle or
9 (ii) as provided by administrative rule, with a bow and arrow,
10 or crossbow device for handicapped persons as defined in
11 Section 2.33, during the open season of not more than 14 days
12 which will be set annually by the Director between the dates of
13 November 1st and December 31st, both inclusive. For the
14 purposes of this Section, legal handguns include any centerfire
15 handguns of .30 caliber or larger with a minimum barrel length
16 of 4 inches. The only legal ammunition for a centerfire handgun
17 is a cartridge of .30 caliber or larger with a capability of at
18 least 500 foot pounds of energy at the muzzle. Full metal
19 jacket bullets may not be used to harvest deer.

20 The Department shall make administrative rules concerning
21 management restrictions applicable to the firearm and bow and
22 arrow season.

23 It shall be unlawful for any person to take deer except
24 with a bow and arrow, or crossbow device for handicapped
25 persons (as defined in Section 2.33), youths under age 18
26 during the open season for bow and arrow set annually by the
27 Director between the dates of September 1st and January 31st,
28 both inclusive.

29 It shall be unlawful for any person to take deer except
30 with (i) a muzzleloading rifle, or (ii) bow and arrow, or
31 crossbow device for handicapped persons as defined in Section
32 2.33, during the open season for muzzleloading rifles set

1 annually by the Director.

2 The Director shall cause an administrative rule setting
3 forth the prescribed rules and regulations, including bag and
4 possession limits and those counties of the State where open
5 seasons are established, to be published in accordance with
6 Sections 1.3 and 1.13 of this Act.

7 The Department may establish separate harvest periods for
8 the purpose of managing or eradicating disease that has been
9 found in the deer herd. This season shall be restricted to gun
10 or bow and arrow hunting only. The Department shall publicly
11 announce, via statewide news release, the season dates and
12 shooting hours, the counties and sites open to hunting, permit
13 requirements, application dates, hunting rules, legal weapons,
14 and reporting requirements.

15 The Department is authorized to establish a separate
16 harvest period at specific sites within the State for the
17 purpose of harvesting surplus deer that cannot be taken during
18 the regular season provided for the taking of deer. This season
19 shall be restricted to gun or bow and arrow hunting only and
20 shall be established during the period of September 1st to
21 February 15th, both inclusive. The Department shall publish
22 suitable prescribed rules and regulations established by
23 administrative rule pertaining to management restrictions
24 applicable to this special harvest program.

25 (Source: P.A. 93-37, eff. 6-25-03; 93-554, eff. 8-20-03;
26 revised 9-15-03.)

27 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

28 Sec. 2.26. Deer hunting permits. In this Section, "bona
29 fide equity shareholder" means an individual who (1) purchased,
30 for market price, publicly sold stock shares in a corporation,
31 purchased shares of a privately-held corporation for a value
32 equal to the percentage of the appraised value of the corporate
33 assets represented by the ownership in the corporation, or is a
34 member of a closely-held family-owned corporation and has
35 purchased or been gifted with shares of stock in the

1 corporation accurately reflecting his or her percentage of
2 ownership and (2) intends to retain the ownership of the shares
3 of stock for at least 5 years.

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

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

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

36 (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,
6 bona fide equity members of a limited liability company, or
7 bona fide equity partners of a general or limited
8 partnership which owns at least 40 acres of land in a
9 county in Illinois who wish to hunt on the corporation's,
10 company's, or partnership's land only. One permit shall be
11 issued without charge to one bona fide equity shareholder,
12 one bona fide equity member, or one bona fide equity
13 partner for each 40 acres of land owned by the corporation,
14 company, or partnership in a county; however, the number of
15 permits issued without charge to bona fide equity
16 shareholders of any corporation or bona fide equity members
17 of a limited liability company in any county shall not
18 exceed 15, and shall not exceed 3 in the case of bona fide
19 equity partners of a partnership.

