



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0229

Introduced 1/20/2009, by Rep. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.11	from Ch. 61, par. 2.11
520 ILCS 5/2.26	from Ch. 61, par. 2.26

Amends the Wildlife Code. Requires the Department of Natural Resources, when determining which entities are eligible to be issued a free Wild Turkey Hunting Permit, to determine the total acreage of the applicable tract or tracts of land and round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre. Requires the Department of Natural Resources, when determining which entities are eligible to be issued a free deer hunting permit, to determine the total acreage of the applicable tract or tracts of land and round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre.

LRB096 03774 JDS 13804 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 2.11 and 2.26 as follows:

6 (520 ILCS 5/2.11) (from Ch. 61, par. 2.11)

7 Sec. 2.11. Before any person may lawfully hunt wild turkey,  
8 he shall first obtain a "Wild Turkey Hunting Permit" in  
9 accordance with the prescribed regulations set forth in an  
10 administrative rule of the Department. The fee for a Resident  
11 Wild Turkey Hunting Permit shall not exceed \$15.

12 Upon submitting suitable evidence of legal residence in any  
13 other state, non-residents shall be charged a fee not to exceed  
14 \$125 for wild turkey hunting permits, except as provided below  
15 for non-resident land owners.

16 Permits shall be issued without charge to:

17 (a) Illinois landowners residing in Illinois who own at  
18 least 40 acres of Illinois land and wish to hunt on their  
19 land only,

20 (b) resident tenants of at least 40 acres of commercial  
21 agricultural land, and

22 (c) bona fide equity shareholders of a corporation,  
23 bona fide equity members of a limited liability company, or

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

14       The turkey hunting permit issued without fee shall be valid  
15       on all lands upon which the person to whom it is issued owns,  
16       leases or rents, except that in the case of a permit issued  
17       without charge to a shareholder of a corporation, the permit  
18       shall be valid on all lands owned by the corporation in the  
19       county.

20       The Department may by administrative rule allocate and  
21       issue non-resident Wild Turkey Permits and establish fees for  
22       such permits.

23       It shall be unlawful to take wild turkey except by use of a  
24       bow and arrow or a shotgun of not larger than 10 nor smaller  
25       than 20 gauge with shot size not larger than No. 4, and no  
26       person while attempting to so take wild turkey may have in his

1 possession any other gun.

2 It shall be unlawful to take, or attempt to take wild  
3 turkey except during the time from 1/2 hour before sunrise to  
4 1/2 hour after sunset or during such lesser period of time as  
5 may be specified by administrative rule, during those days for  
6 which an open season is established.

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

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

13 For purposes of this Section "bona fide equity  
14 shareholder", "bona fide equity member", and "bona fide equity  
15 partner" shall have the same meaning as provided in Section  
16 2.26 of this Act.

17 For the purposes of calculating acreage under this Section,  
18 the Department shall, after determining the total acreage of  
19 the applicable tract or tracts of land, round remaining  
20 fractional portions of an acre greater than or equal to half of  
21 an acre up to the next whole acre.

22 (Source: P.A. 94-753, eff. 5-10-06.)

23 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

24 Sec. 2.26. Deer hunting permits. In this Section, "bona  
25 fide equity shareholder" means an individual who (1) purchased,

1 for market price, publicly sold stock shares in a corporation,  
2 purchased shares of a privately-held corporation for a value  
3 equal to the percentage of the appraised value of the corporate  
4 assets represented by the ownership in the corporation, or is a  
5 member of a closely-held family-owned corporation and has  
6 purchased or been gifted with shares of stock in the  
7 corporation accurately reflecting his or her percentage of  
8 ownership and (2) intends to retain the ownership of the shares  
9 of stock for at least 5 years.

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

19 In this Section, "bona fide equity partner" means an  
20 individual who (1) (i) became a partner, either general or  
21 limited, upon the formation of a partnership or limited  
22 partnership, or (ii) has purchased, acquired, or been gifted a  
23 partnership interest accurately representing his or her  
24 percentage distributional interest in the profits, losses, and  
25 assets of a partnership or limited partnership, (2) intends to  
26 retain ownership of the partnership interest for at least 5

1 years, and (3) is a resident of Illinois.

