



Sen. Todd Sieben

Filed: 2/23/2007

09500SB0201sam001

LRB095 06232 CMK 32006 a

1 AMENDMENT TO SENATE BILL 201

2 AMENDMENT NO. _____. Amend Senate Bill 201 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, 2.38, and 3.5 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 (ii) as provided by administrative rule, with a bow and arrow,
10 or crossbow device for handicapped persons as defined in
11 Section 2.33, during the open season of not more than 14 days
12 which will be set annually by the Director between the dates of
13 November 1st and December 31st, both inclusive, or a special 2
14 day, youth-only season between the dates of September 1 and
15 October 31. For the purposes of this Section, legal handguns
16 include any centerfire handguns of .30 caliber or larger with a

1 minimum barrel length of 4 inches. The only legal ammunition
2 for a centerfire handgun is a cartridge of .30 caliber or
3 larger with a capability of at least 500 foot pounds of energy
4 at the muzzle. Full metal jacket bullets may not be used to
5 harvest deer.

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

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

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

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

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

1 or bow and arrow hunting only. The Department shall publicly
2 announce, via statewide news release, the season dates and
3 shooting hours, the counties and sites open to hunting, permit
4 requirements, application dates, hunting rules, legal weapons,
5 and reporting requirements.

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

22 (Source: P.A. 93-37, eff. 6-25-03; 93-554, eff. 8-20-03;
23 94-919, eff. 6-26-06.)

24 (520 ILCS 5/2.38) (from Ch. 61, par. 2.38)

25 Sec. 2.38. No person shall at any time:

1 (1) falsify, alter or change in any manner, ~~or loan or~~
2 ~~transfer to another,~~ or provide deceptive or false information
3 required for, any license, permit or tag issued under the
4 provisions hereof; ~~or~~

5 (2) falsify any record required by this Act; ~~or~~

6 (3) counterfeit any form of license, permit or tag provided
7 for by this Act;

8 (4) loan or transfer to another person any license, permit,
9 or tag issued under this Act; or

10 (5) use or possess in the field any license, permit, or tag
11 issued to another person.

12 It is unlawful to possess any license, permit or tag issued
13 under the provisions of this Act which was fraudulently
14 obtained, or which the possessor knew, or should have known,
15 was falsified, altered, changed in any manner or fraudulently
16 obtained.

17 The Department shall suspend the privileges, under this
18 Act, of any person found guilty of violating this Section for a
19 period of not less than one year.

20 (Source: P.A. 85-152.)

21 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

22 Sec. 3.5. Penalties; probation.

23 (a) Any person who violates any of the provisions of
24 Section 2.36a, including administrative rules, shall be guilty
25 of a Class 3 felony, except as otherwise provided in subsection

1 (b) of this Section and subsection (a) of Section 2.36a.

2 (b) Whenever any person who has not previously been
3 convicted of, or placed on probation or court supervision for,
4 any offense under Section 1.22, 2.36, or 2.36a or subsection
5 (i) or (cc) of Section 2.33, the court may, without entering a
6 judgment and with the person's consent, sentence the person to
7 probation for a violation of Section 2.36a.

8 (1) When a person is placed on probation, the court
9 shall enter an order specifying a period of probation of 24
10 months and shall defer further proceedings in the case
11 until the conclusion of the period or until the filing of a
12 petition alleging violation of a term or condition of
13 probation.

14 (2) The conditions of probation shall be that the
15 person:

16 (A) Not violate any criminal statute of any
17 jurisdiction.

18 (B) Perform no less than 30 hours of community
19 service, provided community service is available in
20 the jurisdiction and is funded and approved by the
21 county board.

22 (3) The court may, in addition to other conditions:

23 (A) Require that the person make a report to and
24 appear in person before or participate with the court
25 or courts, person, or social service agency as directed
26 by the court in the order of probation.

1 (B) Require that the person pay a fine and costs.

2 (C) Require that the person refrain from
3 possessing a firearm or other dangerous weapon.

4 (D) Prohibit the person from associating with any
5 person who is actively engaged in any of the activities
6 regulated by the permits issued or privileges granted
7 by the Department of Natural Resources.

8 (4) Upon violation of a term or condition of probation,
9 the court may enter a judgment on its original finding of
10 guilt and proceed as otherwise provided.

11 (5) Upon fulfillment of the terms and conditions of
12 probation, the court shall discharge the person and dismiss
13 the proceedings against the person.

14 (6) A disposition of probation is considered to be a
15 conviction for the purposes of imposing the conditions of
16 probation, for appeal, and for administrative revocation
17 and suspension of licenses and privileges; however,
18 discharge and dismissal under this Section is not a
19 conviction for purposes of disqualification or
20 disabilities imposed by law upon conviction of a crime.

21 (7) Discharge and dismissal under this Section may
22 occur only once with respect to any person.

23 (8) If a person is convicted of an offense under this
24 Act within 5 years subsequent to a discharge and dismissal
25 under this Section, the discharge and dismissal under this
26 Section shall be admissible in the sentencing proceeding

1 for that conviction as a factor in aggravation.

2 (9) The Circuit Clerk shall notify the Department of
3 State Police of all persons convicted of or placed under
4 probation for violations of Section 2.36a.

5 (c) Any person who violates any of the provisions of
6 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,
7 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),
8 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 - 3.16, 3.19 - 3.21
9 (except subsections (b), (c), (d), (e), (f), (f.5), (g), (h),
10 and (i)), and 3.24 - 3.26, including administrative rules,
11 shall be guilty of a Class B misdemeanor.

12 Any person who violates any of the provisions of Sections
13 1.22, 2.4, 2.36 and 2.38, including administrative rules, shall
14 be guilty of a Class A misdemeanor. Any second or subsequent
15 violations of Sections 2.4 and 2.36 shall be a Class 4 felony.

16 Any person who violates any of the provisions of this Act,
17 including administrative rules, during such period when his
18 license, privileges, or permit is revoked or denied by virtue
19 of Section 3.36, shall be guilty of a Class A misdemeanor.

20 Any person who violates subsection (g), (i), (o), (p), (y),
21 or (cc) of Section 2.33 shall be guilty of a Class A
22 misdemeanor and subject to a fine of no less than \$500 and no
23 more than \$5,000 in addition to other statutory penalties. In
24 addition, the Department shall suspend the privileges, under
25 this Act, of any person found guilty of violating Section
26 2.33(cc) for a period of not less than one year.

1 Any person who violates any other of the provisions of this
2 Act including administrative rules, unless otherwise stated,
3 shall be guilty of a petty offense. Offenses committed by
4 minors under the direct control or with the consent of a parent
5 or guardian may subject the parent or guardian to the penalties
6 prescribed in this Section.

7 In addition to any fines imposed pursuant to the provisions
8 of this Section or as otherwise provided in this Act, any
9 person found guilty of unlawfully taking or possessing any
10 species protected by this Act, shall be assessed a civil
11 penalty for such species in accordance with the values
12 prescribed in Section 2.36a of this Act. This civil penalty
13 shall be imposed by the Circuit Court for the county within
14 which the offense was committed at the time of the conviction.
15 All penalties provided for in this Section shall be remitted to
16 the Department in accordance with the same provisions provided
17 for in Section 1.18 of this Act.

18 (Source: P.A. 94-222, eff. 7-14-05.)"