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

32 The deer hunting permit issued without fee shall be valid
33 on all farm lands which the person to whom it is issued owns,
34 leases or rents, except that in the case of a permit issued to
35 a bona fide equity shareholder, bona fide equity member, or
36 bona fide equity partner, the permit shall be valid on all

1 lands owned by the corporation, limited liability company, or
2 partnership in the county.

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

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

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

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

19 It shall be unlawful for any person to take deer by use of
20 dogs, horses, automobiles, aircraft or other vehicles, or by
21 the use of salt or bait of any kind. An area is considered as
22 baited during the presence of and for 10 consecutive days
23 following the removal of bait. Nothing in this Section shall
24 prohibit the use of a dog to track wounded deer. Any person
25 using a dog for tracking wounded deer must maintain physical
26 control of the dog at all times by means of a maximum 50 foot
27 lead attached to the dog's collar or harness. Tracking wounded
28 deer is permissible at night, but at no time outside of legal
29 deer hunting hours or seasons shall any person handling or
30 accompanying a dog being used for tracking wounded deer be in
31 possession of any firearm or archery device. Persons tracking
32 wounded deer with a dog during the firearm deer seasons shall
33 wear blaze orange as required. Dog handlers tracking wounded
34 deer with a dog are exempt from hunting license and deer permit
35 requirements so long as they are accompanied by the licensed
36 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 It shall be legal for handicapped persons, as defined in
17 Section 2.33, and youths under age 18 to utilize a crossbow
18 device, as defined in Department rules, to take deer.

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

22 (Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01;
23 92-651, eff. 7-11-02; 93-554, eff. 8-20-03; 93-807, eff.
24 7-24-04; 93-823, eff. 1-1-05; revised 10-14-04.)

25 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

26 Sec. 2.33. Prohibitions.

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

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

35 (c) It is unlawful for any person at any time to take a

1 wild mammal protected by this Act from its den by means of any
2 mechanical device, spade, or digging device or to use smoke or
3 other gases to dislodge or remove such mammal except as
4 provided in Section 2.37.

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

9 (e) (Blank).

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

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

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

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

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

32 (k) It is unlawful to use or possess in the field any
33 shotgun shell loaded with a shot size larger than lead BB or
34 steel T (.20 diameter) when taking or attempting to take any
35 species of wild game mammals (excluding white-tailed deer),
36 wild game birds, migratory waterfowl or migratory game birds

1 protected by this Act, except white-tailed deer as provided for
2 in Section 2.26 and other species as provided for by subsection
3 (l) or administrative rule.

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

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

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

29 (o) It is unlawful to use any crossbow for the purpose of
30 taking any wild birds or mammals, except as provided for in
31 Section 2.25, Section 2.26, and Section 2.33.

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

35 (q) It is unlawful to fire a rifle, pistol, revolver or
36 airgun on, over or into any waters of this State, including

1 frozen waters.

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

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

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

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

36 (v) It is unlawful for any person to remove fur-bearing

1 mammals from, or to move or disturb in any manner, the traps
2 owned by another person without written authorization of the
3 owner to do so.

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

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

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

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

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

36 (bb) It is unlawful for any person, except licensed game

1 breeders, pursuant to Section 2.29 to import, carry into, or
2 possess alive in this State any species of wildlife taken
3 outside of this State, without obtaining permission to do so
4 from the Director.

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

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

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

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

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

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

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

35 (jj) Nothing contained in this Section shall prohibit the
36 use of bow and arrow, or prevent the Director from issuing

1 permits to use a crossbow to handicapped persons as provided by
2 administrative rule. As used herein, "handicapped persons"
3 means those persons who have a permanent physical impairment
4 due to injury or disease, congenital or acquired, which renders
5 them so severely disabled as to be unable to use a conventional
6 bow and arrow device. Permits will be issued only after the
7 receipt of a physician's statement confirming the applicant is
8 handicapped as defined above.

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

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

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

28 (Source: P.A. 92-325, eff. 8-9-01; 92-651, eff. 7-11-02;
29 93-807, eff. 7-24-04.)