2 Any person attempting to take deer shall first obtain a  
3 "Deer Hunting Permit" in accordance with prescribed  
4 regulations set forth in an Administrative Rule. Deer Hunting  
5 Permits shall be issued by the Department. The fee for a Deer  
6 Hunting Permit to take deer with either bow and arrow or gun  
7 shall not exceed \$15.00 for residents of the State. The  
8 Department may by administrative rule provide for non-resident  
9 deer hunting permits for which the fee will not exceed \$300 in  
10 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as  
11 provided below for non-resident landowners and non-resident  
12 archery hunters. The Department may by administrative rule  
13 provide for a non-resident archery deer permit consisting of  
14 not more than 2 harvest tags at a total cost not to exceed \$325  
15 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. Permits  
16 shall be issued without charge to:

17 (a) Illinois landowners residing in Illinois who own at  
18 least 40 acres of Illinois land and wish to hunt their land  
19 only,

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

22 (c) Bona fide equity shareholders of a corporation,  
23 bona fide equity members of a limited liability company, or  
24 bona fide equity partners of a general or limited  
25 partnership which owns at least 40 acres of land in a  
26 county in Illinois who wish to hunt on the corporation's,

1 company's, or partnership's land only. One permit shall be  
2 issued without charge to one bona fide equity shareholder,  
3 one bona fide equity member, or one bona fide equity  
4 partner for each 40 acres of land owned by the corporation,  
5 company, or partnership in a county; however, the number of  
6 permits issued without charge to bona fide equity  
7 shareholders of any corporation or bona fide equity members  
8 of a limited liability company in any county shall not  
9 exceed 15, and shall not exceed 3 in the case of bona fide  
10 equity partners of a partnership.

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

23 The deer hunting permit issued without fee shall be valid  
24 on all farm lands which the person to whom it is issued owns,  
25 leases or rents, except that in the case of a permit issued to  
26 a bona fide equity shareholder, bona fide equity member, or

1 bona fide equity partner, the permit shall be valid on all  
2 lands owned by the corporation, limited liability company, or  
3 partnership in the county.

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

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

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

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

20 It shall be unlawful for any person to take deer by use of  
21 dogs, horses, automobiles, aircraft or other vehicles, or by  
22 the use of salt or bait of any kind. An area is considered as  
23 baited during the presence of and for 10 consecutive days  
24 following the removal of bait. Nothing in this Section shall  
25 prohibit the use of a dog to track wounded deer. Any person  
26 using a dog for tracking wounded deer must maintain physical



1 control of the dog at all times by means of a maximum 50 foot  
2 lead attached to the dog's collar or harness. Tracking wounded  
3 deer is permissible at night, but at no time outside of legal  
4 deer hunting hours or seasons shall any person handling or  
5 accompanying a dog being used for tracking wounded deer be in  
6 possession of any firearm or archery device. Persons tracking  
7 wounded deer with a dog during the firearm deer seasons shall  
8 wear blaze orange as required. Dog handlers tracking wounded  
9 deer with a dog are exempt from hunting license and deer permit  
10 requirements so long as they are accompanied by the licensed  
11 deer hunter who wounded the deer.

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

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

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

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

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

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

3           It shall be legal for handicapped persons, as defined in  
4 Section 2.33, and persons age 62 or older to utilize a crossbow  
5 device, as defined in 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           For the purposes of calculating acreage under this Section,  
10 the Department shall, after determining the total acreage of  
11 the applicable tract or tracts of land, round remaining  
12 fractional portions of an acre greater than or equal to half of  
13 an acre up to the next whole acre.

14           (Source: P.A. 94-10, eff. 6-7-05; 95-289, eff. 8-20-07; 95-329,  
15 eff. 8-21-07; 95-876, eff. 8-21-08.)