



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2783

by Rep. Andrew S. Chesney

#### SYNOPSIS AS INTRODUCED:

520 ILCS 5/1.2m-0.5 new	
520 ILCS 5/2.25	from Ch. 61, par. 2.25
520 ILCS 5/2.26	from Ch. 61, par. 2.26
520 ILCS 5/2.32a new	
520 ILCS 5/2.33	from Ch. 61, par. 2.33

Amends the Wildlife Code. Permits hunting with a rifle for the taking of deer. Provides that rifle hunting permits issued by the Department of Natural Resources shall be approved by county ordinance. Provides that notwithstanding any provision of the Code, it is unlawful to take a deer with a rifle in a county of the State with a population of 500,000 or more. Defines "rifle" as any firearm designed, made, or adapted to be fired from the shoulder that uses the energy of an explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

LRB101 08823 SLF 53912 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 2.6, 2.7, 2.11, 2.13, 2.25, 2.26, 2.27, 2.28, and 2.33  
6 and by adding Sections 1.2m-0.5 and 2.32a as follows:

7 (520 ILCS 5/1.2m-0.5 new)

8 Sec. 1.2m-0.5. Rifle. "Rifle" means any firearm designed,  
9 made, or adapted to be fired from the shoulder that uses the  
10 energy of an explosive in a fixed metallic cartridge to fire a  
11 projectile through a rifled bore by a single function of the  
12 trigger.

13 (520 ILCS 5/2.25) (from Ch. 61, par. 2.25)

14 Sec. 2.25. It shall be unlawful for any person to take deer  
15 except: (i) with a shotgun, handgun, rifle, or muzzleloading  
16 rifle; or (ii) as provided by administrative rule, with a bow  
17 and arrow, during the open season of not more than 14 days  
18 which will be set annually by the Director between the dates of  
19 November 1st and December 31st, both inclusive, or a special  
20 3-day, youth-only season between the dates of September 1 and  
21 October 31. For the purposes of this Section, legal handguns  
22 include any centerfire handguns of .30 caliber or larger with a

1 minimum barrel length of 4 inches. The only legal ammunition  
2 for a centerfire handgun is a cartridge of .30 caliber or  
3 larger with a capability of at least 500 foot pounds of energy  
4 at the muzzle. Full metal jacket bullets may not be used to  
5 harvest deer.

6 The Department shall make administrative rules concerning  
7 management restrictions applicable to the firearm and bow and  
8 arrow season.

9 It shall be unlawful for any person to take deer except  
10 with a bow and arrow during the open season for bow and arrow  
11 set annually by the Director between the dates of September 1st  
12 and January 31st, both inclusive.

13 It shall be unlawful for any person to take deer except  
14 with: (i) a muzzleloading rifle; ~~or~~ (ii) bow and arrow; or  
15 (iii) rifle during the open season for muzzleloading rifles set  
16 annually by the Director.

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

22 The Department may establish separate harvest periods for  
23 the purpose of managing or eradicating disease that has been  
24 found in the deer herd. This season shall be restricted to gun  
25 or bow and arrow hunting only. The Department shall publicly  
26 announce, via statewide news release, the season dates and

1 shooting hours, the counties and sites open to hunting, permit  
2 requirements, application dates, hunting rules, legal weapons,  
3 and reporting requirements.

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

20 (Source: P.A. 97-907, eff. 8-7-12; 98-368, eff. 8-16-13.)

21 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

22 Sec. 2.26. Deer hunting permits. Any person attempting to  
23 take deer shall first obtain a "Deer Hunting Permit" issued by  
24 the Department in accordance with its administrative rules.  
25 Those rules must provide for the issuance of the following

1 types of resident deer archery permits: (i) a combination  
2 permit, consisting of one either-sex permit and one  
3 antlerless-only permit, (ii) a single antlerless-only permit,  
4 and (iii) a single either-sex permit. The fee for a Deer  
5 Hunting Permit to take deer with either bow and arrow or gun  
6 shall not exceed \$25.00 for residents of the State. The  
7 Department may by administrative rule provide for non-resident  
8 deer hunting permits for which the fee will not exceed \$300 in  
9 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as  
10 provided below for non-resident landowners and non-resident  
11 archery hunters. The Department may by administrative rule  
12 provide for a non-resident archery deer permit consisting of  
13 not more than 2 harvest tags at a total cost not to exceed \$325  
14 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. The  
15 fees for a youth resident and non-resident archery deer permit  
16 shall be the same.

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

20 No person may have in his or her possession any firearm not  
21 authorized by administrative rule for a specific hunting season  
22 when taking deer.

23 Persons having a firearm deer hunting permit shall be  
24 permitted to take deer only during the period from 1/2 hour  
25 before sunrise to 1/2 hour after sunset, and only during those  
26 days for which an open season is established for the taking of

1 deer by use of shotgun, handgun, rifle, or muzzleloading ~~muzzle~~  
2 ~~loading~~ rifle.

