

1 AN ACT concerning criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 2. The Firearm Owners Identification Card Act is
5 amended by adding Section 3.2 as follows:

6 (430 ILCS 65/3.2 new)

7 Sec. 3.2. List of prohibited projectiles; notice to
8 dealers. Prior to January 1, 2002, the Department of State
9 Police shall list on the Department's World Wide Web site all
10 firearm projectiles that are prohibited under Sections
11 24-2.1, 24-2.2, and 24-3.2 of the Criminal Code of 1961,
12 together with a statement setting forth the sentence that may
13 be imposed for violating those Sections. The Department of
14 State Police shall, prior to January 1, 2002, send a list of
15 all firearm projectiles that are prohibited under Sections
16 24-2.1, 24-2.2, and 24-3.2 of the Criminal Code of 1961 to
17 each federally licensed firearm dealer in Illinois registered
18 with the Department.

19 Section 5. The Criminal Code of 1961 is amended by
20 changing Sections 24-2.1, 24-2.2, and 24-3.2 as follows:

21 (720 ILCS 5/24-2.1) (from Ch. 38, par. 24-2.1)

22 Sec. 24-2.1. Unlawful use of firearm projectiles ~~Armor~~
23 ~~Piercing-Bullets.~~

24 (a) A person commits the offense of unlawful use of
25 firearm projectiles ~~armor--piercing--bullets~~ when he or she
26 knowingly manufactures, sells, purchases, possesses, or
27 carries any armor piercing bullet, dragon's breath shotgun
28 shell, bolo shell, or flechette shell.

29 For the purposes of this Section:7

1 "Armor piercing bullet" means any handgun bullet or
2 handgun ammunition with projectiles or projectile cores
3 constructed entirely (excluding the presence of traces of
4 other substances) from tungsten alloys, steel, iron, brass,
5 bronze, beryllium copper or depleted uranium, or fully
6 jacketed bullets larger than 22 caliber designed and intended
7 for use in a handgun and whose jacket has a weight of more
8 than 25% of the total weight of the projectile, and excluding
9 those handgun projectiles whose cores are composed of soft
10 materials such as lead or lead alloys, zinc or zinc alloys,
11 frangible projectiles designed primarily for sporting
12 purposes, and any other projectiles or projectile cores that
13 the U. S. Secretary of the Treasury finds to be primarily
14 intended to be used for sporting purposes or industrial
15 purposes or that otherwise does not constitute "armor
16 piercing ammunition" as that term is defined by federal law.

17 The definition contained herein shall not be construed to
18 include shotgun shells.

19 "Dragon's breath shotgun shell" means any shotgun shell
20 that contains exothermic pyrophoric mesh metal as the
21 projectile and is designed for the purpose of throwing or
22 spewing a flame or fireball to simulate a flame-thrower.

23 "Bolo shell" means any shell that can be fired in a
24 firearm and expels 2 or more metal balls
25 connected by solid metal wire.

26 "Flechette shell" means any shell that can be fired in a
27 firearm and expels 2 or more pieces of fin-stabilized solid
28 metal wire or 2 or more solid dart-type projectiles.

29 (b) Exemptions. This Section does not apply to or
30 affect any of the following:

31 (1) Peace officers.

32 (2) Wardens, superintendents and keepers of
33 prisons, penitentiaries, jails and other institutions for
34 the detention of persons accused or convicted of an

1 offense.

2 (3) Members of the Armed Services or Reserve Forces
3 of the United States or the Illinois National Guard while
4 in the performance of their official duties.

5 (4) Federal officials required to carry firearms,
6 while engaged in the performance of their official
7 duties.

8 (5) United States Marshals, while engaged in the
9 performance of their official duties.

10 (6) Persons licensed under federal law to
11 manufacture, import, or sell firearms and firearm
12 ammunition, and actually engaged in any such business,
13 but only with respect to activities which are within the
14 lawful scope of such business, such as the manufacture,
15 transportation, or testing of such bullets or ammunition.

16 This exemption does not authorize the general
17 private possession of any armor piercing bullet, dragon's
18 breath shotgun shell, bolo shell, or flechette shell, but
19 only such possession and activities which are within the
20 lawful scope of a licensed business described in this
21 paragraph.

22 (7) Laboratories having a department of forensic
23 ballistics or specializing in the development of
24 ammunition or explosive ordnance.

25 (8) Manufacture, transportation, or sale of armor
26 piercing bullets, dragon's breath shotgun shells, bolo
27 shells, or flechette shells to persons specifically
28 authorized under paragraphs (1) through (7) of this
29 subsection to possess such bullets or shells.

30 (c) An information or indictment based upon a violation
31 of this Section need not negate any exemption herein
32 contained. The defendant shall have the burden of proving
33 such an exemption.

