

1 AN ACT in relation to deer hunting.

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, 2.26, and 2.33 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
8 deer except (i) with a shotgun, rifle, or muzzleloading rifle
9 or (ii) as provided by administrative rule, with a bow and
10 arrow, or crossbow device for handicapped persons as defined
11 in Section 2.33, during the open season of not more than 14
12 days which will be set annually by the Director between the
13 dates of November 1st and December 31st, both inclusive.

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

19 It shall be unlawful for any person to take deer except
20 with (i) a muzzleloading rifle, or (ii) bow and arrow, or
21 crossbow device for handicapped persons as defined in Section
22 2.33, during the open season for muzzleloading rifles set
23 annually by the Director.

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

29 The Department is authorized to establish a separate
30 harvest period at specific sites within the State for the
31 purpose of harvesting surplus deer that cannot be taken

1 during the regular season provided for the taking of deer.
2 This season shall be restricted to gun or bow and arrow
3 hunting only and shall be established during the period of
4 September 1st to February 15th, both inclusive. The
5 Department shall publish suitable prescribed rules and
6 regulations established by administrative rule pertaining to
7 management restrictions applicable to this special harvest
8 program.

9 (Source: P.A. 86-1188; 87-126; 87-234; 87-895; 87-1015;
10 87-1243; 87-1268.)

11 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

12 Sec. 2.26. Any person attempting to take deer shall
13 first obtain a "Deer Hunting Permit" in accordance with
14 prescribed regulations set forth in an Administrative Rule.
15 Deer Hunting Permits shall be issued by the Department. The
16 fee for a Deer Hunting Permit to take deer with either bow
17 and arrow or gun shall not exceed \$15.00 for residents of the
18 State. The Department may by administrative rule provide for
19 non-resident deer hunting permits for which the fee will not
20 exceed \$100 except as provided below for non-resident
21 landowners. Permits shall be issued without charge to:

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

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

27 (c) shareholders of a corporation which owns at
28 least 40 acres of land in a county in Illinois who wish
29 to hunt on the corporation's land only. One permit shall
30 be issued without charge to one shareholder for each 40
31 acres of land owned by the corporation in a county;
32 however, the number of permits issued without charge to
33 shareholders of any corporation in any county shall not

1 exceed 15.

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

11 The deer hunting permit issued without fee shall be valid
12 on all farm lands which the person to whom it is issued owns,
13 leases or rents, except that in the case of a permit issued
14 to a shareholder, the permit shall be valid on all lands
15 owned by the corporation in the county.

16 The Department may set aside, in accordance with the
17 prescribed regulations set forth in an administrative rule of
18 the Department, a limited number of Deer Hunting Permits to
19 be available to persons providing evidence of a contractual
20 arrangement to hunt on properties controlled by a bona fide
21 Illinois outfitter. The number of available permits shall be
22 based on a percentage of unfilled permits remaining after the
23 previous year's lottery. Eligible outfitters shall be those
24 having membership in, and accreditation conferred by, a
25 professional association of outfitters approved by the
26 Department. The association shall be responsible for setting
27 professional standards and codes of conduct for its
28 membership, subject to Departmental approval. In addition to
29 the fee normally charged for resident and nonresident
30 permits, a reservation fee not to exceed \$200 shall be
31 charged to the outfitter for each permit set aside in
32 accordance with this Act. The reservation fee shall be
33 deposited into the Wildlife and Fish Fund.

34 The standards and specifications for use of guns and bow

1 and arrow for deer hunting shall be established by
2 administrative rule.

3 No person may have in his possession any firearm not
4 authorized by administrative rule for a specific hunting
5 season when taking deer.

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

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

16 It shall be unlawful for any person to take deer by use
17 of dogs, horses, automobiles, aircraft or other vehicles, or
18 by the use of salt or bait of any kind. An area is
19 considered as baited during the presence of and for 10
20 consecutive days following the removal of bait.

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

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

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

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

34 The Department may prohibit upland game hunting during

1 the gun deer season by administrative rule.

2 It shall be legal for handicapped persons, as defined in
3 Section 2.33, to utilize a crossbow device, as defined in
4 Department rules, to take deer.

5 Any person who violates any of the provisions of this
6 Section, including administrative rules, shall be guilty of a
7 Class B misdemeanor.

8 (Source: P.A. 89-715, eff. 2-21-97; 90-225, eff. 7-25-97;
9 90-490, eff. 8-17-97; 90-655, eff. 7-30-98.)

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
13 State refuge unless otherwise permitted by administrative
14 rule.

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

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

26 (d) It is unlawful to use a ferret or any other small
27 mammal which is used in the same or similar manner for which
28 ferrets are used for the purpose of frightening or driving
29 any mammals from their dens or hiding places.

30 (e) (Blank).

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

33 (g) It is unlawful to use poisons, chemicals or

1 explosives for the purpose of taking any species protected by
2 this Act.

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

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

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

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

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

34 (m) It is unlawful to use any shotgun capable of holding

1 more than 3 shells in the magazine or chamber combined,
2 except on game breeding and hunting preserve areas licensed
3 under Section 3.27 and except as permitted by the Code of
4 Federal Regulations for the taking of waterfowl. If the
5 shotgun is capable of holding more than 3 shells, it shall,
6 while being used on an area other than a game breeding and
7 shooting preserve area licensed pursuant to Section 3.27, be
8 fitted with a one piece plug that is irremovable without
9 dismantling the shotgun or otherwise altered to render it
10 incapable of holding more than 3 shells in the magazine and
11 chamber, combined.

