



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1603

Introduced 2/15/2011, by Rep. Al Riley

#### 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. Removes language limiting the use of crossbows to hunt deer during the open season for bow and arrow set annually by the Director to handicapped persons and persons age 62 or older. Effective immediately.

LRB097 07706 CEL 47817 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, as defined in~~  
11 ~~Section 2.33, and persons age 62 or older~~ during the open  
12 season of not more than 14 days which will be set annually by  
13 the Director between the dates of November 1st and December  
14 31st, both inclusive, or a special 2-day, youth-only season  
15 between the dates of September 1 and October 31. For the  
16 purposes of this Section, legal handguns include any centerfire  
17 handguns of .30 caliber or larger with a minimum barrel length  
18 of 4 inches. The only legal ammunition for a centerfire handgun  
19 is a cartridge of .30 caliber or larger with a capability of at  
20 least 500 foot pounds of energy at the muzzle. Full metal  
21 jacket bullets may not be used to harvest deer.

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

1 arrow season.

2 It shall be unlawful for any person to take deer except  
3 with a bow and arrow~~7~~ or crossbow device ~~for handicapped~~  
4 ~~persons, as defined in Section 2.33, and persons age 62 or~~  
5 ~~older~~ during the open season for bow and arrow set annually by  
6 the Director between the dates of September 1st and January  
7 31st, both inclusive.

8 It shall be unlawful for any person to take deer except  
9 with (i) a muzzleloading rifle, or (ii) bow and arrow~~7~~ or  
10 crossbow device ~~for handicapped persons, as defined in Section~~  
11 ~~2.33, and persons age 62 or older~~ during the open season for  
12 muzzleloading rifles set annually by the Director.

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

18 The Department may establish separate harvest periods for  
19 the purpose of managing or eradicating disease that has been  
20 found in the deer herd. This season shall be restricted to gun  
21 or bow and arrow hunting only. The Department shall publicly  
22 announce, via statewide news release, the season dates and  
23 shooting hours, the counties and sites open to hunting, permit  
24 requirements, application dates, hunting rules, legal weapons,  
25 and reporting requirements.

26 The Department is authorized to establish a separate

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

16 (Source: P.A. 94-919, eff. 6-26-06; 95-13, eff. 1-1-08; 95-329,  
17 eff. 8-21-07; 95-876, eff. 8-21-08.)

18 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

19 Sec. 2.26. Deer hunting permits. In this Section, "bona  
20 fide equity shareholder" means an individual who (1) purchased,  
21 for market price, publicly sold stock shares in a corporation,  
22 purchased shares of a privately-held corporation for a value  
23 equal to the percentage of the appraised value of the corporate  
24 assets represented by the ownership in the corporation, or is a  
25 member of a closely-held family-owned corporation and has

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

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

14 In this Section, "bona fide equity partner" means an  
15 individual who (1) (i) became a partner, either general or  
16 limited, upon the formation of a partnership or limited  
17 partnership, or (ii) has purchased, acquired, or been gifted a  
18 partnership interest accurately representing his or her  
19 percentage distributional interest in the profits, losses, and  
20 assets of a partnership or limited partnership, (2) intends to  
21 retain ownership of the partnership interest for at least 5  
22 years, and (3) is a resident of Illinois.

23 Any person attempting to take deer shall first obtain a  
24 "Deer Hunting Permit" issued by the Department in accordance  
25 with its administrative rules. Those rules must provide for the  
26 issuance of the following types of resident deer archery

1 permits: (i) a combination permit, consisting of one either-sex  
2 permit and one antlerless-only permit, (ii) a single  
3 antlerless-only permit, and (iii) a single either-sex permit.  
4 The fee for a Deer Hunting Permit to take deer with either bow  
5 and arrow or gun shall not exceed \$25.00 for residents of the  
6 State. The Department may by administrative rule provide for  
7 non-resident deer hunting permits for which the fee will not  
8 exceed \$300 in 2005, \$350 in 2006, and \$400 in 2007 and  
9 thereafter except as provided below for non-resident  
10 landowners and non-resident archery hunters. The Department  
11 may by administrative rule provide for a non-resident archery  
12 deer permit consisting of not more than 2 harvest tags at a  
13 total cost not to exceed \$325 in 2005, \$375 in 2006, and \$425  
14 in 2007 and thereafter. Permits shall be issued without charge  
15 to:

16 (a) Illinois landowners residing in Illinois who own at  
17 least 40 acres of Illinois land and wish to hunt their land  
18 only,

