



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/09/04, by Jim Sacia

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.25	from Ch. 61, par. 2.25
520 ILCS 5/2.26	from Ch. 61, par. 2.26
520 ILCS 5/2.33	from Ch. 61, par. 2.33

Amends the Wildlife Code. Provides that the Department of Natural Resources may issue crossbow permits to persons age 65 and older upon appropriate verification of age. Effective immediately.

LRB093 18489 RAS 44205 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, 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 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 and persons age 65
11 or older as defined in Section 2.33, during the open season of
12 not more than 14 days which will be set annually by the
13 Director between the dates of November 1st and December 31st,
14 both inclusive.

15 For the purposes of this Section, legal handguns include
16 any centerfire handguns of .30 caliber or larger with a minimum
17 barrel length of 4 inches. The only legal ammunition for a
18 centerfire handgun is a cartridge of .30 caliber or larger with
19 a capability of at least 500 foot pounds of energy at the
20 muzzle. Full metal jacket bullets may not be used to harvest
21 deer.

22 The Department shall make administrative rules concerning
23 management restrictions applicable to the firearm and bow and
24 arrow season.

25 It shall be unlawful for any person to take deer except
26 with a bow and arrow, or crossbow device for handicapped
27 persons and persons age 65 or older (as defined in Section
28 2.33), during the open season for bow and arrow set annually by
29 the Director between the dates of September 1st and January
30 31st, both inclusive.

31 It shall be unlawful for any person to take deer except
32 with (i) a muzzleloading rifle, or (ii) bow and arrow, or

1 crossbow device for handicapped persons and persons age 65 or
2 older as defined in Section 2.33, during the open season for
3 muzzleloading rifles set annually by the Director.

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

9 The Department may establish separate harvest periods for
10 the purpose of managing or eradicating disease that has been
11 found in the deer herd. This season shall be restricted to gun
12 or bow and arrow hunting only. The Department shall publicly
13 announce, via statewide news release, the season dates and
14 shooting hours, the counties and sites open to hunting, permit
15 requirements, application dates, hunting rules, legal weapons,
16 and reporting requirements.

17 The Department is authorized to establish a separate
18 harvest period at specific sites within the State for the
19 purpose of harvesting surplus deer that cannot be taken during
20 the regular season provided for the taking of deer. This season
21 shall be restricted to gun or bow and arrow hunting only and
22 shall be established during the period of September 1st to
23 February 15th, both inclusive. The Department shall publish
24 suitable prescribed rules and regulations established by
25 administrative rule pertaining to management restrictions
26 applicable to this special harvest program.

27 (Source: P.A. 93-37, eff. 6-25-03; 93-554, eff. 8-20-03;
28 revised 9-15-03.)

29 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

30 Sec. 2.26. Deer hunting permits. In this Section, "bona
31 fide equity shareholder" means an individual who (1) purchased,
32 for market price, publicly sold stock shares in a corporation,
33 purchased shares of a privately-held corporation for a value
34 equal to the percentage of the appraised value of the corporate
35 assets represented by the ownership in the corporation, or is a

1 member of a closely-held family-owned corporation and has
2 purchased or been gifted with shares of stock in the
3 corporation accurately reflecting his or her percentage of
4 ownership and (2) intends to retain the ownership of the shares
5 of stock for at least 5 years.

6 In this Section, "bona fide equity member" means an
7 individual who (1) (i) became a member upon the formation of
8 the limited liability company or (ii) has purchased a
9 distributional interest in a limited liability company for a
10 value equal to the percentage of the appraised value of the LLC
11 assets represented by the distributional interest in the LLC
12 and subsequently becomes a member of the company pursuant to
13 Article 30 of the Limited Liability Company Act and who (2)
14 intends to retain the membership for at least 5 years.

15 Any person attempting to take deer shall first obtain a
16 "Deer Hunting Permit" in accordance with prescribed
17 regulations set forth in an Administrative Rule. Deer Hunting
18 Permits shall be issued by the Department. The fee for a Deer
19 Hunting Permit to take deer with either bow and arrow or gun
20 shall not exceed \$15.00 for residents of the State. The
21 Department may by administrative rule provide for non-resident
22 deer hunting permits for which the fee will not exceed \$200
23 except as provided below for non-resident landowners and
24 non-resident archery hunters. The Department may by
25 administrative rule provide for a non-resident archery deer
26 permit consisting of not more than 2 harvest tags at a total
27 cost not to exceed \$225. Permits shall be issued without charge
28 to:

29 (a) Illinois landowners residing in Illinois who own at
30 least 40 acres of Illinois land and wish to hunt their land
31 only,

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

34 (c) Bona fide equity shareholders of a corporation or
35 bona fide equity members of a limited liability company
36 which owns at least 40 acres of land in a county in

1 Illinois who wish to hunt on the corporation's or company's
2 land only. One permit shall be issued without charge to one
3 bona fide equity shareholder or one bona fide equity member
4 for each 40 acres of land owned by the corporation or
5 company in a county; however, the number of permits issued
6 without charge to bona fide equity shareholders of any
7 corporation or bona fide equity members of a limited
8 liability company in any county shall not exceed 15.

