

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 and by adding Sections 1.2j-1 and
6 2.5 as follows:

7 (520 ILCS 5/1.2j-1 new)

8 Sec. 1.2j-1. "Bow and arrow" means a longbow, recurve bow,
9 compound bow, or crossbow.

10 (520 ILCS 5/2.5 new)

11 Sec. 2.5. Crossbow conditions. A person may use a crossbow
12 if one or more of the following conditions are met:

13 (1) the user is a person age 62 and older;

14 (2) the user is a handicapped person to whom the
15 Director has issued a permit to use a crossbow, as provided
16 by administrative rule; or

17 (3) the date of using the crossbow is during the period
18 of the second Monday following the Thanksgiving holiday
19 through the last day of the archery deer hunting season
20 (both inclusive) set annually by the Director.

21 As used in this Section, "handicapped person" means a
22 person who has a physical impairment due to injury or disease,

1 congenital or acquired, which renders them so severely disabled
2 as to be unable to use a longbow, recurve bow, or compound bow.
3 Permits must be issued only after the receipt of a physician's
4 statement confirming the applicant is handicapped as defined
5 above.

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
24 arrow season.

25 It shall be unlawful for any person to take deer except

1 with a bow and arrow, ~~or crossbow device for handicapped~~
2 ~~persons, as defined in Section 2.33, and persons age 62 or~~
3 ~~older~~ during the open season for bow and arrow set annually by
4 the Director between the dates of September 1st and January
5 31st, both inclusive.

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

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

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

24 The Department is authorized to establish a separate
25 harvest period at specific sites within the State for the
26 purpose of harvesting surplus deer that cannot be taken during

1 the regular season provided for the taking of deer. This season
2 shall be restricted to gun or bow and arrow hunting only and
3 shall be established during the period of September 1st to
4 February 15th, both inclusive. The Department shall publish
5 suitable prescribed rules and regulations established by
6 administrative rule pertaining to management restrictions
7 applicable to this special harvest program. The Department
8 shall allow unused gun deer permits that are left over from a
9 regular season for the taking of deer to be rolled over and
10 used during any separate harvest period held within 6 months of
11 the season for which those tags were issued at no additional
12 cost to the permit holder subject to the management
13 restrictions applicable to the special harvest program.

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

16 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

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

1 ownership and (2) intends to retain the ownership of the shares
2 of stock for at least 5 years.

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

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

21 Any person attempting to take deer shall first obtain a
22 "Deer Hunting Permit" issued by the Department in accordance
23 with its administrative rules. Those rules must provide for the
24 issuance of the following types of resident deer archery
25 permits: (i) a combination permit, consisting of one either-sex
26 permit and one antlerless-only permit, (ii) a single

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

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

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

19 (c) Bona fide equity shareholders of a corporation,
20 bona fide equity members of a limited liability company, or
21 bona fide equity partners of a general or limited
22 partnership which owns at least 40 acres of land in a
23 county in Illinois who wish to hunt on the corporation's,
24 company's, or partnership's land only. One permit shall be
25 issued without charge to one bona fide equity shareholder,
26 one bona fide equity member, or one bona fide equity

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

8 Bona fide landowners or tenants who do not wish to hunt
9 only on the land they own, rent, or lease or bona fide equity
10 shareholders, bona fide equity members, or bona fide equity
11 partners who do not wish to hunt only on the land owned by the
12 corporation, limited liability company, or partnership shall
13 be charged the same fee as the applicant who is not a
14 landowner, tenant, bona fide equity shareholder, bona fide
15 equity member, or bona fide equity partner. 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, bona fide equity member, or
24 bona fide equity partner, the permit shall be valid on all
25 lands owned by the corporation, limited liability company, or
26 partnership in the county.

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

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

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

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

17 It shall be unlawful for any person to take deer by use of
18 dogs, horses, automobiles, aircraft or other vehicles, or by
19 the use or aid of bait or baiting of any kind. For the purposes
20 of this Section, "bait" means any material, whether liquid or
21 solid, including food, salt, minerals, and other products that
22 can be ingested, placed, or scattered in such a manner as to
23 attract or lure white-tailed deer. "Baiting" means the
24 placement or scattering of bait to attract deer. An area is
25 considered as baited during the presence of and for 10
26 consecutive days following the removal of bait. Nothing in this

1 Section shall prohibit the use of a dog to track wounded deer.
2 Any person using a dog for tracking wounded deer must maintain
3 physical control of the dog at all times by means of a maximum
4 50 foot lead attached to the dog's collar or harness. Tracking
5 wounded deer is permissible at night, but at no time outside of
6 legal deer hunting hours or seasons shall any person handling
7 or accompanying a dog being used for tracking wounded deer be
8 in possession of any firearm or archery device. Persons
9 tracking wounded deer with a dog during the firearm deer
10 seasons shall wear blaze orange as required. Dog handlers
11 tracking wounded deer with a dog are exempt from hunting
12 license and deer permit requirements so long as they are
13 accompanied by the licensed deer hunter who wounded the deer.

