

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 Section 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)
9 purchased, for market price, publicly sold stock shares in a
10 corporation, purchased shares of a privately-held corporation
11 for a value equal to the percentage of the appraised value of
12 the corporate assets represented by the ownership in the
13 corporation, or is a member of a closely-held family-owned
14 corporation and has purchased or been gifted with shares of
15 stock in the corporation accurately reflecting his or her
16 percentage of ownership and (2) intends to retain the
17 ownership of the shares 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
23 LLC assets represented by the distributional interest in the
24 LLC and subsequently becomes a member of the company pursuant
25 to Article 30 of the Limited Liability Company Act and who
26 (2) intends to retain the membership for at least 5 years.

27 Any person attempting to take deer shall first obtain a
28 "Deer Hunting Permit" in accordance with prescribed
29 regulations set forth in an Administrative Rule. Deer
30 Hunting Permits shall be issued by the Department. The fee
31 for a Deer Hunting Permit to take deer with either bow and

1 arrow or gun shall not exceed \$15.00 for residents of the
2 State. The Department may by administrative rule provide for
3 non-resident deer hunting permits for which the fee will not
4 exceed \$100 except as provided below for non-resident
5 landowners. Permits shall be issued without charge to:

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

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

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

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

34 The deer hunting permit issued without fee shall be valid

1 on all farm lands which the person to whom it is issued owns,
2 leases or rents, except that in the case of a permit issued
3 to a bona fide equity shareholder or bona fide equity member,
4 the permit shall be valid on all lands owned by the
5 corporation or limited liability company in the county.

6 The Department may set aside, in accordance with the
7 prescribed regulations set forth in an administrative rule of
8 the Department, a limited number of Deer Hunting Permits to
9 be available to persons providing evidence of a contractual
10 arrangement to hunt on properties controlled by a bona fide
11 Illinois outfitter. The number of available permits shall be
12 based on a percentage of unfilled permits remaining after the
13 previous year's lottery. Eligible outfitters shall be those
14 having membership in, and accreditation conferred by, a
15 professional association of outfitters approved by the
16 Department. The association shall be responsible for setting
17 professional standards and codes of conduct for its
18 membership, subject to Departmental approval. In addition to
19 the fee normally charged for resident and nonresident
20 permits, a reservation fee not to exceed \$200 shall be
21 charged to the outfitter for each permit set aside in
22 accordance with this Act. The reservation fee shall be
23 deposited into the Wildlife and Fish Fund.

24 The standards and specifications for use of guns and bow
25 and arrow for deer hunting shall be established by
26 administrative rule.

27 No person may have in his possession any firearm not
28 authorized by administrative rule for a specific hunting
29 season when taking deer.

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

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

6 It shall be unlawful for any person to take deer by use
7 of dogs, horses, automobiles, aircraft or other vehicles, or
8 by the use of salt or bait of any kind. An area is
9 considered as baited during the presence of and for 10
10 consecutive days following the removal of bait.

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

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

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

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

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

26 It shall be legal for handicapped persons, as defined in
27 Section 2.33, to utilize a crossbow device, as defined in
28 Department rules, to take deer.

29 Any person who violates any of the provisions of this
30 Section, including administrative rules, shall be guilty of a
31 Class B misdemeanor.

32 (Source: P.A. 89-715, eff. 2-21-97; 90-225, eff. 7-25-97;
33 90-490, eff. 8-17-97; 90-655, eff. 7-30-98.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.