



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2810

Introduced 1/20/2006, by Sen. Gary Forby

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.25
520 ILCS 5/2.26

from Ch. 61, par. 2.25
from Ch. 61, par. 2.26

Amends the Wildlife Code. Provides that the taking of a doe pursuant to an either-sex permit during the first open season shall not count towards any bag or possession limit under the Act. Sets forth that no Deer Hunting Permit fee shall be assessed for an antlerless only permit in a county in which a separate harvest period was authorized by the Department in the previous season.

LRB094 18529 RSP 53859 b

FISCAL NOTE ACT
MAY APPLY

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 and 2.26 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, during the open season of not more than 14 days
12 which will be set annually by the Director between the dates of
13 November 1st and December 31st, both inclusive. For the
14 purposes of this Section, legal handguns include any centerfire
15 handguns of .30 caliber or larger with a minimum barrel length
16 of 4 inches. The only legal ammunition for a centerfire handgun
17 is a cartridge of .30 caliber or larger with a capability of at
18 least 500 foot pounds of energy at the muzzle. Full metal
19 jacket bullets may not be used to harvest deer.

20 The Department shall make administrative rules concerning
21 management restrictions applicable to the firearm and bow and
22 arrow season.

23 It shall be unlawful for any person to take deer except
24 with a bow and arrow, or crossbow device for handicapped
25 persons (as defined in Section 2.33), during the open season
26 for bow and arrow set annually by the Director between the
27 dates of September 1st and January 31st, both inclusive.

28 It shall be unlawful for any person to take deer except
29 with (i) a muzzleloading rifle, or (ii) bow and arrow, or
30 crossbow device for handicapped persons as defined in Section
31 2.33, during the open season for muzzleloading rifles set
32 annually by the Director.

1 The Director shall cause an administrative rule setting
2 forth the prescribed rules and regulations, including bag and
3 possession limits and those counties of the State where open
4 seasons are established, to be published in accordance with
5 Sections 1.3 and 1.13 of this Act. The taking of a doe pursuant
6 to an either-sex permit during the first open season shall not
7 count towards any bag or possession limit under the Act.

8 The Department may establish separate harvest periods for
9 the purpose of managing or eradicating disease that has been
10 found in the deer herd. This season shall be restricted to gun
11 or bow and arrow hunting only. The Department shall publicly
12 announce, via statewide news release, the season dates and
13 shooting hours, the counties and sites open to hunting, permit
14 requirements, application dates, hunting rules, legal weapons,
15 and reporting requirements.

16 The Department is authorized to establish a separate
17 harvest period at specific sites within the State for the
18 purpose of harvesting surplus deer that cannot be taken during
19 the regular season provided for the taking of deer. This season
20 shall be restricted to gun or bow and arrow hunting only and
21 shall be established during the period of September 1st to
22 February 15th, both inclusive. The Department shall publish
23 suitable prescribed rules and regulations established by
24 administrative rule pertaining to management restrictions
25 applicable to this special harvest program.

26 (Source: P.A. 93-37, eff. 6-25-03; 93-554, eff. 8-20-03;
27 revised 9-15-03.)

28 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

29 Sec. 2.26. Deer hunting permits. In this Section, "bona
30 fide equity shareholder" means an individual who (1) purchased,
31 for market price, publicly sold stock shares in a corporation,
32 purchased shares of a privately-held corporation for a value
33 equal to the percentage of the appraised value of the corporate
34 assets represented by the ownership in the corporation, or is a
35 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" in accordance with prescribed
25 regulations set forth in an Administrative Rule. Deer Hunting
26 Permits shall be issued by the Department. The fee for a Deer
27 Hunting Permit to take deer with either bow and arrow or gun
28 shall not exceed \$15.00 for residents of the State, provided
29 that no fee shall be assessed for an antlerless only permit in
30 a county in which a separate harvest period was authorized by
31 the Department in the previous season. The Department may by
32 administrative rule provide for non-resident deer hunting
33 permits for which the fee will not exceed \$300 in 2005, \$350 in
34 2006, and \$400 in 2007 and thereafter except as provided below
35 for non-resident landowners and non-resident archery hunters.
36 The Department may by administrative rule provide for a

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

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

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

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

25 Bona fide landowners or tenants who do not wish to hunt
26 only on the land they own, rent, or lease or bona fide equity
27 shareholders, bona fide equity members, or bona fide equity
28 partners who do not wish to hunt only on the land owned by the
29 corporation, limited liability company, or partnership shall
30 be charged the same fee as the applicant who is not a
31 landowner, tenant, bona fide equity shareholder, bona fide
32 equity member, or bona fide equity partner. Nonresidents of
33 Illinois who own at least 40 acres of land and wish to hunt on
34 their land only shall be charged a fee set by administrative
35 rule. The method for obtaining these permits shall be
36 prescribed by administrative rule.

1 The deer hunting permit issued without fee shall be valid
2 on all farm lands which the person to whom it is issued owns,
3 leases or rents, except that in the case of a permit issued to
4 a bona fide equity shareholder, bona fide equity member, or
5 bona fide equity partner, the permit shall be valid on all
6 lands owned by the corporation, limited liability company, or
7 partnership in the county.

8 The standards and specifications for use of guns and bow
9 and arrow for deer hunting shall be established by
10 administrative rule.

11 No person may have in his possession any firearm not
12 authorized by administrative rule for a specific hunting season
13 when taking deer.

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

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

24 It shall be unlawful for any person to take deer by use of
25 dogs, horses, automobiles, aircraft or other vehicles, or by
26 the use of salt or bait of any kind. An area is considered as
27 baited during the presence of and for 10 consecutive days
28 following the removal of bait. Nothing in this Section shall
29 prohibit the use of a dog to track wounded deer. Any person
30 using a dog for tracking wounded deer must maintain physical
31 control of the dog at all times by means of a maximum 50 foot
32 lead attached to the dog's collar or harness. Tracking wounded
33 deer is permissible at night, but at no time outside of legal
34 deer hunting hours or seasons shall any person handling or
35 accompanying a dog being used for tracking wounded deer be in
36 possession of any firearm or archery device. Persons tracking

1 wounded deer with a dog during the firearm deer seasons shall
2 wear blaze orange as required. Dog handlers tracking wounded
3 deer with 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 It shall be legal for handicapped persons, as defined in
24 Section 2.33, to utilize a crossbow device, as defined in
25 Department rules, to take deer.

26 Any person who violates any of the provisions of this
27 Section, including administrative rules, shall be guilty of a
28 Class B misdemeanor.

29 (Source: P.A. 93-554, eff. 8-20-03; 93-807, eff. 7-24-04;
30 93-823, eff. 1-1-05; 94-10, eff. 6-7-05.)