

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

6 (720 ILCS 5/24-2.1) (from Ch. 38, par. 24-2.1)

7 Sec. 24-2.1. Unlawful use of firearm projectiles ~~Armor~~
8 ~~Piercing-Bullets~~.

9 (a) A person commits the offense of unlawful use of
10 firearm projectiles ~~armor--piercing--bullets~~ when he or she
11 knowingly manufactures, sells, purchases, possesses, or
12 carries any armor piercing bullet, 50 caliber bullet,
13 dragon's breath shotgun shell, bolo shell, or flechette
14 shell.

15 For the purposes of this Section:₇

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

1 The definition contained herein shall not be construed to
2 include shotgun shells.

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

7 "Bolo shell" means any shell that can be fired in a
8 firearm and expels as projectiles 2 or more metal balls
9 connected by solid metal wire.

10 "Flechette shell" means any shell that can be fired in a
11 firearm and expels 2 or more pieces of fire-stabilized solid
12 metal wire or 2 or more sold dart-type projectiles.

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

15 (1) Peace officers.

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

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

23 (4) Federal officials required to carry firearms,
24 while engaged in the performance of their official
25 duties.

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

28 (6) Persons licensed under federal law to
29 manufacture, import, or sell firearms and firearm
30 ammunition, and actually engaged in any such business,
31 but only with respect to activities which are within the
32 lawful scope of such business, such as the manufacture,
33 transportation, or testing of such bullets or ammunition.

34 This exemption does not authorize the general

1 private possession of any armor piercing bullet, 50
 2 caliber bullet, dragon's breath shotgun shell, bolo
 3 shell, or flechette shell, but only such possession and
 4 activities which are within the lawful scope of a
 5 licensed business described in this paragraph.

6 (7) Laboratories having a department of forensic
 7 ballistics or specializing in the development of
 8 ammunition or explosive ordnance.

9 (8) Manufacture, transportation, or sale of armor
 10 piercing bullets, 50 caliber bullets, dragon's breath
 11 shotgun shells, bolo shells, or flechette shells to
 12 persons specifically authorized under paragraphs (1)
 13 through (7) of this subsection to possess such bullets or
 14 shells.

15 (c) An information or indictment based upon a violation
 16 of this Section need not negate any exemption herein
 17 contained. The defendant shall have the burden of proving
 18 such an exemption.

19 (d) Sentence. A person convicted of unlawful use of
 20 armor piercing bullets shall be guilty of a Class 3 felony.
 21 (Source: P.A. 90-172, eff. 1-1-98.)

22 (720 ILCS 5/24-2.2) (from Ch. 38, par. 24-2.2)
 23 Sec. 24-2.2. Manufacture, sale or transfer of bullets or
 24 shells represented to be armor piercing bullets, 50 caliber
 25 bullets, dragon's breath shotgun shells, bolo shells, or
 26 flechette shells.

27 (a) Except as provided in subsection (b) of this
 28 Section, it is unlawful for any person to knowingly
 29 manufacture, sell, offer to sell, or transfer any bullet or
 30 shell which is represented to be armor piercing as defined in
 31 Section 24-2.1 of this Code.

32 (b) Exemptions. This Section does not apply to or
 33 affect any person authorized under Section 24-2.1 to

1 manufacture, sell, purchase, possess, or carry any 50 caliber
 2 or armor piercing bullet or any dragon's breath shotgun
 3 shell, bolo shell, or flechette shell with respect to
 4 activities which are within the lawful scope of the exemption
 5 therein granted.

6 (c) An information or indictment based upon a violation
 7 of this Section need not negate any exemption herein
 8 contained. The defendant shall have the burden of proving
 9 such an exemption and that the activities forming the basis
 10 of any criminal charge brought pursuant to this Section were
 11 within the lawful scope of such exemption.

12 (d) Sentence. A violation of this Section Manufacture,
 13 ~~sale, or transfer of bullets represented to be armor piercing~~
 14 ~~bullets~~ is a Class 4 felony.

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

16 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)
 17 Sec. 24-3.2. Unlawful discharge of firearm projectiles
 18 ~~Armor-Piercing-Bullets.~~

19 (a) A person commits the offense of unlawful discharge
 20 of firearm projectiles ~~armor-piercing-bullets~~ when he or she
 21 knowingly or recklessly uses an armor piercing bullet, 50
 22 caliber bullet, dragon's breath shotgun shell, bolo shell, or
 23 flechette shell in violation of this Section.

24 For purposes of this Section:₇

25 "Armor piercing bullet" means any handgun bullet or
 26 handgun ammunition with projectiles or projectile cores
 27 constructed entirely (excluding the presence of traces of
 28 other substances) from tungsten alloys, steel, iron, brass,
 29 bronze, beryllium copper or depleted uranium, or fully
 30 jacketed bullets larger than 22 caliber whose jacket has a
 31 weight of more than 25% of the total weight of the
 32 projectile, and excluding those handgun projectiles whose
 33 cores are composed of soft materials such as lead or lead

1 alloys, zinc or zinc alloys, frangible projectiles designed
2 primarily for sporting purposes, and any other projectiles or
3 projectile cores that the U. S. Secretary of the Treasury
4 finds to be primarily intended to be used for sporting
5 purposes or industrial purposes or that otherwise does not
6 constitute "armor piercing ammunition" as that term is
7 defined by federal law.

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

12 "Bolo shell" means any shell that can be fired in a
13 firearm and expels as projectiles 2 or more metal balls
14 connected by solid metal wire.

15 "Flechette shell" means any shell that can be fired in a
16 firearm and expels 2 or more pieces of fire-stabilized solid
17 metal wire or 2 or more sold dart-type projectiles.

18 (b) A person commits a Class X felony when he or she,
19 knowing that a firearm, as defined in Section 1.1 of the
20 Firearm Owners Identification Card Act, is loaded with an
21 armor piercing bullet, 50 caliber bullet, dragon's breath
22 shotgun shell, bolo shell, or flechette shell, intentionally
23 or recklessly discharges such firearm and such bullet or
24 shell strikes any other person.

25 (c) Any person who possesses, concealed on or about his
26 or her person, an armor piercing bullet, 50 caliber bullet,
27 dragon's breath shotgun shell, bolo shell, or flechette shell
28 and a firearm suitable for the discharge thereof is guilty of
29 a Class 2 felony.

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

- 32 (1) Peace officers;
33 (2) Wardens, superintendents and keepers of
34 prisons, penitentiaries, jails and other institutions for

1 the detention of persons accused or convicted of an
2 offense;

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

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

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

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