



Sen. Gary Forby

Filed: 5/17/2012

09700HB4819sam001

LRB097 17121 CEL 69598 a

1 AMENDMENT TO HOUSE BILL 4819

2 AMENDMENT NO. _____. Amend House Bill 4819 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Wildlife Code is amended by changing
5 Sections 2.25, 2.26, and 2.33 and by adding Sections 1.2j-1 and
6 2.5 as follows:

7 (520 ILCS 5/1.2j-1 new)

8 Sec. 1.2j-1. "Bow and arrow" means a longbow, recurve bow,
9 compound bow, or crossbow.

10 (520 ILCS 5/2.5 new)

11 Sec. 2.5. Crossbow conditions. A person may use a crossbow
12 if one or more of the following conditions are met:

13 (1) the user is a person age 62 and older;

14 (2) the user is a handicapped person to whom the
15 Director has issued a permit to use a crossbow, as provided

1 by administrative rule; or

2 (3) the date of using the crossbow is during the period
3 of the second Monday following the Thanksgiving holiday
4 through the last day of the archery deer hunting season
5 (both inclusive) set annually by the Director.

6 As used in this Section, "handicapped person" means a
7 person who has a physical impairment due to injury or disease,
8 congenital or acquired, which renders them so severely disabled
9 as to be unable to use a longbow, recurve bow, or compound bow.
10 Permits must be issued only after the receipt of a physician's
11 statement confirming the applicant is handicapped as defined
12 above.

13 (520 ILCS 5/2.25) (from Ch. 61, par. 2.25)

14 Sec. 2.25. It shall be unlawful for any person to take deer
15 except (i) with a shotgun, handgun, or muzzleloading rifle or
16 (ii) as provided by administrative rule, with a bow and arrow,
17 ~~or crossbow device for handicapped persons, as defined in~~
18 ~~Section 2.33, and persons age 62 or older~~ during the open
19 season of not more than 14 days which will be set annually by
20 the Director between the dates of November 1st and December
21 31st, both inclusive, or a special 2-day, youth-only season
22 between the dates of September 1 and October 31. For the
23 purposes of this Section, legal handguns include any centerfire
24 handguns of .30 caliber or larger with a minimum barrel length
25 of 4 inches. The only legal ammunition for a centerfire handgun

1 is a cartridge of .30 caliber or larger with a capability of at
2 least 500 foot pounds of energy at the muzzle. Full metal
3 jacket bullets may not be used to harvest deer.

4 The Department shall make administrative rules concerning
5 management restrictions applicable to the firearm and bow and
6 arrow season.

7 It shall be unlawful for any person to take deer except
8 with a bow and arrow, ~~or crossbow device for handicapped~~
9 ~~persons, as defined in Section 2.33, and persons age 62 or~~
10 ~~older~~ during the open season for bow and arrow set annually by
11 the Director between the dates of September 1st and January
12 31st, both inclusive.

13 It shall be unlawful for any person to take deer except
14 with (i) a muzzleloading rifle, ~~or (ii) bow and arrow, or~~
15 ~~crossbow device for handicapped persons, as defined in Section~~
16 ~~2.33, and persons age 62 or older~~ during the open season for
17 muzzleloading rifles set annually by the Director.

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

23 The Department may establish separate harvest periods for
24 the purpose of managing or eradicating disease that has been
25 found in the deer herd. This season shall be restricted to gun
26 or bow and arrow hunting only. The Department shall publicly

1 announce, via statewide news release, the season dates and
2 shooting hours, the counties and sites open to hunting, permit
3 requirements, application dates, hunting rules, legal weapons,
4 and reporting requirements.

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

21 (Source: P.A. 94-919, eff. 6-26-06; 95-13, eff. 1-1-08; 95-329,
22 eff. 8-21-07; 95-876, eff. 8-21-08.)

