



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2094

Introduced 2/22/2011, by Rep. Norine Hammond

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. Provides that "bait" means any product, vegetable or mineral, salt or sodium-based, grain, fruit, nutrient, vegetation, or other source that can be ingested, solid or liquid, placed or scattered, in such a manner as to attract or lure deer or wild turkeys. Provides that the use of products designed for scent only and not capable of ingestion shall not constitute bait.

LRB097 06794 CEL 46885 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.~~ For the purposes of this Section, "bait", when used as a
11 noun, means any product, vegetable or mineral, salt or
12 sodium-based, grain, fruit, nutrient, vegetation, or other
13 source that can be ingested, solid or liquid, placed or
14 scattered, in such a manner as to attract or lure wild turkeys.
15 The use of products designed for scent only and not capable of
16 ingestion shall not constitute bait. "Bait", when used as a
17 verb, means the placement or scattering of bait to attract wild
18 turkeys.

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

21 For purposes of this Section "bona fide equity
22 shareholder", "bona fide equity member", and "bona fide equity
23 partner" shall have the same meaning as provided in Section
24 2.26 of this Act.

25 For the purposes of calculating acreage under this Section,
26 the Department shall, after determining the total acreage of

1 the applicable tract or tracts of land, round remaining
2 fractional portions of an acre greater than or equal to half of
3 an acre up to the next whole acre.

4 (Source: P.A. 96-162, eff. 1-1-10.)

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

6 Sec. 2.26. Deer hunting permits. In this Section, "bona
7 fide equity shareholder" means an individual who (1) purchased,
8 for market price, publicly sold stock shares in a corporation,
9 purchased shares of a privately-held corporation for a value
10 equal to the percentage of the appraised value of the corporate
11 assets represented by the ownership in the corporation, or is a
12 member of a closely-held family-owned corporation and has
13 purchased or been gifted with shares of stock in the
14 corporation accurately reflecting his or her percentage of
15 ownership and (2) intends to retain the ownership of the shares
16 of stock for at least 5 years.

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

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

10 Any person attempting to take deer shall first obtain a
11 "Deer Hunting Permit" issued by the Department in accordance
12 with its administrative rules. Those rules must provide for the
13 issuance of the following types of resident deer archery
14 permits: (i) a combination permit, consisting of one either-sex
15 permit and one antlerless-only permit, (ii) a single
16 antlerless-only permit, and (iii) a single either-sex permit.
17 The fee for a Deer Hunting Permit to take deer with either bow
18 and arrow or gun shall not exceed \$25.00 for residents of the
19 State. The Department may by administrative rule provide for
20 non-resident deer hunting permits for which the fee will not
21 exceed \$300 in 2005, \$350 in 2006, and \$400 in 2007 and
22 thereafter except as provided below for non-resident
23 landowners and non-resident archery hunters. The Department
24 may by administrative rule provide for a non-resident archery
25 deer permit consisting of not more than 2 harvest tags at a
26 total cost not to exceed \$325 in 2005, \$375 in 2006, and \$425

1 in 2007 and thereafter. Permits shall be issued without charge
2 to:

3 (a) Illinois landowners residing in Illinois who own at
4 least 40 acres of Illinois land and wish to hunt their land
5 only,

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

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

23 Bona fide landowners or tenants who do not wish to hunt
24 only on the land they own, rent, or lease or bona fide equity
25 shareholders, bona fide equity members, or bona fide equity
26 partners who do not wish to hunt only on the land owned by the

1 corporation, limited liability company, or partnership shall
2 be charged the same fee as the applicant who is not a
3 landowner, tenant, bona fide equity shareholder, bona fide
4 equity member, or bona fide equity partner. Nonresidents of
5 Illinois who own at least 40 acres of land and wish to hunt on
6 their land only shall be charged a fee set by administrative
7 rule. The method for obtaining these permits shall be
8 prescribed by administrative rule.

9 The deer hunting permit issued without fee shall be valid
10 on all farm lands which the person to whom it is issued owns,
11 leases or rents, except that in the case of a permit issued to
12 a bona fide equity shareholder, bona fide equity member, or
13 bona fide equity partner, the permit shall be valid on all
14 lands owned by the corporation, limited liability company, or
15 partnership in the county.

16 The standards and specifications for use of guns and bow
17 and arrow for deer hunting shall be established by
18 administrative rule.

19 No person may have in his possession any firearm not
20 authorized by administrative rule for a specific hunting season
21 when taking deer.

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

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

6 It shall be unlawful for any person to take deer by use of
7 dogs, horses, automobiles, aircraft or other vehicles, or by
8 the use of ~~salt or bait of any kind~~. For the purposes of this
9 Section, "bait", when used as a noun, means any product,
10 vegetable or mineral, salt or sodium-based, grain, fruit,
11 nutrient, vegetation, or other source that can be ingested,
12 solid or liquid, placed or scattered, in such a manner as to
13 attract or lure deer. The use of products designed for scent
14 only and not capable of ingestion shall not constitute bait.
15 "Bait", when used as a verb, means the placement or scattering
16 of bait to attract deer. An area is considered as baited during
17 the presence of and for 10 consecutive days following the
18 removal of bait. Nothing in this Section shall prohibit the use
19 of a dog to track wounded deer. Any person using a dog for
20 tracking wounded deer must maintain physical control of the dog
21 at all times by means of a maximum 50 foot lead attached to the
22 dog's collar or harness. Tracking wounded deer is permissible
23 at night, but at no time outside of legal deer hunting hours or
24 seasons shall any person handling or accompanying a dog being
25 used for tracking wounded deer be in possession of any firearm
26 or archery device. Persons tracking wounded deer with a dog

1 during the firearm deer seasons shall wear blaze orange as
2 required. Dog handlers tracking wounded deer with a dog are
3 exempt from hunting license and deer permit requirements so
4 long as they are accompanied by the licensed deer hunter who
5 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 For the purposes of calculating acreage under this Section,
4 the Department shall, after determining the total acreage of
5 the applicable tract or tracts of land, round remaining
6 fractional portions of an acre greater than or equal to half of
7 an acre up to the next whole acre.

8 (Source: P.A. 95-289, eff. 8-20-07; 95-329, eff. 8-21-07;
9 95-876, eff. 8-21-08; 96-162, eff. 1-1-10; 96-831, eff. 1-1-10;
10 96-1042, eff. 1-1-11.)