12 (n) It is unlawful for any person, except persons
13 permitted by law, to have or carry any gun in or on any
14 vehicle, conveyance or aircraft, unless such gun is unloaded
15 and enclosed in a case, except that at field trials
16 authorized by Section 2.34 of this Act, unloaded guns or guns
17 loaded with blank cartridges only, may be carried on
18 horseback while not contained in a case, or to have or carry
19 any bow or arrow device in or on any vehicle unless such bow
20 or arrow device is unstrung or enclosed in a case, or
21 otherwise made inoperable.

22 (o) It is unlawful to use any crossbow for the purpose
23 of taking any wild birds or mammals, except as provided for
24 in Section 2.33.

25 (p) It is unlawful to take game birds, migratory game
26 birds or migratory waterfowl with a rifle, pistol, revolver
27 or airgun.

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

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

34 (s) It is unlawful to use a silencer or other device to

1 muffle or mute the sound of the explosion or report resulting
2 from the firing of any gun.

3 (t) It is unlawful for any person to trap or hunt, or
4 allow a dog to hunt, within or upon the land of another, or
5 upon waters flowing over or standing on the land of another,
6 without first obtaining permission from the owner or tenant.
7 It shall be prima facie evidence that a person does not have
8 permission of the owner or tenant if the person is unable to
9 demonstrate to the law enforcement officer in the field that
10 permission had been obtained. This provision may only be
11 rebutted by testimony of the owner or tenant that permission
12 had been given. Before enforcing this Section the law
13 enforcement officer must have received notice from the owner
14 or tenant of a violation of this Section. Statements made to
15 the law enforcement officer regarding this notice shall not
16 be rendered inadmissible by the hearsay rule when offered for
17 the purpose of showing the required notice.

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

31 (v) It is unlawful for any person to remove fur-bearing
32 mammals from, or to move or disturb in any manner, the traps
33 owned by another person without written authorization of the
34 owner to do so.

1 (w) It is unlawful for any owner of a dog to knowingly
2 or wantonly allow his or her dog to pursue, harass or kill
3 deer.

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

8 (y) It is unlawful to hunt wild game protected by this
9 Act between half hour after sunset and half hour before
10 sunrise except that hunting hours between half hour after
11 sunset and half hour before sunrise may be established by
12 administrative rule for fur-bearing mammals.

13 (z) It is unlawful to take any game bird (excluding wild
14 turkeys and crippled pheasants not capable of normal flight
15 and otherwise irretrievable) protected by this Act when not
16 flying. Nothing in this Section shall prohibit a person from
17 carrying an uncased, unloaded shotgun in a boat, while in
18 pursuit of a crippled migratory waterfowl that is incapable
19 of normal flight, for the purpose of attempting to reduce the
20 migratory waterfowl to possession, provided that the attempt
21 is made immediately upon downing the migratory waterfowl and
22 is done within 400 yards of the blind from which the
23 migratory waterfowl was downed. This exception shall apply
24 only to migratory game birds that are not capable of normal
25 flight. Migratory waterfowl that are crippled may be taken
26 only with a shotgun as regulated by subsection (j) of this
27 Section using shotgun shells as regulated in subsection (k)
28 of this Section.

29 (aa) It is unlawful to use or possess any device that
30 may be used for tree climbing or cutting, while hunting
31 fur-bearing mammals.

32 (bb) It is unlawful for any person, except licensed game
33 breeders, pursuant to Section 2.29 to import, carry into or
34 possess alive in this State, any species of wildlife taken

1 outside of this State without obtaining permission to do so
2 from the Director.

3 (cc) It is unlawful for any person to have in their
4 possession any freshly killed species protected by this Act
5 during the season closed for taking.

6 (dd) It is unlawful to take any species protected by
7 this Act and retain it alive.

8 (ee) (Blank). ~~It is unlawful to possess any rifle while~~
9 ~~in the field during gun deer season--except--as--provided--in~~
10 ~~Section 2.26 and administrative rules.~~

11 (ff) It is unlawful for any person to take any species
12 protected by this Act, except migratory waterfowl, during the
13 gun deer hunting season in those counties open to gun deer
14 hunting, unless he wears, when in the field, a cap and upper
15 outer garment of a solid blaze orange color, with such
16 articles of clothing displaying a minimum of 400 square
17 inches of blaze orange material.

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

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

28 This Section shall apply only to those species protected
29 by this Act taken within the State. Any species or any parts
30 thereof, legally taken in and transported from other states
31 or countries may be possessed within the State, except as
32 provided in this Section and Sections 2.35, 2.36 and 3.21.

33 Nothing contained in this Section shall prohibit the use
34 of bow and arrow, or prevent the Director from issuing

1 permits to use a crossbow to handicapped persons. As used
2 herein, "handicapped persons" means those persons who have a
3 permanent physical impairment due to injury or disease,
4 congenital or acquired, which renders them so severely
5 disabled as to be unable to use a conventional bow and arrow
6 device. Permits will be issued only after the receipt of a
7 physician's statement confirming the applicant is handicapped
8 as defined above.

9 Nothing contained in this Section shall prohibit the
10 Director from issuing permits to paraplegics or persons
11 physically unable to walk, to shoot or hunt from a standing
12 vehicle, provided that such is otherwise in accord with this
13 Act.

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

24 Nothing contained in this Act shall prohibit the use of a
25 shotgun, not larger than 10 gauge nor smaller than a 20
26 gauge, with a rifled barrel.

27 (Source: P.A. 90-743, eff. 1-1-99; 91-654, eff. 12-15-99.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.