34 (d) Sentence. A person convicted of unlawful use of

1 armor piercing bullets shall be guilty of a Class 3 felony.
2 (Source: P.A. 90-172, eff. 1-1-98.)

3 (720 ILCS 5/24-2.2) (from Ch. 38, par. 24-2.2)
4 Sec. 24-2.2. Manufacture, sale or transfer of bullets or
5 shells represented to be armor piercing bullets, dragon's
6 breath shotgun shells, bolo shells, or flechette shells.

7 (a) Except as provided in subsection (b) of this
8 Section, it is unlawful for any person to knowingly
9 manufacture, sell, offer to sell, or transfer any bullet or
10 shell which is represented to be an armor piercing bullet, a
11 dragon's breath shotgun shell, a bolo shell, or a flechette
12 shell armor-piereing as defined in Section 24-2.1 of this
13 Code.

14 (b) Exemptions. This Section does not apply to or
15 affect any person authorized under Section 24-2.1 to
16 manufacture, sell, purchase, possess, or carry any armor
17 piercing bullet or any dragon's breath shotgun shell, bolo
18 shell, or flechette shell with respect to activities which
19 are within the lawful scope of the exemption therein granted.

20 (c) An information or indictment based upon a violation
21 of this Section need not negate any exemption herein
22 contained. The defendant shall have the burden of proving
23 such an exemption and that the activities forming the basis
24 of any criminal charge brought pursuant to this Section were
25 within the lawful scope of such exemption.

26 (d) Sentence. A violation of this Section Manufacture,
27 sale, or transfer of bullets represented to be armor-piereing
28 bullets is a Class 4 felony.

29 (Source: P.A. 90-172, eff. 1-1-98.)

30 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)
31 Sec. 24-3.2. Unlawful discharge of firearm projectiles
32 Armor-Piereing-Bullets.

1 (a) A person commits the offense of unlawful discharge
2 of firearm projectiles armor-piercing-bullets when he or she
3 knowingly or recklessly uses an armor piercing bullet,
4 dragon's breath shotgun shell, bolo shell, or flechette shell
5 in violation of this Section.

6 For purposes of this Section:

7 "Armor piercing bullet" means any handgun bullet or
8 handgun ammunition with projectiles or projectile cores
9 constructed entirely (excluding the presence of traces of
10 other substances) from tungsten alloys, steel, iron, brass,
11 bronze, beryllium copper or depleted uranium, or fully
12 jacketed bullets larger than 22 caliber whose jacket has a
13 weight of more than 25% of the total weight of the
14 projectile, and excluding those handgun projectiles whose
15 cores are composed of soft materials such as lead or lead
16 alloys, zinc or zinc alloys, frangible projectiles designed
17 primarily for sporting purposes, and any other projectiles or
18 projectile cores that the U. S. Secretary of the Treasury
19 finds to be primarily intended to be used for sporting
20 purposes or industrial purposes or that otherwise does not
21 constitute "armor piercing ammunition" as that term is
22 defined by federal law.

23 "Dragon's breath shotgun shell" means any shotgun shell
24 that contains exothermic pyrophoric mesh metal as the
25 projectile and is designed for the purpose of throwing or
26 spewing a flame or fireball to simulate a flame-thrower.

27 "Bolo shell" means any shell that can be fired in a
28 firearm and expels 2 or more metal balls
29 connected by solid metal wire.

30 "Flechette shell" means any shell that can be fired in a
31 firearm and expels 2 or more pieces of fin-stabilized solid
32 metal wire or 2 or more solid dart-type projectiles.

33 (b) A person commits a Class X felony when he or she,
34 knowing that a firearm, as defined in Section 1.1 of the

1 Firearm Owners Identification Card Act, is loaded with an
2 armor piercing bullet, dragon's breath shotgun shell, bolo
3 shell, or flechette shell, intentionally or recklessly
4 discharges such firearm and such bullet or shell strikes any
5 other person.

6 (c) Any person who possesses, concealed on or about his
7 or her person, an armor piercing bullet, dragon's breath
8 shotgun shell, bolo shell, or flechette shell and a firearm
9 suitable for the discharge thereof is guilty of a Class 2
10 felony.

11 (d) This Section does not apply to or affect any of the
12 following:

13 (1) Peace officers;

14 (2) Wardens, superintendents and keepers of
15 prisons, penitentiaries, jails and other institutions for
16 the detention of persons accused or convicted of an
17 offense;

18 (3) Members of the Armed Services or Reserve Forces
19 of the United States or the Illinois National Guard while
20 in the performance of their official duties;

21 (4) Federal officials required to carry firearms,
22 while engaged in the performance of their official
23 duties;

24 (5) United States Marshals, while engaged in the
25 performance of their official duties.

26 (Source: P.A. 90-172, eff. 1-1-98.)

27 Section 99. Effective date. This Act takes effect on
28 January 1, 2002.