

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, 2.38, and 3.5 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, or a special
14 2-day, youth-only season between the dates of September 1 and
15 October 31. For the purposes of this Section, legal handguns
16 include any centerfire handguns of .30 caliber or larger with a
17 minimum barrel length of 4 inches. The only legal ammunition
18 for a centerfire handgun is a cartridge of .30 caliber or
19 larger with a capability of at least 500 foot pounds of energy
20 at the muzzle. Full metal jacket bullets may not be used to
21 harvest deer.

22 The Department shall make administrative rules concerning
23 management restrictions applicable to the firearm and bow and

1 arrow season.

2 It shall be unlawful for any person to take deer except
3 with a bow and arrow, or crossbow device for handicapped
4 persons (as defined in Section 2.33), during the open season
5 for bow and arrow set annually by the Director between the
6 dates of September 1st and January 31st, both inclusive.

7 It shall be unlawful for any person to take deer except
8 with (i) a muzzleloading rifle, or (ii) bow and arrow, or
9 crossbow device for handicapped persons as defined in Section
10 2.33, during the open season for muzzleloading rifles set
11 annually by the Director.

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

17 The Department may establish separate harvest periods for
18 the purpose of managing or eradicating disease that has been
19 found in the deer herd. This season shall be restricted to gun
20 or bow and arrow hunting only. The Department shall publicly
21 announce, via statewide news release, the season dates and
22 shooting hours, the counties and sites open to hunting, permit
23 requirements, application dates, hunting rules, legal weapons,
24 and reporting requirements.

25 The Department is authorized to establish a separate
26 harvest period at specific sites within the State for the

1 purpose of harvesting surplus deer that cannot be taken during
2 the regular season provided for the taking of deer. This season
3 shall be restricted to gun or bow and arrow hunting only and
4 shall be established during the period of September 1st to
5 February 15th, both inclusive. The Department shall publish
6 suitable prescribed rules and regulations established by
7 administrative rule pertaining to management restrictions
8 applicable to this special harvest program. The Department
9 shall allow unused gun deer permits that are left over from a
10 regular season for the taking of deer to be rolled over and
11 used during any separate harvest period held within 6 months of
12 the season for which those tags were issued at no additional
13 cost to the permit holder subject to the management
14 restrictions applicable to the special harvest program.

15 (Source: P.A. 93-37, eff. 6-25-03; 93-554, eff. 8-20-03;
16 94-919, eff. 6-26-06.)

17 (520 ILCS 5/2.38) (from Ch. 61, par. 2.38)

18 Sec. 2.38. No person shall at any time:

19 (1) falsify, alter or change in any manner, ~~or loan or~~
20 ~~transfer to another,~~ or provide deceptive or false information
21 required for, any license, permit or tag issued under the
22 provisions hereof; ~~or~~

23 (2) falsify any record required by this Act; ~~or~~

24 (3) counterfeit any form of license, permit or tag provided
25 for by this Act;

1 (4) loan or transfer to another person any license, permit,
2 or tag issued under this Act; or

3 (5) use in the field any license, permit, or tag issued to
4 another person.

5 It is unlawful to possess any license, permit or tag issued
6 under the provisions of this Act which was fraudulently
7 obtained, or which the possessor knew, or should have known,
8 was falsified, altered, changed in any manner or fraudulently
9 obtained.

10 The Department shall suspend the privileges, under this
11 Act, of any person found guilty of violating this Section for a
12 period of not less than one year.

13 (Source: P.A. 85-152.)

14 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

15 Sec. 3.5. Penalties; probation.

16 (a) Any person who violates any of the provisions of
17 Section 2.36a, including administrative rules, shall be guilty
18 of a Class 3 felony, except as otherwise provided in subsection
19 (b) of this Section and subsection (a) of Section 2.36a.

20 (b) Whenever any person who has not previously been
21 convicted of, or placed on probation or court supervision for,
22 any offense under Section 1.22, 2.36, or 2.36a or subsection
23 (i) or (cc) of Section 2.33, the court may, without entering a
24 judgment and with the person's consent, sentence the person to
25 probation for a violation of Section 2.36a.