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" issued by the Department in accordance
4 with its administrative rules. Those rules must provide for the
5 issuance of the following types of resident deer archery
6 permits: (i) a combination permit, consisting of one either-sex
7 permit and one antlerless-only permit, (ii) a single
8 antlerless-only permit, and (iii) a single either-sex permit.
9 The fee for a Deer Hunting Permit to take deer with either bow
10 and arrow or gun shall not exceed \$25.00 for residents of the
11 State. The Department may by administrative rule provide for
12 non-resident deer hunting permits for which the fee will not
13 exceed \$300 in 2005, \$350 in 2006, and \$400 in 2007 and
14 thereafter except as provided below for non-resident
15 landowners and non-resident archery hunters. The Department
16 may by administrative rule provide for a non-resident archery
17 deer permit consisting of not more than 2 harvest tags at a
18 total cost not to exceed \$325 in 2005, \$375 in 2006, and \$425
19 in 2007 and thereafter. Permits shall be issued without charge
20 to:

21 (a) Illinois landowners residing in Illinois who own at
22 least 40 acres of Illinois land and wish to hunt their land
23 only,

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

26 (c) Bona fide equity shareholders of a corporation,

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

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

1 The deer hunting permit issued without fee shall be valid
2 on all farm lands which the person to whom it is issued owns,
3 leases or rents, except that in the case of a permit issued to
4 a bona fide equity shareholder, bona fide equity member, or
5 bona fide equity partner, the permit shall be valid on all
6 lands owned by the corporation, limited liability company, or
7 partnership in the county.

8 The standards and specifications for use of guns and bow
9 and arrow for deer hunting shall be established by
10 administrative rule.

11 No person may have in his possession any firearm not
12 authorized by administrative rule for a specific hunting season
13 when taking deer.

14 Persons having a firearm 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 shotgun, handgun, or muzzle loading rifle.

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

24 It shall be unlawful for any person to take deer by use of
25 dogs, horses, automobiles, aircraft or other vehicles, or by
26 the use or aid of bait or baiting of any kind. For the purposes

1 of this Section, "bait" means any material, whether liquid or
2 solid, including food, salt, minerals, and other products that
3 can be ingested, placed, or scattered in such a manner as to
4 attract or lure white-tailed deer. "Baiting" means the
5 placement or scattering of bait to attract deer. An area is
6 considered as baited during the presence of and for 10
7 consecutive days following the removal of bait. Nothing in this
8 Section shall prohibit the use of a dog to track wounded deer.
9 Any person using a dog for tracking wounded deer must maintain
10 physical control of the dog at all times by means of a maximum
11 50 foot lead attached to the dog's collar or harness. Tracking
12 wounded deer is permissible at night, but at no time outside of
13 legal deer hunting hours or seasons shall any person handling
14 or accompanying a dog being used for tracking wounded deer be
15 in possession of any firearm or archery device. Persons
16 tracking wounded deer with a dog during the firearm deer
17 seasons shall wear blaze orange as required. Dog handlers
18 tracking wounded deer with a dog are exempt from hunting
19 license and deer permit requirements so long as they are
20 accompanied by the licensed deer hunter who wounded the deer.

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

25 Persons hunting deer must have gun unloaded and no bow and
26 arrow device shall be carried with the arrow in the nocked

1 position during hours when deer hunting is unlawful.

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

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

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

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

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

15 Any person who violates any of the provisions of this
16 Section, including administrative rules, shall be guilty of a
17 Class B misdemeanor.

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

23 For the purposes of taking white-tailed deer, nothing in
24 this Section shall be construed to prevent the manipulation,
25 including mowing or cutting, of standing crops as a normal
26 agricultural or soil stabilization practice, food plots, or

1 normal agricultural practices, including planting, harvesting,
2 and maintenance such as cultivating or the use of products
3 designed for scent only and not capable of ingestion, solid or
4 liquid, placed or scattered, in such a manner as to attract or
5 lure deer. Such manipulation for the purpose of taking
6 white-tailed deer may be further modified by administrative
7 rule.

8 (Source: P.A. 96-162, eff. 1-1-10; 96-831, eff. 1-1-10;
9 96-1042, eff. 1-1-11; 97-564, eff. 8-25-11.)

10 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

11 Sec. 2.33. Prohibitions.

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

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

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

25 (d) It is unlawful to use a ferret or any other small

1 mammal which is used in the same or similar manner for which
2 ferrets are used for the purpose of frightening or driving any
3 mammals from their dens or hiding places.

4 (e) (Blank).

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

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

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

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

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

1 (k) It is unlawful to use or possess in the field any
2 shotgun shell loaded with a shot size larger than lead BB or
3 steel T (.20 diameter) when taking or attempting to take any
4 species of wild game mammals (excluding white-tailed deer),
5 wild game birds, migratory waterfowl or migratory game birds
6 protected by this Act, except white-tailed deer as provided for
7 in Section 2.26 and other species as provided for by subsection
8 (l) or administrative rule.

