



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5612

Introduced 2/15/2012, by Rep. Jim Sacia

#### SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.25  
520 ILCS 5/2.26

from Ch. 61, par. 2.25  
from Ch. 61, par. 2.26

Amends the Wildlife Code. Provides that deer may be taken in the State with rifles that fire certain handgun cartridges. Provides that over and under combination rifle-shotguns are prohibited.

LRB097 20221 CEL 65658 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 2.25 and 2.26 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 rifle or (ii) as provided by administrative rule, with a bow  
10 and arrow, or crossbow device for handicapped persons, as  
11 defined in Section 2.33, and persons age 62 or older during the  
12 open season of not more than 14 days which will be set annually  
13 by the Director between the dates of November 1st and December  
14 31st, both inclusive, or a special 2-day, youth-only season  
15 between the dates of September 1 and October 31. For the  
16 purposes of this Section, legal handguns include any centerfire  
17 handguns of .30 caliber or larger with a minimum barrel length  
18 of 4 inches. The only legal ammunition for a centerfire handgun  
19 is a cartridge of .30 caliber or larger with a capability of at  
20 least 500 foot pounds of energy at the muzzle. Full metal  
21 jacket bullets may not be used to harvest deer. For the  
22 purposes of this Section, legal rifles include only rifles that  
23 fire a handgun cartridge having (i) a bullet of .357-inch

1 diameter or larger, (ii) a minimum case length of 1.16 inches,  
2 and (iii) a maximum case length of 1.625 inches. Over and under  
3 combination rifle-shotguns are prohibited.

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, rifle, or muzzle loading  
19          rifle.

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

25          It shall be unlawful for any person to take deer by use of  
26          dogs, horses, automobiles, aircraft or other vehicles, or by



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

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

26 Persons hunting deer must have gun unloaded and no bow and

1 arrow device shall be carried with the arrow in the nocked  
2 position during hours when deer hunting is unlawful.

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

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

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

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

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

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

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

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

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

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