

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

27 In this Section, "bona fide equity partner" means an
28 individual who (1) (i) became a partner, either general or
29 limited, upon the formation of a partnership or limited
30 partnership, or (ii) has purchased, acquired, or been gifted a
31 partnership interest accurately representing his or her
32 percentage distributional interest in the profits, losses, and

1 assets of a partnership or limited partnership, (2) intends to
2 retain ownership of the partnership interest for at least 5
3 years, and (3) is a resident of Illinois.

4 Any person attempting to take deer shall first obtain a
5 "Deer Hunting Permit" in accordance with prescribed
6 regulations set forth in an Administrative Rule. Deer Hunting
7 Permits shall be issued by the Department. The fee for a Deer
8 Hunting Permit to take deer with either bow and arrow or gun
9 shall not exceed \$15.00 for residents of the State. The
10 Department may by administrative rule provide for non-resident
11 deer hunting permits for which the fee will not exceed \$200
12 except as provided below for non-resident landowners and
13 non-resident archery hunters. The Department may by
14 administrative rule provide for a non-resident archery deer
15 permit consisting of not more than 2 harvest tags at a total
16 cost not to exceed \$225. Permits shall be issued without charge
17 to:

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

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

23 (c) Bona fide equity shareholders of a corporation,
24 bona fide equity members of a limited liability company, or
25 bona fide equity partners of a general or limited
26 partnership which owns at least 40 acres of land in a
27 county in Illinois who wish to hunt on the corporation's,
28 company's, or partnership's land only. One permit shall be
29 issued without charge to one bona fide equity shareholder,
30 one bona fide equity member, or one bona fide equity
31 partner for each 40 acres of land owned by the corporation,
32 company, or partnership in a county; however, the number of
33 permits issued without charge to bona fide equity
34 shareholders of any corporation or bona fide equity members
35 of a limited liability company in any county shall not
36 exceed 15, and shall not exceed 3 in the case of bona fide

1 equity partners of a partnership.

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

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

21 The Department of Natural Resources shall conduct a
22 one-year pilot program with respect to the 2006 deer hunting
23 season under which a landowner described in paragraph (a) may
24 purchase up to 4 additional deer hunting permits at the
25 appropriate resident or non-resident permit rate for hunting by
26 his or her lineal descendants who do not reside with the
27 landowner. At the time of purchase, the landowner must provide
28 a notarized affidavit signed by the landowner and the lineal
29 descendant stating that the persons for whom the landowner is
30 purchasing the permits are his or her lineal descendants. A
31 landowner who obtains or attempts to obtain one or more
32 additional permits under the program for persons who are not
33 his or her lineal descendants shall lose deer hunting permit
34 privileges for 3 years from discovery by the Department of the
35 false claim of lineal descent. Permits issued under the program
36 are in addition to any limit on deer hunting permits for the

1 relevant county or counties and shall allow the permittee to
2 take antlerless deer only.

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 sunset, and only during those days for which
12 an open season is established for the taking of deer by use of
13 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
27 lead attached to the dog's collar or harness. Tracking wounded
28 deer is permissible at night, but at no time outside of legal
29 deer hunting hours or seasons shall any person handling or
30 accompanying a dog being used for tracking wounded deer be in
31 possession of any firearm or archery device. Persons tracking
32 wounded deer with a dog during the firearm deer seasons shall
33 wear blaze orange as required. Dog handlers tracking wounded
34 deer with a dog are exempt from hunting license and deer permit
35 requirements so long as they are accompanied by the licensed
36 deer hunter who wounded the deer.

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

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

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

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

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

16 It shall be legal for handicapped persons, as defined in
17 Section 2.33, to utilize a crossbow device, as defined in
18 Department rules, to take deer.

19 Any person who violates any of the provisions of this
20 Section, including administrative rules, shall be guilty of a
21 Class B misdemeanor.

22 (Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01;
23 92-651, eff. 7-11-02; 93-554, eff. 8-20-03; 93-807, eff.
24 7-24-04; 93-823, eff. 1-1-05; revised 10-14-04.)