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

8 It shall be unlawful for any person to take deer by use of  
9 dogs, horses, automobiles, aircraft or other vehicles, or by  
10 the use or aid of bait or baiting of any kind. For the purposes  
11 of this Section, "bait" means any material, whether liquid or  
12 solid, including food, salt, minerals, and other products,  
13 except pure water, that can be ingested, placed, or scattered  
14 in such a manner as to attract or lure white-tailed deer.  
15 "Baiting" means the placement or scattering of bait to attract  
16 deer. An area is considered as baited during the presence of  
17 and for 10 consecutive days following the removal of bait.  
18 Nothing in this Section shall prohibit the use of a dog to  
19 track wounded deer. Any person using a dog for tracking wounded  
20 deer must maintain physical control of the dog at all times by  
21 means of a maximum 50 foot lead attached to the dog's collar or  
22 harness. Tracking wounded deer is permissible at night, but at  
23 no time outside of legal deer hunting hours or seasons shall  
24 any person handling or accompanying a dog being used for  
25 tracking wounded deer be in possession of any firearm or  
26 archery device. Persons tracking wounded deer with a dog during

1 the firearm deer seasons shall wear blaze orange or solid blaze  
2 pink color as required. Dog handlers tracking wounded deer with  
3 a dog are exempt from hunting license and deer permit  
4 requirements so long as they are accompanied by the licensed  
5 deer hunter who wounded the deer.

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

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

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

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

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

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

23 Any person who violates any of the provisions of this  
24 Section, including administrative rules, shall be guilty of a  
25 Class B misdemeanor.

26 For the purposes of calculating acreage under this Section,

1 the Department shall, after determining the total acreage of  
2 the applicable tract or tracts of land, round remaining  
3 fractional portions of an acre greater than or equal to half of  
4 an acre up to the next whole acre.

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

16 (Source: P.A. 99-642, eff. 7-28-16; 99-869, eff. 1-1-17;  
17 100-691, eff. 1-1-19; 100-949, eff. 1-1-19; revised 10-9-18.)

18 (520 ILCS 5/2.32a new)

19 Sec. 2.32a. Rifle hunting requirements. Rifle hunting  
20 permits issued by the Department shall be approved by county  
21 ordinance. Notwithstanding any provision of this Code to the  
22 contrary, it is unlawful to take a deer with a rifle in a  
23 county of this State with a population of 500,000 or more.

24 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)



1           Sec. 2.33. Prohibitions.

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

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

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

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

19          (e) (Blank).

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

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

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

26          (i) It is unlawful to take, pursue or intentionally harass

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

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

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

24 (l) It is unlawful to take any species of wild game, except  
25 white-tailed deer and fur-bearing mammals, with a shotgun  
26 loaded with slugs unless otherwise provided for by

1 administrative rule.

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

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

24 (o) (Blank).

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

1 airgun.

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

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

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

11 (t) It is unlawful for any person to take or attempt to  
12 take any species of wildlife or parts thereof, intentionally or  
13 wantonly allow a dog to hunt, within or upon the land of  
14 another, or upon waters flowing over or standing on the land of  
15 another, or to knowingly shoot a gun or bow and arrow device at  
16 any wildlife physically on or flying over the property of  
17 another without first obtaining permission from the owner or  
18 the owner's designee. For the purposes of this Section, the  
19 owner's designee means anyone who the owner designates in a  
20 written authorization and the authorization must contain (i)  
21 the legal or common description of property for such authority  
22 is given, (ii) the extent that the owner's designee is  
23 authorized to make decisions regarding who is allowed to take  
24 or attempt to take any species of wildlife or parts thereof,  
25 and (iii) the owner's notarized signature. Before enforcing  
26 this Section the law enforcement officer must have received

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

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

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

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

1 Section 2.26 of this Code.

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

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

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

26 (aa) It is unlawful to use or possess any device that may

1 be used for tree climbing or cutting, while hunting fur-bearing  
2 mammals, excluding coyotes.

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

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

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

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

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

25 (gg) It is unlawful during the upland game season for any  
26 person to take upland game with a firearm unless he or she

1 wears, while in the field, a cap of solid blaze orange color or  
2 solid blaze pink color. For purposes of this Act, upland game  
3 is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked  
4 Pheasant, Eastern Cottontail and Swamp Rabbit.

5 (hh) It shall be unlawful to kill or cripple any species  
6 protected by this Act for which there is a bag limit without  
7 making a reasonable effort to retrieve such species and include  
8 such in the bag limit. It shall be unlawful for any person  
9 having control over harvested game mammals, game birds, or  
10 migratory game birds for which there is a bag limit to wantonly  
11 waste or destroy the usable meat of the game, except this shall  
12 not apply to wildlife taken under Sections 2.37 or 3.22 of this  
13 Code. For purposes of this subsection, "usable meat" means the  
14 breast meat of a game bird or migratory game bird and the hind  
15 ham and front shoulders of a game mammal. It shall be unlawful  
16 for any person to place, leave, dump, or abandon a wildlife  
17 carcass or parts of it along or upon a public right-of-way or  
18 highway or on public or private property, including a waterway  
19 or stream, without the permission of the owner or tenant. It  
20 shall not be unlawful to discard game meat that is determined  
21 to be unfit for human consumption.

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



1 (jj) (Blank).

2 (kk) Nothing contained in this Section shall prohibit the  
3 Director from issuing permits to paraplegics or to other  
4 persons with disabilities who meet the requirements set forth  
5 in administrative rule to shoot or hunt from a vehicle as  
6 provided by that rule, provided that such is otherwise in  
7 accord with this Act.

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

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

21 (nn) It shall be unlawful to possess any species of  
22 wildlife or wildlife parts taken unlawfully in Illinois, any  
23 other state, or any other country, whether or not the wildlife  
24 or wildlife parts is indigenous to Illinois. For the purposes  
25 of this subsection, the statute of limitations for unlawful  
26 possession of wildlife or wildlife parts shall not cease until

1 2 years after the possession has permanently ended.  
2 (Source: P.A. 99-33, eff. 1-1-16; 99-143, eff. 7-27-15; 99-642,  
3 eff. 7-28-16; 100-489, eff. 9-8-17; 100-949, eff. 1-1-19.)