1 (1) When a person is placed on probation, the court
2 shall enter an order specifying a period of probation of 24
3 months and shall defer further proceedings in the case
4 until the conclusion of the period or until the filing of a
5 petition alleging violation of a term or condition of
6 probation.

7 (2) The conditions of probation shall be that the
8 person:

9 (A) Not violate any criminal statute of any
10 jurisdiction.

11 (B) Perform no less than 30 hours of community
12 service, provided community service is available in
13 the jurisdiction and is funded and approved by the
14 county board.

15 (3) The court may, in addition to other conditions:

16 (A) Require that the person make a report to and
17 appear in person before or participate with the court
18 or courts, person, or social service agency as directed
19 by the court in the order of probation.

20 (B) Require that the person pay a fine and costs.

21 (C) Require that the person refrain from
22 possessing a firearm or other dangerous weapon.

23 (D) Prohibit the person from associating with any
24 person who is actively engaged in any of the activities
25 regulated by the permits issued or privileges granted
26 by the Department of Natural Resources.

1 (4) Upon violation of a term or condition of probation,
2 the court may enter a judgment on its original finding of
3 guilt and proceed as otherwise provided.

4 (5) Upon fulfillment of the terms and conditions of
5 probation, the court shall discharge the person and dismiss
6 the proceedings against the person.

7 (6) A disposition of probation is considered to be a
8 conviction for the purposes of imposing the conditions of
9 probation, for appeal, and for administrative revocation
10 and suspension of licenses and privileges; however,
11 discharge and dismissal under this Section is not a
12 conviction for purposes of disqualification or
13 disabilities imposed by law upon conviction of a crime.

14 (7) Discharge and dismissal under this Section may
15 occur only once with respect to any person.

16 (8) If a person is convicted of an offense under this
17 Act within 5 years subsequent to a discharge and dismissal
18 under this Section, the discharge and dismissal under this
19 Section shall be admissible in the sentencing proceeding
20 for that conviction as a factor in aggravation.

21 (9) The Circuit Clerk shall notify the Department of
22 State Police of all persons convicted of or placed under
23 probation for violations of Section 2.36a.

24 (c) Any person who violates any of the provisions of
25 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,
26 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),

1 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 - 3.16, 3.19 - 3.21
2 (except subsections (b), (c), (d), (e), (f), (f.5), (g), (h),
3 and (i)), and 3.24 - 3.26, including administrative rules,
4 shall be guilty of a Class B misdemeanor.

5 Any person who violates any of the provisions of Sections
6 1.22, 2.4, 2.36 and 2.38, including administrative rules, shall
7 be guilty of a Class A misdemeanor. Any second or subsequent
8 violations of Sections 2.4 and 2.36 shall be a Class 4 felony.

9 Any person who violates any of the provisions of this Act,
10 including administrative rules, during such period when his
11 license, privileges, or permit is revoked or denied by virtue
12 of Section 3.36, shall be guilty of a Class A misdemeanor.

13 Any person who violates subsection (g), (i), (o), (p), (y),
14 or (cc) of Section 2.33 shall be guilty of a Class A
15 misdemeanor and subject to a fine of no less than \$500 and no
16 more than \$5,000 in addition to other statutory penalties. In
17 addition, the Department shall suspend the privileges, under
18 this Act, of any person found guilty of violating Section
19 2.33(cc) for a period of not less than one year.

20 Any person who violates any other of the provisions of this
21 Act including administrative rules, unless otherwise stated,
22 shall be guilty of a petty offense. Offenses committed by
23 minors under the direct control or with the consent of a parent
24 or guardian may subject the parent or guardian to the penalties
25 prescribed in this Section.

26 In addition to any fines imposed pursuant to the provisions

1 of this Section or as otherwise provided in this Act, any
2 person found guilty of unlawfully taking or possessing any
3 species protected by this Act, shall be assessed a civil
4 penalty for such species in accordance with the values
5 prescribed in Section 2.36a of this Act. This civil penalty
6 shall be imposed by the Circuit Court for the county within
7 which the offense was committed at the time of the conviction.
8 All penalties provided for in this Section shall be remitted to
9 the Department in accordance with the same provisions provided
10 for in Section 1.18 of this Act.

11 (Source: P.A. 94-222, eff. 7-14-05.)