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

21 (c) Bona fide equity shareholders of a corporation,  
22 bona fide equity members of a limited liability company, or  
23 bona fide equity partners of a general or limited  
24 partnership which owns at least 40 acres of land in a  
25 county in Illinois who wish to hunt on the corporation's,  
26 company's, or partnership's land only. One permit shall be

1 issued without charge to one bona fide equity shareholder,  
2 one bona fide equity member, or one bona fide equity  
3 partner for each 40 acres of land owned by the corporation,  
4 company, or partnership in a county; however, the number of  
5 permits issued without charge to bona fide equity  
6 shareholders of any corporation or bona fide equity members  
7 of a limited liability company in any county shall not  
8 exceed 15, and shall not exceed 3 in the case of bona fide  
9 equity partners of a partnership.

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

22 The deer hunting permit issued without fee shall be valid  
23 on all farm lands which the person to whom it is issued owns,  
24 leases or rents, except that in the case of a permit issued to  
25 a bona fide equity shareholder, bona fide equity member, or  
26 bona fide equity partner, the permit shall be valid on all

1 lands owned by the corporation, limited liability company, or  
2 partnership in the county.

3 The standards and specifications for use of guns and bow  
4 and arrow for deer hunting shall be established by  
5 administrative rule.

6 No person may have in his possession any firearm not  
7 authorized by administrative rule for a specific hunting season  
8 when taking deer.

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

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

19 It shall be unlawful for any person to take deer by use of  
20 dogs, horses, automobiles, aircraft or other vehicles, or by  
21 the use of salt or bait of any kind. An area is considered as  
22 baited during the presence of and for 10 consecutive days  
23 following the removal of bait. Nothing in this Section shall  
24 prohibit the use of a dog to track wounded deer. Any person  
25 using a dog for tracking wounded deer must maintain physical  
26 control of the dog at all times by means of a maximum 50 foot



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

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 The Department shall not limit the number of non-resident

1 either sex archery deer hunting permits to less than 20,000.

2 It shall be legal ~~for handicapped persons, as defined in~~  
3 ~~Section 2.33, and persons age 62 or older~~ to utilize a crossbow  
4 device, as defined in 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 For the purposes of calculating acreage under this Section,  
9 the Department shall, after determining the total acreage of  
10 the applicable tract or tracts of land, round remaining  
11 fractional portions of an acre greater than or equal to half of  
12 an acre up to the next whole acre.

13 (Source: P.A. 95-289, eff. 8-20-07; 95-329, eff. 8-21-07;  
14 95-876, eff. 8-21-08; 96-162, eff. 1-1-10; 96-831, eff. 1-1-10;  
15 96-1042, eff. 1-1-11.)

16 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

17 Sec. 2.33. Prohibitions.

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

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

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

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

10          (e) (Blank).

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

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

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

17          (i) It is unlawful to take, pursue or intentionally harass  
18 or disturb in any manner any wild birds or mammals by use or  
19 aid of any vehicle or conveyance, except as permitted by the  
20 Code of Federal Regulations for the taking of waterfowl. It is  
21 also unlawful to use the lights of any vehicle or conveyance or  
22 any light from or any light connected to the vehicle or  
23 conveyance in any area where wildlife may be found except in  
24 accordance with Section 2.37 of this Act; however, nothing in  
25 this Section shall prohibit the normal use of headlamps for the  
26 purpose of driving upon a roadway. Striped skunk, opossum, red

1 fox, gray fox, raccoon and coyote may be taken during the open  
2 season by use of a small light which is worn on the body or  
3 hand-held by a person on foot and not in any vehicle.

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

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

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

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

1 shotgun or otherwise altered to render it incapable of holding  
2 more than 3 shells in the magazine and chamber, combined.

3 (n) It is unlawful for any person, except persons who  
4 possess a permit to hunt from a vehicle as provided in this  
5 Section and persons otherwise permitted by law, to have or  
6 carry any gun in or on any vehicle, conveyance or aircraft,  
7 unless such gun is unloaded and enclosed in a case, except that  
8 at field trials authorized by Section 2.34 of this Act,  
9 unloaded guns or guns loaded with blank cartridges only, may be  
10 carried on horseback while not contained in a case, or to have  
11 or carry any bow or arrow device in or on any vehicle unless  
12 such bow or arrow device is unstrung or enclosed in a case, or  
13 otherwise made inoperable.

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

17 (p) It is unlawful to take game birds, migratory game birds  
18 or migratory waterfowl with a rifle, pistol, revolver or  
19 airgun.