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

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

26 The standards and specifications for use of guns and bow
27 and arrow for deer hunting shall be established by
28 administrative rule.

29 No person may have in his possession any firearm not
30 authorized by administrative rule for a specific hunting season
31 when taking deer.

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

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

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

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

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

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

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

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

26 It shall be legal for handicapped persons , as defined in
27 Section 2.33, and persons age 65 or older to utilize a crossbow
28 device, as defined in Department rules, to take deer.

29 Any person who violates any of the provisions of this
30 Section, including administrative rules, shall be guilty of a
31 Class B misdemeanor.

32 (Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01;
33 92-651, eff. 7-11-02; 93-554, eff. 8-20-03.)

34 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

35 Sec. 2.33. Prohibitions.

1 (a) It is unlawful to carry or possess any gun in any State
2 refuge unless otherwise permitted by administrative rule.

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

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

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

18 (e) (Blank).

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

21 (g) It is unlawful to use poisons, chemicals or explosives
22 for the purpose of taking any species protected by this Act.

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

25 (i) It is unlawful to take, pursue or intentionally harass
26 or disturb in any manner any wild birds or mammals by use or
27 aid of any vehicle or conveyance, except as permitted by the
28 Code of Federal Regulations for the taking of waterfowl. It is
29 also unlawful to use the lights of any vehicle or conveyance or
30 any light from or any light connected to the vehicle or
31 conveyance in any area where wildlife may be found except in
32 accordance with Section 2.37 of this Act; however, nothing in
33 this Section shall prohibit the normal use of headlamps for the
34 purpose of driving upon a roadway. Striped skunk, opossum, red
35 fox, gray fox, raccoon and coyote may be taken during the open
36 season by use of a small light which is worn on the body or

1 hand-held by a person on foot and not in any vehicle.

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

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

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

16 (m) It is unlawful to use any shotgun capable of holding
17 more than 3 shells in the magazine or chamber combined, except
18 on game breeding and hunting preserve areas licensed under
19 Section 3.27 and except as permitted by the Code of Federal
20 Regulations for the taking of waterfowl. If the shotgun is
21 capable of holding more than 3 shells, it shall, while being
22 used on an area other than a game breeding and shooting
23 preserve area licensed pursuant to Section 3.27, be fitted with
24 a one piece plug that is irremovable without dismantling the
25 shotgun or otherwise altered to render it incapable of holding
26 more than 3 shells in the magazine and chamber, combined.

27 (n) It is unlawful for any person, except persons who
28 possess a permit to hunt from a vehicle as provided in this
29 Section and persons otherwise permitted by law, to have or
30 carry any gun in or on any vehicle, conveyance or aircraft,
31 unless such gun is unloaded and enclosed in a case, except that
32 at field trials authorized by Section 2.34 of this Act,
33 unloaded guns or guns loaded with blank cartridges only, may be
34 carried on horseback while not contained in a case, or to have
35 or carry any bow or arrow device in or on any vehicle unless
36 such bow or arrow device is unstrung or enclosed in a case, or

1 otherwise made inoperable.

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

5 (p) It is unlawful to take game birds, migratory game birds
6 or migratory waterfowl with a rifle, pistol, revolver or
7 airgun.

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

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

14 (s) It is unlawful to use a silencer or other device to
15 muffle or mute the sound of the explosion or report resulting
16 from the firing of any gun.

17 (t) It is unlawful for any person to trap or hunt, or allow
18 a dog to hunt, within or upon the land of another, or upon
19 waters flowing over or standing on the land of another, without
20 first obtaining permission from the owner or tenant. It shall
21 be prima facie evidence that a person does not have permission
22 of the owner or tenant if the person is unable to demonstrate
23 to the law enforcement officer in the field that permission had
24 been obtained. This provision may only be rebutted by testimony
25 of the owner or tenant that permission had been given. Before
26 enforcing this Section the law enforcement officer must have
27 received notice from the owner or tenant of a violation of this
28 Section. Statements made to the law enforcement officer
29 regarding this notice shall not be rendered inadmissible by the
30 hearsay rule when offered for the purpose of showing the
31 required notice.

