

HB5605



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5605

by Rep. David Reis

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.26

from Ch. 61, par. 2.26

Amends the Wildlife Code. Provides that a person with a valid concealed carry license issued under the Firearm Concealed Carry Act, or an off-duty law enforcement official or officer, may carry a handgun on or about his or her person while hunting. Effective immediately.

LRB098 18998 MGM 54147 b

A BILL FOR

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 Section
5 2.26 as follows:

6 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

7 Sec. 2.26. Deer hunting permits. In this Section, "bona
8 fide equity shareholder" means an individual who (1) purchased,
9 for market price, publicly sold stock shares in a corporation,
10 purchased shares of a privately-held corporation for a value
11 equal to the percentage of the appraised value of the corporate
12 assets represented by the ownership in the corporation, or is a
13 member of a closely-held family-owned corporation and has
14 purchased or been gifted with shares of stock in the
15 corporation accurately reflecting his or her percentage of
16 ownership and (2) intends to retain the ownership of the shares
17 of stock for at least 5 years.

18 In this Section, "bona fide equity member" means an
19 individual who (1) (i) became a member upon the formation of
20 the limited liability company or (ii) has purchased a
21 distributional interest in a limited liability company for a
22 value equal to the percentage of the appraised value of the LLC
23 assets represented by the distributional interest in the LLC

1 and subsequently becomes a member of the company pursuant to
2 Article 30 of the Limited Liability Company Act and who (2)
3 intends to retain the membership for at least 5 years.

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

13 Any person attempting to take deer shall first obtain a
14 "Deer Hunting Permit" issued by the Department in accordance
15 with its administrative rules. Those rules must provide for the
16 issuance of the following types of resident deer archery
17 permits: (i) a combination permit, consisting of one either-sex
18 permit and one antlerless-only permit, (ii) a single
19 antlerless-only permit, and (iii) a single either-sex permit.
20 The fee for a Deer Hunting Permit to take deer with either bow
21 and arrow or gun shall not exceed \$25.00 for residents of the
22 State. The Department may by administrative rule provide for
23 non-resident deer hunting permits for which the fee will not
24 exceed \$300 in 2005, \$350 in 2006, and \$400 in 2007 and
25 thereafter except as provided below for non-resident
26 landowners and non-resident archery hunters. The Department

1 may by administrative rule provide for a non-resident archery
2 deer permit consisting of not more than 2 harvest tags at a
3 total cost not to exceed \$325 in 2005, \$375 in 2006, and \$425
4 in 2007 and thereafter. Permits shall be issued without charge
5 to:

6 (a) Illinois landowners residing in Illinois who own at
7 least 40 acres of Illinois land and wish to hunt their land
8 only,

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

11 (c) Bona fide equity shareholders of a corporation,
12 bona fide equity members of a limited liability company, or
13 bona fide equity partners of a general or limited
14 partnership which owns at least 40 acres of land in a
15 county in Illinois who wish to hunt on the corporation's,
16 company's, or partnership's land only. One permit shall be
17 issued without charge to one bona fide equity shareholder,
18 one bona fide equity member, or one bona fide equity
19 partner for each 40 acres of land owned by the corporation,
20 company, or partnership in a county; however, the number of
21 permits issued without charge to bona fide equity
22 shareholders of any corporation or bona fide equity members
23 of a limited liability company in any county shall not
24 exceed 15, and shall not exceed 3 in the case of bona fide
25 equity partners of a partnership.

26 Bona fide landowners or tenants who do not wish to hunt

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

12 The deer hunting permit issued without fee shall be valid
13 on all farm lands which the person to whom it is issued owns,
14 leases or rents, except that in the case of a permit issued to
15 a bona fide equity shareholder, bona fide equity member, or
16 bona fide equity partner, the permit shall be valid on all
17 lands owned by the corporation, limited liability company, or
18 partnership in the county.

19 The standards and specifications for use of guns and bow
20 and arrow for deer hunting shall be established by
21 administrative rule.

22 No person may have in his or her possession any firearm not
23 authorized by administrative rule for a specific hunting season
24 when taking deer. However, a person with a valid concealed
25 carry license issued under the Firearm Concealed Carry Act, or
26 an off-duty law enforcement official or officer, may carry a

1 handgun on or about his or her person while hunting.

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

7 Persons having an archery 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 bow and arrow.

12 It shall be unlawful for any person to take deer by use of
13 dogs, horses, automobiles, aircraft or other vehicles, or by
14 the use or aid of bait or baiting of any kind. For the purposes
15 of this Section, "bait" means any material, whether liquid or
16 solid, including food, salt, minerals, and other products,
17 except pure water, that can be ingested, placed, or scattered
18 in such a manner as to attract or lure white-tailed deer.
19 "Baiting" means the placement or scattering of bait to attract
20 deer. An area is considered as baited during the presence of
21 and for 10 consecutive days following the removal of bait.
22 Nothing in this Section shall prohibit the use of a dog to
23 track wounded deer. Any person using a dog for tracking wounded
24 deer must maintain physical control of the dog at all times by
25 means of a maximum 50 foot lead attached to the dog's collar or
26 harness. Tracking wounded deer is permissible at night, but at

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

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

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

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

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

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

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

1 Any person who violates any of the provisions of this
2 Section, including administrative rules, shall be guilty of a
3 Class B misdemeanor.

4 For the purposes of calculating acreage under this Section,
5 the Department shall, after determining the total acreage of
6 the applicable tract or tracts of land, round remaining
7 fractional portions of an acre greater than or equal to half of
8 an acre up to the next whole acre.

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

20 (Source: P.A. 97-564, eff. 8-25-11; 97-907, eff. 8-7-12;
21 98-180, eff. 8-5-13.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.