

2014 -- S 2599

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO CRIMINAL OFFENSES - EXPLOSIVES AND FIREWORKS

Introduced By: Senators Conley, Lombardo, Lombardi, Raptakis, and Archambault

Date Introduced: March 04, 2014

Referred To: Senate Judiciary

(State Police)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-13 of the General Laws entitled "Explosives and Fireworks" is
2 hereby amended by adding thereto the following sections:

3 **11-13-10. Definitions.** – As used in this chapter, the following words and terms shall
4 have the following meanings, unless the context indicates another or different meaning or intent:

5 (1) "Ammunition" means cartridges or cartridge cases, primers (igniter), bullets or
6 propellant powder designed for use in any weapon utilizing a propellant including, but not limited
7 to, ammunition produced by or for the military for national defense and security.

8 (2) "Biological weapon" means any microorganism, virus, infectious substance or
9 biological product that may be engineered as a result of biotechnology, or any naturally occurring
10 or bioengineered component of any such microorganism, virus, infectious substance or biological
11 product, except if intended for a purpose not prohibited under this chapter, specifically prepared
12 in a manner to cause death, disease or other biological malfunction in a human, animal, plant or
13 another living organism, deterioration of food, water, equipment supplies or material of any kind,
14 or deleterious alteration of the environment.

15 (3) "Black powder" means a compound or mixture of sulfur, charcoal and an alkali nitrate
16 including, but not limited to, potassium or sodium nitrate.

17 (4) "Chemical weapon" means: (i) A toxic chemical or substance, including the
18 precursors to any toxic chemical or substance; and (ii) Ammunition or a device designed to cause
19 death or bodily harm by means of the release of a toxic chemical or substance.

1 (5) "Delivery system" means any equipment designed or adapted for use in connection
2 with the deployment of chemical, biological or nuclear weapons.

3 (6) "Denial of access" means contamination to an area, including any structures thereon,
4 which poses a health risk to humans, animals or plants and which precludes the safe use of such
5 area until the contaminant becomes inactive, decays or is removed.

6 (7) "Destructive or incendiary device or substance" means an explosive, article or device
7 designed or adapted to cause physical harm to persons or property by means of fire, explosion,
8 deflagration or detonation and consisting of substances capable of being ignited, whether or not
9 contrived to ignite or explode automatically.

10 (8) "Element" means a substance that is made entirely from one type of atom.

11 (9) "Explosive" means any element, compound or mixture that is manufactured, designed
12 or used to produce an explosion and that contains an oxidizer, fuel or other ingredient in such
13 proportion, quantity or packing that an ignition by fire, friction, concussion, percussion or
14 detonation of the element or of any part of the compound or mixture may cause such a sudden
15 generation of highly heated gases that the resultant gaseous pressures, release of heat or
16 fragmentation is capable of producing destructive effects on contiguous objects or of destroying
17 life or causing bodily harm including, but not limited to, all material which is classified as
18 division 1.1, 1.2, 1.3, 1.4, 1.5, or 1.6 explosives by the United States Department of
19 Transportation or listed pursuant to 18 USC 841(d) and 27 CFR 555.23. Explosive shall not
20 include a pyrotechnic, small arms ammunition, small arms ammunition primers, smokeless
21 powder weighing less than fifty (50) pounds and black powder weighing less than five (5)
22 pounds, unless possessed or used for an illegal purpose.

23 (10) "Hoax explosive", "hoax destructive or incendiary device or substance", or "hoax
24 chemical, biological or nuclear weapon" means any device, article or substance that would cause
25 a person to reasonably believe that such device, article or substance is: (i) An explosive; (ii) A
26 destructive or incendiary device or substance; or (iii) A chemical, biological or nuclear weapon,
27 harmful radioactive substance or poison capable of causing bodily injury which is actually an
28 inoperable facsimile.

29 (11) "Nuclear weapon" means a device designed for the purpose of causing bodily injury,
30 death or denial of access through the release of radiation or radiological material either by
31 propagation of nuclear fission or by means of any other energy source.

32 (12) "Oxidizer" means a substance that yields oxygen readily to stimulate the combustion
33 of organic matter or other fuel.

34 (13) "Pyrotechnic" means any commercially manufactured combustible or explosive

1 composition or manufactured article designed and prepared for the purpose of producing an
2 audible effect or a visible display and regulated by chapter 148 including, but not limited to,
3 fireworks, firecrackers, flares, fuses, torpedoes, so-called, and similar signaling devices.

4 (14) "Small arms ammunition" means any shotgun, rifle, pistol, or revolver cartridge, and
5 cartridges for propellant-actuated power devices and industrial guns.

6 (15) "Smokeless powder" means a rapid-burning solid material containing nitrocellulose
7 used as a propellant.

8 **11-13-11. Unlawful possession.** – (a) Whoever, without lawful authority, has in his/her
9 possession or under his/her control: (1) Any substance, material, article, explosive or ingredient
10 which, alone or in combination, could be used to make a destructive or incendiary device or
11 substance and who intends to make a destructive or incendiary device or substance; or (2) Any
12 substance, material, article, explosive or ingredient which, alone or in combination, could be used
13 to make a chemical, biological or nuclear weapon and who intends to make a chemical, biological
14 or nuclear weapon, shall be punished by imprisonment for not less than five (5) years nor more
15 than ten (10) years, or by a fine of not more than twenty-five thousand dollars (\$25,000), or both.
16 It shall not be a defense to a violation of this subsection that the defendant did not possess or have
17 under his/her control every substance, material, article, explosive, or ingredient, or combination
18 thereof, required to make a complete and functional destructive or incendiary device or substance
19 or chemical, biological or nuclear weapon.

20 (b) Whoever, without lawful authority, has in his/her possession or uses or places, or
21 causes another to knowingly or unknowingly possess, use or place, any hoax explosive, hoax
22 destructive or incendiary device or substance or any hoax chemical, biological or nuclear weapon,
23 with the intent that such hoax explosive, device or substance or weapon be used to cause anxiety,
24 unrest, fear, or personal discomfort to any person or group of persons, shall be punished by
25 imprisonment for not more than for five (5) years or by a fine of ten thousand dollars (\$10,000),
26 or both.

27 (c) Whoever, without lawful authority, has in his/her possession or under his control any
28 explosive or any destructive or incendiary device or substance shall be punished by imprisonment
29 for not less than ten (10) years nor more than twenty (20) years or by a fine of twenty-five
30 thousand dollars (\$25,000), or both.

31 (d) Whoever, without lawful authority, secretes, throws, launches, or otherwise places an
32 explosive or a destructive or incendiary device or substance with the intent (1) To cause fear,
33 panic, or apprehension in any person; or (2) To ignite, explode, or discharge such explosive or
34 such destructive or incendiary device or substance; or (3) To release or discharge any chemical,

1 biological, or nuclear weapon, shall be punished by imprisonment for not less than ten (10) years
2 nor more than twenty-five (25) years or by a fine of twenty-five thousand dollars (\$25,000), or
3 both.

4 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO CRIMINAL OFFENSES - EXPLOSIVES AND FIREWORKS

1 This act would make it illegal to possess bomb-making ingredients and would create
2 criminal violations for the possession of bombs and bomb-making ingredients by distinguishing
3 them from illegal fireworks.

4 This act would take effect upon passage.

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