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

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

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

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

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

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

5 ~~It shall be legal for handicapped persons, as defined in~~
6 ~~Section 2.33, and persons age 62 or older to utilize a crossbow~~
7 ~~device, as defined in Department rules, to take deer.~~

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

11 For the purposes of calculating acreage under this Section,
12 the Department shall, after determining the total acreage of
13 the applicable tract or tracts of land, round remaining
14 fractional portions of an acre greater than or equal to half of
15 an acre up to the next whole acre.

16 For the purposes of taking white-tailed deer, nothing in
17 this Section shall be construed to prevent the manipulation,
18 including mowing or cutting, of standing crops as a normal
19 agricultural or soil stabilization practice, food plots, or
20 normal agricultural practices, including planting, harvesting,
21 and maintenance such as cultivating or the use of products
22 designed for scent only and not capable of ingestion, solid or
23 liquid, placed or scattered, in such a manner as to attract or
24 lure deer. Such manipulation for the purpose of taking
25 white-tailed deer may be further modified by administrative
26 rule.

1 (Source: P.A. 96-162, eff. 1-1-10; 96-831, eff. 1-1-10;
2 96-1042, eff. 1-1-11; 97-564, eff. 8-25-11.)

3 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

4 Sec. 2.33. Prohibitions.

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

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

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

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

22 (e) (Blank).

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

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

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

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

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

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

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

1 (l) or administrative rule.

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

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

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

1 (o) It is unlawful to use any crossbow for the purpose of
2 taking any wild birds or mammals, except as provided for in
3 Section 2.5 ~~2.33~~.

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

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

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

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

16 (t) It is unlawful for any person to trap or hunt, or
17 intentionally or wantonly allow a dog to hunt, within or upon
18 the land of another, or upon waters flowing over or standing on
19 the land of another, without first obtaining permission from
20 the owner or tenant. It shall be prima facie evidence that a
21 person does not have permission of the owner or tenant if the
22 person is unable to demonstrate to the law enforcement officer
23 in the field that permission had been obtained. This provision
24 may only be rebutted by testimony of the owner or tenant that
25 permission had been given. Before enforcing this Section the
26 law enforcement officer must have received notice from the

1 owner or tenant of a violation of this Section. Statements made
2 to the law enforcement officer regarding this notice shall not
3 be rendered inadmissible by the hearsay rule when offered for
4 the purpose of showing the required notice.

5 (u) It is unlawful for any person to discharge any firearm
6 for the purpose of taking any of the species protected by this
7 Act, or hunt with gun or dog, or intentionally or wantonly
8 allow a dog to hunt, within 300 yards of an inhabited dwelling
9 without first obtaining permission from the owner or tenant,
10 except that while trapping, hunting with bow and arrow, hunting
11 with dog and shotgun using shot shells only, or hunting with
12 shotgun using shot shells only, or on licensed game breeding
13 and hunting preserve areas, as defined in Section 3.27, on
14 property operated under a Migratory Waterfowl Hunting Area
15 Permit, on federally owned and managed lands and on Department
16 owned, managed, leased or controlled lands, a 100 yard
17 restriction shall apply.

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

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

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

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

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

25 (aa) It is unlawful to use or possess any device that may
26 be used for tree climbing or cutting, while hunting fur-bearing

1 mammals, excluding coyotes.

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

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

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

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

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

23 (gg) It is unlawful during the upland game season for any
24 person to take upland game with a firearm unless he or she
25 wears, while in the field, a cap of solid blaze orange color.
26 For purposes of this Act, upland game is defined as Bobwhite

1 Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern
2 Cottontail and Swamp Rabbit.

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

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

12 (jj) (Blank). ~~Nothing contained in this Section shall~~
13 ~~prohibit the use of bow and arrow, prohibit the use of a~~
14 ~~crossbow by persons age 62 or older, or prevent the Director~~
15 ~~from issuing permits to use a crossbow to handicapped persons~~
16 ~~as provided by administrative rule. As used herein,~~
17 ~~"handicapped persons" means those persons who have a physical~~
18 ~~impairment due to injury or disease, congenital or acquired,~~
19 ~~which renders them so severely disabled as to be unable to use~~
20 ~~a conventional bow and arrow device. Permits must be issued~~
21 ~~only after the receipt of a physician's statement confirming~~
22 ~~the applicant is handicapped as defined above.~~

23 (kk) Nothing contained in this Section shall prohibit the
24 Director from issuing permits to paraplegics or to other
25 disabled persons who meet the requirements set forth in
26 administrative rule to shoot or hunt from a vehicle as provided

1 by that rule, provided that such is otherwise in accord with
2 this Act.

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

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

16 (Source: P.A. 96-390, eff. 8-13-09; 97-645, eff. 12-30-11.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.