



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4816

Introduced 01/18/06, by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.26

from Ch. 61, par. 2.26

Amends the Wildlife Code. In a Section regarding deer hunting permits, provides that persons not in possession of any firearm or archery device are not required to have a hunting license or permit when participating in the taking of deer as an observer or driver of deer, but shall wear blaze orange as required. Effective July 1, 2006.

LRB094 18169 RSP 53479 b

FISCAL NOTE ACT
MAY APPLY

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

27 In this Section, "bona fide equity partner" means an
28 individual who (1) (i) became a partner, either general or
29 limited, upon the formation of a partnership or limited
30 partnership, or (ii) has purchased, acquired, or been gifted a
31 partnership interest accurately representing his or her
32 percentage distributional interest in the profits, losses, and

1 assets of a partnership or limited partnership, (2) intends to
2 retain ownership of the partnership interest for at least 5
3 years, and (3) is a resident of Illinois.

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

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

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

24 (c) Bona fide equity shareholders of a corporation,
25 bona fide equity members of a limited liability company, or
26 bona fide equity partners of a general or limited
27 partnership which owns at least 40 acres of land in a
28 county in Illinois who wish to hunt on the corporation's,
29 company's, or partnership's land only. One permit shall be
30 issued without charge to one bona fide equity shareholder,
31 one bona fide equity member, or one bona fide equity
32 partner for each 40 acres of land owned by the corporation,
33 company, or partnership in a county; however, the number of
34 permits issued without charge to bona fide equity
35 shareholders of any corporation or bona fide equity members
36 of a limited liability company in any county shall not

1 exceed 15, and shall not exceed 3 in the case of bona fide
2 equity partners of a partnership.

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

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

22 The standards and specifications for use of guns and bow
23 and arrow for deer hunting shall be established by
24 administrative rule.

25 No person may have in his possession any firearm not
26 authorized by administrative rule for a specific hunting season
27 when taking deer.

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

33 Persons having an archery deer hunting permit shall be
34 permitted to take deer only during the period from 1/2 hour
35 before sunrise to 1/2 hour after sunset, and only during those
36 days for which an open season is established for the taking of

1 deer by use of bow and arrow.

2 Persons not in possession of any firearm or archery device
3 are not required to have a hunting license or permit under this
4 Section when participating in the taking of deer under this
5 Section as an observer or driver of deer, but shall wear blaze
6 orange as required.

7 It shall be unlawful for any person to take deer by use of
8 dogs, horses, automobiles, aircraft or other vehicles, or by
9 the use of salt or bait of any kind. An area is considered as
10 baited during the presence of and for 10 consecutive days
11 following the removal of bait. Nothing in this Section shall
12 prohibit the use of a dog to track wounded deer. Any person
13 using a dog for tracking wounded deer must maintain physical
14 control of the dog at all times by means of a maximum 50 foot
15 lead attached to the dog's collar or harness. Tracking wounded
16 deer is permissible at night, but at no time outside of legal
17 deer hunting hours or seasons shall any person handling or
18 accompanying a dog being used for tracking wounded deer be in
19 possession of any firearm or archery device. Persons tracking
20 wounded deer with a dog during the firearm deer seasons shall
21 wear blaze orange as required. Dog handlers tracking wounded
22 deer with a dog are exempt from hunting license and deer permit
23 requirements so long as they are accompanied by the licensed
24 deer hunter who wounded the deer.

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

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

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

35 It shall be unlawful for any person, having taken the legal
36 limit of deer by bow and arrow, to further participate with bow

1 and arrow in any deer hunting party.

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

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

6 It shall be legal for handicapped persons, as defined in
7 Section 2.33, to utilize a crossbow device, as defined in
8 Department rules, to take deer.

9 Any person who violates any of the provisions of this
10 Section, including administrative rules, shall be guilty of a
11 Class B misdemeanor.

12 (Source: P.A. 93-554, eff. 8-20-03; 93-807, eff. 7-24-04;
13 93-823, eff. 1-1-05; 94-10, eff. 6-7-05.)

14 Section 99. Effective date. This Act takes effect July 1,
15 2006.