

SB0216



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0216

Introduced 2/7/2007, by Sen. Todd Sieben - Mike Jacobs

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. Provides that the Department of Natural Resources may issue crossbow permits to persons age 62 and older upon appropriate verification of age. Effective immediately.

LRB095 06724 CMK 26838 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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, and persons age 62 or older during the open
12 season of not more than 14 days which will be set annually by
13 the Director between the dates of November 1st and December
14 31st, both inclusive. For the purposes of this Section, legal
15 handguns include any centerfire handguns of .30 caliber or
16 larger with a minimum barrel length of 4 inches. The only legal
17 ammunition for a centerfire handgun is a cartridge of .30
18 caliber or larger with a capability of at least 500 foot pounds
19 of energy at the muzzle. Full metal jacket bullets may not be
20 used to harvest deer.

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

1 It shall be unlawful for any person to take deer except
2 with a bow and arrow, or crossbow device for handicapped
3 persons, ~~as defined in Section 2.33~~, and persons age 62 or
4 older during the open season for bow and arrow set annually by
5 the Director between the dates of September 1st and January
6 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~~, and persons age 62 or older during the open season for
11 muzzleloading rifles set 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 5/2.26) (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

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

1 shall not exceed \$15.00 for residents of the State. The
2 Department may by administrative rule provide for non-resident
3 deer hunting permits for which the fee will not exceed \$300 in
4 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as
5 provided below for non-resident landowners and non-resident
6 archery hunters. The Department may by administrative rule
7 provide for a non-resident archery deer permit consisting of
8 not more than 2 harvest tags at a total cost not to exceed \$325
9 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. Permits
10 shall be issued without charge to:

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

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

16 (c) Bona fide equity shareholders of a corporation,
17 bona fide equity members of a limited liability company, or
18 bona fide equity partners of a general or limited
19 partnership which owns at least 40 acres of land in a
20 county in Illinois who wish to hunt on the corporation's,
21 company's, or partnership's land only. One permit shall be
22 issued without charge to one bona fide equity shareholder,
23 one bona fide equity member, or one bona fide equity
24 partner for each 40 acres of land owned by the corporation,
25 company, or partnership in a county; however, the number of
26 permits issued without charge to bona fide equity

1 shareholders of any corporation or bona fide equity members
2 of a limited liability company in any county shall not
3 exceed 15, and shall not exceed 3 in the case of bona fide
4 equity partners of a partnership.

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

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

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

1 No person may have in his possession any firearm not
2 authorized by administrative rule for a specific hunting season
3 when taking deer.

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

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

14 It shall be unlawful for any person to take deer by use of
15 dogs, horses, automobiles, aircraft or other vehicles, or by
16 the use of salt or bait of any kind. An area is considered as
17 baited during the presence of and for 10 consecutive days
18 following the removal of bait. Nothing in this Section shall
19 prohibit the use of a dog to track wounded deer. Any person
20 using a dog for tracking wounded deer must maintain physical
21 control of the dog at all times by means of a maximum 50 foot
22 lead attached to the dog's collar or harness. Tracking wounded
23 deer is permissible at night, but at no time outside of legal
24 deer hunting hours or seasons shall any person handling or
25 accompanying a dog being used for tracking wounded deer be in
26 possession of any firearm or archery device. Persons tracking

1 wounded deer with a dog during the firearm deer seasons shall
2 wear blaze orange as required. Dog handlers tracking wounded
3 deer with a dog are exempt from hunting license and deer permit
4 requirements so long as they are accompanied by the licensed
5 deer hunter who wounded the deer.

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

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

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

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

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

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

23 It shall be legal for handicapped persons, as defined in
24 Section 2.33, and persons age 62 or older to utilize a crossbow
25 device, as defined in Department rules, to take deer.

26 Any person who violates any of the provisions of this

1 Section, including administrative rules, shall be guilty of a
2 Class B misdemeanor.

3 (Source: P.A. 93-554, eff. 8-20-03; 93-807, eff. 7-24-04;
4 93-823, eff. 1-1-05; 94-10, eff. 6-7-05.)

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

6 Sec. 2.33. Prohibitions.

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

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

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

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

24 (e) (Blank).

25 (f) It is unlawful to use spears, gigs, hooks or any like

1 device to take any species protected by this Act.

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

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

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

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

22 (k) It is unlawful to use or possess in the field any
23 shotgun shell loaded with a shot size larger than lead BB or
24 steel T (.20 diameter) when taking or attempting to take any
25 species of wild game mammals (excluding white-tailed deer),
26 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

1 such bow or arrow device is unstrung or enclosed in a case, or
2 otherwise made inoperable.

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

6 (p) It is unlawful to take game birds, migratory game birds
7 or migratory waterfowl with a rifle, pistol, revolver or
8 airgun.

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

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

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

18 (t) It is unlawful for any person to trap or hunt, or
19 intentionally or wantonly allow a dog to hunt, within or upon
20 the land of another, or upon waters flowing over or standing on
21 the land of another, without first obtaining permission from
22 the owner or tenant. It shall be prima facie evidence that a
23 person does not have permission of the owner or tenant if the
24 person is unable to demonstrate to the law enforcement officer
25 in the field that permission had been obtained. This provision
26 may only be rebutted by testimony of the owner or tenant that

1 permission had been given. Before enforcing this Section the
2 law enforcement officer must have received notice from the
3 owner or tenant of a violation of this Section. Statements made
4 to the law enforcement officer regarding this notice shall not
5 be rendered inadmissible by the hearsay rule when offered for
6 the purpose of showing the required notice.

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

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

24 (w) It is unlawful for any owner of a dog to knowingly or
25 wantonly allow his or her dog to pursue, harass or kill deer,
26 except that nothing in this Section shall prohibit the tracking

1 of wounded deer with a dog in accordance with the provisions of
2 Section 2.26 of this Code.

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

7 (y) It is unlawful to hunt wild game protected by this Act
8 between one half hour after sunset and one half hour before
9 sunrise, except that hunting hours between one half hour after
10 sunset and one half hour before sunrise may be established by
11 administrative rule for fur-bearing mammals.

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

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

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

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

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

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

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

24 (gg) It is unlawful during the upland game season for any
25 person to take upland game with a firearm unless he or she
26 wears, while in the field, a cap of solid blaze orange color.

1 For purposes of this Act, upland game is defined as Bobwhite
2 Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern
3 Cottontail and Swamp Rabbit.

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

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

13 (jj) Nothing contained in this Section shall prohibit the
14 use of bow and arrow, or prevent the Director from issuing
15 permits to use a crossbow to handicapped persons and persons
16 age 62 or older as provided by administrative rule. As used
17 herein, "handicapped persons" means those persons who have a
18 permanent physical impairment due to injury or disease,
19 congenital or acquired, which renders them so severely disabled
20 as to be unable to use a conventional bow and arrow device.
21 Permits will be issued only after the receipt of a physician's
22 statement confirming the applicant is handicapped as defined
23 above or upon appropriate verification of an applicant's age,
24 as provided by administrative rule.

25 (kk) Nothing contained in this Section shall prohibit the
26 Director from issuing permits to paraplegics or to other

1 disabled persons who meet the requirements set forth in
2 administrative rule to shoot or hunt from a vehicle as provided
3 by that rule, provided that such is otherwise in accord with
4 this Act.

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

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

18 (Source: P.A. 93-807, eff. 7-24-04; 94-764, eff. 1-1-07.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.