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

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

23 (n) It is unlawful for any person, except persons who
24 possess a permit to hunt from a vehicle as provided in this
25 Section and persons otherwise permitted by law, to have or
26 carry any gun in or on any vehicle, conveyance or aircraft,

1 unless such gun is unloaded and enclosed in a case, except that
2 at field trials authorized by Section 2.34 of this Act,
3 unloaded guns or guns loaded with blank cartridges only, may be
4 carried on horseback while not contained in a case, or to have
5 or carry any bow or arrow device in or on any vehicle unless
6 such bow or arrow device is unstrung or enclosed in a case, or
7 otherwise made inoperable.

8 (o) It is unlawful to use any crossbow for the purpose of
9 taking any wild birds or mammals, except as provided for in
10 Section 2.5 ~~2.33~~.

11 (p) It is unlawful to take game birds, migratory game birds
12 or migratory waterfowl with a rifle, pistol, revolver or
13 airgun.

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

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

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

23 (t) It is unlawful for any person to trap or hunt, or
24 intentionally or wantonly allow a dog to hunt, within or upon
25 the land of another, or upon waters flowing over or standing on
26 the land of another, without first obtaining permission from

1 the owner or tenant. It shall be prima facie evidence that a
2 person does not have permission of the owner or tenant if the
3 person is unable to demonstrate to the law enforcement officer
4 in the field that permission had been obtained. This provision
5 may only be rebutted by testimony of the owner or tenant that
6 permission had been given. Before enforcing this Section the
7 law enforcement officer must have received notice from the
8 owner or tenant of a violation of this Section. Statements made
9 to the law enforcement officer regarding this notice shall not
10 be rendered inadmissible by the hearsay rule when offered for
11 the purpose of showing the required notice.

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

25 (v) It is unlawful for any person to remove fur-bearing
26 mammals from, or to move or disturb in any manner, the traps

1 owned by another person without written authorization of the
2 owner to do so.

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

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

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

17 (z) It is unlawful to take any game bird (excluding wild
18 turkeys and crippled pheasants not capable of normal flight and
19 otherwise irretrievable) protected by this Act when not flying.
20 Nothing in this Section shall prohibit a person from carrying
21 an uncased, unloaded shotgun in a boat, while in pursuit of a
22 crippled migratory waterfowl that is incapable of normal
23 flight, for the purpose of attempting to reduce the migratory
24 waterfowl to possession, provided that the attempt is made
25 immediately upon downing the migratory waterfowl and is done
26 within 400 yards of the blind from which the migratory

1 waterfowl was downed. This exception shall apply only to
2 migratory game birds that are not capable of normal flight.
3 Migratory waterfowl that are crippled may be taken only with a
4 shotgun as regulated by subsection (j) of this Section using
5 shotgun shells as regulated in subsection (k) of this Section.

6 (aa) It is unlawful to use or possess any device that may
7 be used for tree climbing or cutting, while hunting fur-bearing
8 mammals, excluding coyotes.

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

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

17 (dd) It is unlawful to take any species protected by this
18 Act and retain it alive except as provided by administrative
19 rule.

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

23 (ff) It is unlawful for any person to take any species
24 protected by this Act, except migratory waterfowl, during the
25 gun deer hunting season in those counties open to gun deer
26 hunting, unless he or she wears, when in the field, a cap and

1 upper outer garment of a solid blaze orange color, with such
2 articles of clothing displaying a minimum of 400 square inches
3 of blaze orange material.

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

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

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

19 (jj) (Blank). ~~Nothing contained in this Section shall~~
20 ~~prohibit the use of bow and arrow, prohibit the use of a~~
21 ~~crossbow by persons age 62 or older, or prevent the Director~~
22 ~~from issuing permits to use a crossbow to handicapped persons~~
23 ~~as provided by administrative rule. As used herein,~~
24 ~~"handicapped persons" means those persons who have a physical~~
25 ~~impairment due to injury or disease, congenital or acquired,~~
26 ~~which renders them so severely disabled as to be unable to use~~

1 ~~a conventional bow and arrow device. Permits must be issued~~
2 ~~only after the receipt of a physician's statement confirming~~
3 ~~the applicant is handicapped as defined above.~~

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

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

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

23 (Source: P.A. 96-390, eff. 8-13-09; 97-645, eff. 12-30-11.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."