

1 AN ACT relating to destructive devices.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. KRS 237.030 IS REPEALED AND REENACTED TO READ
4 AS FOLLOWS:

5 *As used in KRS 237.030 to 237.050:*

6 *(1) "Destructive device" means:*

7 *(a) Any explosive, incendiary, or poison gas:*

8 *1. Bomb;*

9 *2. Grenade;*

10 *3. Rocket having a propellant charge of more than four (4) ounces;*

11 *4. Missile having an explosive or incendiary charge of more than one-*
12 *quarter (0.25) ounce;*

13 *5. Mine; or*

14 *6. Similar device; or*

15 *(b) Any combination of parts either designed or intended for use in converting*
16 *any device into a destructive device or from which a destructive device may*
17 *be readily assembled; and*

18 *(2) "Booby trap device":*

19 *(a) Means a concealed or camouflaged device designed to cause bodily injury*
20 *when triggered by the action of a person making contact with the device;*
21 *and*

22 *(b) Includes guns, ammunition, or explosive devices attached to trip wires or*
23 *other triggering mechanisms, sharpened stakes, nails, spikes, electrical*
24 *devices, lines or wires with hooks attached, and devices for the production*
25 *of toxic fumes or gases.*

26 ➔Section 2. KRS 237.040 is amended to read as follows:

27 *(1)* A person is guilty of criminal possession of a destructive device or a booby trap

1 device ***in the first degree*** when he ***or she*** possesses, manufactures, ~~for~~ transports,
2 ***or places any destructive device or booby trap*** ~~such substance or~~ device with:

3 ~~(a)~~~~(1)~~ Intent to use that device to commit an offense against the laws of this
4 state, a political subdivision thereof, or of the United States; or

5 ~~(b)~~~~(2)~~ Knowledge that some other person intends to use that device to commit
6 an offense against the laws of this state, a political subdivision thereof, or of
7 the United States.

8 ~~(2)~~~~(3)~~ Mere possession without substantial evidence of the requisite intent is
9 insufficient to bring action under ***this section*** ~~[KRS 237.030 to 237.050].~~

10 ➔SECTION 3. A NEW SECTION OF KRS 237.030 TO 237.050 IS CREATED
11 TO READ AS FOLLOWS:

12 ***Except as provided in Section 2 of this Act, a person is guilty of criminal possession of***
13 ***a destructive device or a booby trap device in the second degree when he or she***
14 ***possesses, manufactures, transports, or places any destructive device or booby trap***
15 ***device.***

16 ➔Section 4. KRS 237.050 is amended to read as follows:

17 KRS 237.030 to 237.050 shall not apply to:

18 (1) Destructive devices or booby trap devices which are possessed by the government
19 of the United States, this state, or a political subdivision thereof;

20 (2) Any device which is lawfully possessed under the Gun Control Act of 1968, the
21 Organized Crime Control Act of 1971, or any other law of the United States or this
22 state, unless a crime is committed therewith;

23 ~~(3) [Nonlethal devices placed on the premises of the owner or the lawful occupant~~
24 ~~thereof for his own self protection or the protection of the said property;~~

25 ~~(4)~~ The setting of traps suitable and legal for the taking of game by persons licensed or
26 permitted to do so by the game laws of the Commonwealth;

27 ~~(4)~~~~(5)~~ Inert devices which cannot readily be restored to operating condition; ~~or~~

- 1 ~~(5)~~~~(6)~~ The acquisition, possession, use, or control of firearms;
- 2 (6) Commercial explosives possessed by properly licensed persons in accordance with
- 3 applicable local, state, and federal laws and regulations;
- 4 (7) Commercially manufactured exploding targets when used in accordance with the
- 5 manufacturer's guidelines;
- 6 (8) Commercially manufactured consumer fireworks as defined in KRS 227.702
- 7 when used in accordance with the manufacturer's guidelines; or
- 8 (9) Commercially manufactured display fireworks as defined in KRS 227.706 when
- 9 used in accordance with the manufacturer's guidelines.

10 ➔Section 5. KRS 237.990 is amended to read as follows:

- 11 (1) Any person who violates Section 2 of this Act shall be guilty of a Class C felony.
- 12 (2) Any person who violates the provisions of Section 3 of this Act~~[any of the~~
- 13 ~~provisions of KRS 237.030 to 237.050]~~ shall be guilty of a Class D felony.
- 14 ~~(3)~~~~(2)~~ Any person who violates any of the provisions of KRS 237.030 to 237.050,
- 15 and in so doing uses any destructive device or booby trap device to avoid detection
- 16 by law enforcement or other government personnel or to avoid theft or detection by
- 17 any other person, of any controlled substance as set forth in KRS Chapter 218A and
- 18 held in violation of KRS 218A.140, shall be guilty of a Class C felony.