

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 140

(Chair, Judiciary Committee)(By Request - Departmental
- State Police)

Judiciary

Public Safety - Explosives - Definitions

This departmental bill expands the definition of the term “explosives” under provisions relating to licenses to engage in business as a manufacturer or dealer of explosives or to possess explosives. Specifically, the bill includes under the definition any combination of two or more components that are sold or offered for sale together for the purpose of being combined to make an explosive.

Fiscal Summary

State Effect: Enforcement can be handled with the existing budgeted resources of the State Fire Marshal. Any potential increase in license violations is expected to be minimal without any measureable effect on State operations or finances.

Local Effect: None.

Small Business Effect: The Department of State Police has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: “Explosives” means gunpowder, powders for blasting, high explosives, blasting materials, fuses other than electric circuit breakers, detonators and other detonating agents, smokeless powder, and any chemical compound or mechanical mixture that contains oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may and is intended to cause an explosion.

The term includes bombs and destructive devices designed to operate by chemical, mechanical, or explosive action, but does not include fixed ammunition for small arms, small arms ammunition primers, small arms percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, friction primers, fireworks, or common matches when used in their original configuration.

With certain exceptions, a person must obtain a license before engaging in business as a manufacturer or dealer, possesses explosives other than explosives for use in firearms, or possesses or stores explosives for use in firearms in the State. "Dealer" means a person who is engaged in the business of buying or selling explosives, but does not include a manufacturer.

Background: According to the Department of State Police, there is currently a practice of persons selling a "kit" that contains all of the components required to create an explosive when mixed together, even though the separate components in the kit do not constitute an explosive under the current statutory definition. Such a sale, including step-by-step instruction on how to make a bomb, is not subject to explosives regulation in the State. While it remains illegal to mix the kit ingredients and/or detonate the mixture without a license, this bill seeks to outlaw the sale of these component kits.

Additional Information

Prior Introductions: HB 546 of 2010 received an unfavorable report by the House Judiciary Committee.

Cross File: None.

Information Source(s): Department of State Police, Department of Legislative Services

Fiscal Note History: First Reader - February 1, 2011
mc/hlb

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Public Safety – Explosives – Definition

BILL NUMBER: HB 140

PREPARED BY: Maryland State Police

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.