

HB3836



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3836

Introduced 2/25/2009, by Rep. Shane Cultra

SYNOPSIS AS INTRODUCED:

520 ILCS 5/2.25	from Ch. 61, par. 2.25
520 ILCS 5/2.33	from Ch. 61, par. 2.33

Amends the Wildlife Code. Provides that deer may be taken with a crossbow during a crossbow season of not more than 14 days set annually by the Director between the dates of November 1st and December 31st, but that 14-day season may not overlap with the open season for taking deer. Effective immediately.

LRB096 11341 JDS 21790 b

FISCAL NOTE ACT
MAY APPLY

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
5 Sections 2.25 and 2.33 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, 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. In addition,
16 deer may be taken with a crossbow during a crossbow season of
17 not more than 14 days set annually by the Director between the
18 dates of November 1st and December 31st, but that 14-day season
19 may not overlap with the open season. For the purposes of this
20 Section, legal handguns include any centerfire handguns of .30
21 caliber or larger with a minimum barrel length of 4 inches. The
22 only legal ammunition for a centerfire handgun is a cartridge
23 of .30 caliber or larger with a capability of at least 500 foot

1 pounds of energy at the muzzle. Full metal jacket bullets may
2 not be used to harvest deer.

3 The Department shall make administrative rules concerning
4 management restrictions applicable to the firearm and bow and
5 arrow season.

6 It shall be unlawful for any person to take deer except
7 with a bow and arrow, or crossbow device for handicapped
8 persons, as defined in Section 2.33, and persons age 62 or
9 older during the open season for bow and arrow set annually by
10 the Director between the dates of September 1st and January
11 31st, both inclusive.

12 It shall be unlawful for any person to take deer except
13 with (i) a muzzleloading rifle, or (ii) bow and arrow, or
14 crossbow device for handicapped persons, as defined in Section
15 2.33, and persons age 62 or older during the open season for
16 muzzleloading rifles set 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. 94-919, eff. 6-26-06; 95-13, eff. 1-1-08; 95-329,
21 eff. 8-21-07; 95-876, eff. 8-21-08.)

22 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

23 Sec. 2.33. Prohibitions.

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

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

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

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

16 (e) (Blank).

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

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

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

23 (i) It is unlawful to take, pursue or intentionally harass
24 or disturb in any manner any wild birds or mammals by use or
25 aid of any vehicle or conveyance, except as permitted by the
26 Code of Federal Regulations for the taking of waterfowl. It is

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

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

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

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

24 (m) It is unlawful to use any shotgun capable of holding
25 more than 3 shells in the magazine or chamber combined, except
26 on game breeding and hunting preserve areas licensed under

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

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

20 (o) It is unlawful to use any crossbow for the purpose of
21 taking any wild birds or mammals, except as provided for in
22 Section 2.25 and Section 2.33.

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

26 (q) It is unlawful to fire a rifle, pistol, revolver or

1 airgun on, over or into any waters of this State, including
2 frozen waters.

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

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

9 (t) It is unlawful for any person to trap or hunt, or
10 intentionally or wantonly allow a dog to hunt, within or upon
11 the land of another, or upon waters flowing over or standing on
12 the land of another, without first obtaining permission from
13 the owner or tenant. It shall be prima facie evidence that a
14 person does not have permission of the owner or tenant if the
15 person is unable to demonstrate to the law enforcement officer
16 in the field that permission had been obtained. This provision
17 may only be rebutted by testimony of the owner or tenant that
18 permission had been given. Before enforcing this Section the
19 law enforcement officer must have received notice from the
20 owner or tenant of a violation of this Section. Statements made
21 to the law enforcement officer regarding this notice shall not
22 be rendered inadmissible by the hearsay rule when offered for
23 the purpose of showing the required notice.

24 (u) It is unlawful for any person to discharge any firearm
25 for the purpose of taking any of the species protected by this
26 Act, or hunt with gun or dog, or intentionally or wantonly

1 allow a dog to hunt, within 300 yards of an inhabited dwelling
2 without first obtaining permission from the owner or tenant,
3 except that while trapping, hunting with bow and arrow, hunting
4 with dog and shotgun using shot shells only, or hunting with
5 shotgun using shot shells only, or on licensed game breeding
6 and hunting preserve areas, as defined in Section 3.27, on
7 property operated under a Migratory Waterfowl Hunting Area
8 Permit, on federally owned and managed lands and on Department
9 owned, managed, leased or controlled lands, a 100 yard
10 restriction shall apply.

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

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

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

24 (y) It is unlawful to hunt wild game protected by this Act
25 between one half hour after sunset and one half hour before
26 sunrise, except that hunting hours between one half hour after

1 sunset and one half hour before sunrise may be established by
2 administrative rule for fur-bearing mammals.

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

18 (aa) It is unlawful to use or possess any device that may
19 be used for tree climbing or cutting, while hunting fur-bearing
20 mammals.

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

26 (cc) It is unlawful for any person to have in his or her

1 possession any freshly killed species protected by this Act
2 during the season closed for taking.

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

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

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

16 (gg) It is unlawful during the upland game season for any
17 person to take upland game with a firearm unless he or she
18 wears, while in the field, a cap of solid blaze orange color.
19 For purposes of this Act, upland game is defined as Bobwhite
20 Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern
21 Cottontail and Swamp Rabbit.

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

26 (ii) This Section shall apply only to those species

1 protected by this Act taken within the State. Any species or
2 any parts thereof, legally taken in and transported from other
3 states or countries, may be possessed within the State, except
4 as provided in this Section and Sections 2.35, 2.36 and 3.21.

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

16 (kk) Nothing contained in this Section shall prohibit the
17 Director from issuing permits to paraplegics or to other
18 disabled persons who meet the requirements set forth in
19 administrative rule to shoot or hunt from a vehicle as provided
20 by that rule, provided that such is otherwise in accord with
21 this Act.

22 (ll) Nothing contained in this Act shall prohibit the
23 taking of aquatic life protected by the Fish and Aquatic Life
24 Code or birds and mammals protected by this Act, except deer
25 and fur-bearing mammals, from a boat not camouflaged or
26 disguised to alter its identity or to further provide a place

1 of concealment and not propelled by sail or mechanical power.
2 However, only shotguns not larger than 10 gauge nor smaller
3 than .410 bore loaded with not more than 3 shells of a shot
4 size no larger than lead BB or steel T (.20 diameter) may be
5 used to take species protected by this Act.

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

9 (Source: P.A. 94-764, eff. 1-1-07; 95-196, eff. 1-1-08; 95-329,
10 eff. 8-21-07; 95-876, eff. 8-21-08.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.