

# HB4547



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

**HB4547**

by Rep. David Reis

#### SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.26

from Ch. 61, par. 2.26

Amends the Wildlife Code. Provides that a person with a valid concealed carry license issued under the Firearm Concealed Carry Act, or an off-duty law enforcement official or officer, may carry a handgun on or about his or her person while hunting. Effective immediately.

LRB099 16442 MGM 40775 b

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 Section  
5 2.26 as follows:

6 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

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

18 In this Section, "bona fide equity member" means an  
19 individual who (1) (i) became a member upon the formation of  
20 the limited liability company or (ii) has purchased a  
21 distributional interest in a limited liability company for a  
22 value equal to the percentage of the appraised value of the LLC  
23 assets represented by the distributional interest in the LLC

1 and subsequently becomes a member of the company pursuant to  
2 Article 30 of the Limited Liability Company Act and who (2)  
3 intends to retain the membership for at least 5 years.

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

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

1 may by administrative rule provide for a non-resident archery  
2 deer permit consisting of not more than 2 harvest tags at a  
3 total cost not to exceed \$325 in 2005, \$375 in 2006, and \$425  
4 in 2007 and thereafter. Permits shall be issued without charge  
5 to:

6 (a) Illinois landowners residing in Illinois who own at  
7 least 40 acres of Illinois land and wish to hunt their land  
8 only,

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

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

26 Bona fide landowners or tenants who do not wish to hunt

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

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

19 The standards and specifications for use of guns and bow  
20 and arrow for deer hunting shall be established by  
21 administrative rule.

22 No person may have in his or her possession any firearm not  
23 authorized by administrative rule for a specific hunting season  
24 when taking deer. However, a person with a valid concealed  
25 carry license issued under the Firearm Concealed Carry Act, or  
26 an off-duty law enforcement official or officer, may carry a

1 handgun on or about his or her person while hunting.

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

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

12 It shall be unlawful for any person to take deer by use of  
13 dogs, horses, automobiles, aircraft or other vehicles, or by  
14 the use or aid of bait or baiting of any kind. For the purposes  
15 of this Section, "bait" means any material, whether liquid or  
16 solid, including food, salt, minerals, and other products,  
17 except pure water, that can be ingested, placed, or scattered  
18 in such a manner as to attract or lure white-tailed deer.  
19 "Baiting" means the placement or scattering of bait to attract  
20 deer. An area is considered as baited during the presence of  
21 and for 10 consecutive days following the removal of bait.  
22 Nothing in this Section shall prohibit the use of a dog to  
23 track wounded deer. Any person using a dog for tracking wounded  
24 deer must maintain physical control of the dog at all times by  
25 means of a maximum 50 foot lead attached to the dog's collar or  
26 harness. Tracking wounded deer is permissible at night, but at

1 no time outside of legal deer hunting hours or seasons shall  
2 any person handling or accompanying a dog being used for  
3 tracking wounded deer be in possession of any firearm or  
4 archery device. Persons tracking wounded deer with a dog during  
5 the firearm deer seasons shall wear blaze orange as required.  
6 Dog handlers tracking wounded deer with a dog are exempt from  
7 hunting license and deer permit requirements so long as they  
8 are accompanied by the licensed deer hunter who wounded the  
9 deer.

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

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

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

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

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

25 The Department shall not limit the number of non-resident,  
26 either-sex ~~either-sex~~ archery deer hunting permits to less than

1 20,000.

2 Any person who violates any of the provisions of this  
3 Section, including administrative rules, shall be guilty of a  
4 Class B misdemeanor.

5 For the purposes of calculating acreage under this Section,  
6 the Department shall, after determining the total acreage of  
7 the applicable tract or tracts of land, round remaining  
8 fractional portions of an acre greater than or equal to half of  
9 an acre up to the next whole acre.

10 For the purposes of taking white-tailed deer, nothing in  
11 this Section shall be construed to prevent the manipulation,  
12 including mowing or cutting, of standing crops as a normal  
13 agricultural or soil stabilization practice, food plots, or  
14 normal agricultural practices, including planting, harvesting,  
15 and maintenance such as cultivating or the use of products  
16 designed for scent only and not capable of ingestion, solid or  
17 liquid, placed or scattered, in such a manner as to attract or  
18 lure deer. Such manipulation for the purpose of taking  
19 white-tailed deer may be further modified by administrative  
20 rule.

21 (Source: P.A. 97-564, eff. 8-25-11; 97-907, eff. 8-7-12;  
22 98-180, eff. 8-5-13; revised 10-20-15.)

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