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

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

26 (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 intentionally or wantonly allow a dog to hunt, within or upon  
5 the land of another, or upon waters flowing over or standing on  
6 the land of another, without first obtaining permission from  
7 the owner or tenant. It shall be prima facie evidence that a  
8 person does not have permission of the owner or tenant if the  
9 person is unable to demonstrate to the law enforcement officer  
10 in the field that permission had been obtained. This provision  
11 may only be rebutted by testimony of the owner or tenant that  
12 permission had been given. Before enforcing this Section the  
13 law enforcement officer must have received notice from the  
14 owner or tenant of a violation of this Section. Statements made  
15 to 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 firearm  
19 for the purpose of taking any of the species protected by this  
20 Act, or hunt with gun or dog, or intentionally or wantonly  
21 allow a 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, hunting  
24 with dog and shotgun using shot shells only, or hunting with  
25 shotgun using shot shells only, or on licensed game breeding  
26 and hunting preserve areas, as defined in Section 3.27, on

1 property operated under a Migratory Waterfowl Hunting Area  
2 Permit, on federally owned and managed lands and on Department  
3 owned, managed, leased or controlled lands, a 100 yard  
4 restriction shall apply.

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

9 (w) It is unlawful for any owner of a dog to knowingly or  
10 wantonly allow his or her dog to pursue, harass or kill deer,  
11 except that nothing in this Section shall prohibit the tracking  
12 of wounded deer with a dog in accordance with the provisions of  
13 Section 2.26 of this Code.

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

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

23 (z) It is unlawful to take any game bird (excluding wild  
24 turkeys and crippled pheasants not capable of normal flight and  
25 otherwise irretrievable) protected by this Act when not flying.  
26 Nothing in this Section shall prohibit a person from carrying

1 an uncased, unloaded shotgun in a boat, while in pursuit of a  
2 crippled migratory waterfowl that is incapable of normal  
3 flight, for the purpose of attempting to reduce the migratory  
4 waterfowl to possession, provided that the attempt is made  
5 immediately upon downing the migratory waterfowl and is done  
6 within 400 yards of the blind from which the migratory  
7 waterfowl was downed. This exception shall apply only to  
8 migratory game birds that are not capable of normal flight.  
9 Migratory waterfowl that are crippled may be taken only with a  
10 shotgun as regulated by subsection (j) of this Section using  
11 shotgun shells as regulated in subsection (k) of this Section.

12 (aa) It is unlawful to use or possess any device that may  
13 be used for tree climbing or cutting, while hunting fur-bearing  
14 mammals, excluding coyotes.

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

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

23 (dd) It is unlawful to take any species protected by this  
24 Act and retain it alive except as provided by administrative  
25 rule.

26 (ee) It is unlawful to possess any rifle while in the field



1 during gun deer season except as provided in Section 2.26 and  
2 administrative rules.

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

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

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

20 (ii) This Section shall apply only to those species  
21 protected by this Act taken within the State. Any species or  
22 any parts thereof, legally taken in and transported from other  
23 states or countries, may be possessed within the State, except  
24 as provided in this Section and Sections 2.35, 2.36 and 3.21.

25 (jj) Nothing contained in this Section shall prohibit the  
26 use of bow and arrow, prohibit the use of a crossbow ~~by persons~~

1 ~~age 62 or older~~, or prevent the Director from issuing permits  
2 to use a crossbow to handicapped persons as provided by  
3 administrative rule. As used herein, "handicapped persons"  
4 means those persons who have a permanent physical impairment  
5 due to injury or disease, congenital or acquired, which renders  
6 them so severely disabled as to be unable to use a conventional  
7 bow and arrow device. Permits will be issued only after the  
8 receipt of a physician's statement confirming the applicant is  
9 handicapped as defined above.

10 (kk) Nothing contained in this Section shall prohibit the  
11 Director from issuing permits to paraplegics or to other  
12 disabled persons who meet the requirements set forth in  
13 administrative rule to shoot or hunt from a vehicle as provided  
14 by that rule, provided that such is otherwise in accord with  
15 this Act.

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

26 (mm) Nothing contained in this Act shall prohibit the use

1 of a shotgun, not larger than 10 gauge nor smaller than a 20  
2 gauge, with a rifled barrel.

3 (Source: P.A. 95-196, eff. 1-1-08; 95-329, eff. 8-21-07;  
4 95-876, eff. 8-21-08; 96-390, eff. 8-13-09.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.