32 (u) It is unlawful for any person to discharge any firearm
33 for the purpose of taking any of the species protected by this
34 Act, or hunt with gun or dog, or allow a dog to hunt, within 300
35 yards of an inhabited dwelling without first obtaining
36 permission from the owner or tenant, except that while

1 trapping, hunting with bow and arrow, hunting with dog and
2 shotgun using shot shells only, or hunting with shotgun using
3 shot shells only, or on licensed game breeding and hunting
4 preserve areas, as defined in Section 3.27, on property
5 operated under a Migratory Waterfowl Hunting Area Permit, on
6 federally owned and managed lands and on Department owned,
7 managed, leased or controlled lands, a 100 yard restriction
8 shall apply.

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

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

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

19 (y) It is unlawful to hunt wild game protected by this Act
20 between one half hour after sunset and one half hour before
21 sunrise, except that hunting hours between one half hour after
22 sunset and one half hour before sunrise may be established by
23 administrative rule for fur-bearing mammals.

24 (z) It is unlawful to take any game bird (excluding wild
25 turkeys and crippled pheasants not capable of normal flight and
26 otherwise irretrievable) protected by this Act when not flying.
27 Nothing in this Section shall prohibit a person from carrying
28 an uncased, unloaded shotgun in a boat, while in pursuit of a
29 crippled migratory waterfowl that is incapable of normal
30 flight, for the purpose of attempting to reduce the migratory
31 waterfowl to possession, provided that the attempt is made
32 immediately upon downing the migratory waterfowl and is done
33 within 400 yards of the blind from which the migratory
34 waterfowl was downed. This exception shall apply only to
35 migratory game birds that are not capable of normal flight.
36 Migratory waterfowl that are crippled may be taken only with a

1 shotgun as regulated by subsection (j) of this Section using
2 shotgun shells as regulated in subsection (k) of this Section.

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

6 (bb) It is unlawful for any person, except licensed game
7 breeders, pursuant to Section 2.29 to import, carry into, or
8 possess alive in this State any species of wildlife taken
9 outside of this State, without obtaining permission to do so
10 from the Director.

11 (cc) It is unlawful for any person to have in his or her
12 possession any freshly killed species protected by this Act
13 during the season closed for taking.

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

16 (ee) It is unlawful to possess any rifle while in the field
17 during gun deer season except as provided in Section 2.26 and
18 administrative rules.

19 (ff) It is unlawful for any person to take any species
20 protected by this Act, except migratory waterfowl, during the
21 gun deer hunting season in those counties open to gun deer
22 hunting, unless he or she wears, when in the field, a cap and
23 upper outer garment of a solid blaze orange color, with such
24 articles of clothing displaying a minimum of 400 square inches
25 of blaze orange material.

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

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

36 (ii) This Section shall apply only to those species

1 protected by this Act taken within the State. Any species or
2 any parts thereof, legally taken in and transported from other
3 states or countries, may be possessed within the State, except
4 as provided in this Section and Sections 2.35, 2.36 and 3.21.

5 (jj) Nothing contained in this Section shall prohibit the
6 use of bow and arrow, or prevent the Director from issuing
7 permits to use a crossbow to handicapped persons and persons
8 age 65 or older as provided by administrative rule. As used
9 herein, "handicapped persons" means those persons who have a
10 permanent physical impairment due to injury or disease,
11 congenital or acquired, which renders them so severely disabled
12 as to be unable to use a conventional bow and arrow device.
13 Permits will be issued only after the receipt of a physician's
14 statement confirming the applicant is handicapped as defined
15 above or upon appropriate verification of an applicant's age,
16 as provided by administrative rule.

17 (kk) Nothing contained in this Section shall prohibit the
18 Director from issuing permits to paraplegics or to other
19 disabled persons who meet the requirements set forth in
20 administrative rule to shoot or hunt from a vehicle as provided
21 by that rule, provided that such is otherwise in accord with
22 this Act.

23 (ll) Nothing contained in this Act shall prohibit the
24 taking of aquatic life protected by the Fish and Aquatic Life
25 Code or birds and mammals protected by this Act, except deer
26 and fur-bearing mammals, from a boat not camouflaged or
27 disguised to alter its identity or to further provide a place
28 of concealment and not propelled by sail or mechanical power.
29 However, only shotguns not larger than 10 gauge nor smaller
30 than .410 bore loaded with not more than 3 shells of a shot
31 size no larger than lead BB or steel T (.20 diameter) may be
32 used to take species protected by this Act.

33 (mm) Nothing contained in this Act shall prohibit the use
34 of a shotgun, not larger than 10 gauge nor smaller than a 20
35 gauge, with a rifled barrel.

36 (Source: P.A. 91-654, eff. 12-15-99; 92-325, eff. 8-9-01;

1 92-651, eff. 7-11-02.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.