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**By: Delegate Rosenberg**

Introduced and read first time: February 6, 1997

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

**2 Crimes and Punishments - Explosive Materials - Identification and Detection Taggants**

3 FOR the purpose of making it a felony to do certain acts relating to explosive materials  
4 that do not have an identification taggant and a detection taggant; requiring the  
5 Department of State Police to adopt certain regulations; providing penalties for  
6 violations of this Act; providing for the seizure and forfeiture of explosive materials  
7 under certain circumstances; defining certain terms; and generally relating to the  
8 mandatory presence of identification and detection taggants in explosive materials.

9 BY repealing and reenacting, without amendments,  
10 Article 38A - Fires and Investigations  
11 Section 26(1)  
12 Annotated Code of Maryland  
13 (1993 Replacement Volume and 1996 Supplement)

14 BY adding to  
15 Article 27 - Crimes and Punishments  
16 Section 139D  
17 Annotated Code of Maryland  
18 (1996 Replacement Volume)

19 BY repealing and reenacting, without amendments,  
20 Article 27 - Crimes and Punishments  
21 Section 139B(b) and 139C(a)  
22 Annotated Code of Maryland  
23 (1996 Replacement Volume)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
25 MARYLAND, That the Laws of Maryland read as follows:

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1 **Article 38A - Fires and Investigations**

2 26.

3 As used in this subtitle:

4 (1) "Explosives" means gunpowder, powders for blasting, high "explosives"  
5 blasting materials, fuses (other than electric circuit breakers), detonators, and other  
6 detonating agents, smokeless powder and any chemical compound or any mechanical  
7 mixture containing any oxidizing and combustible units, or other ingredients in such  
8 proportions, quantities, or packing that ignition by fire, friction, concussion, percussion or  
9 detonation of any part thereof may and is intended to cause an explosion, including  
10 bombs and destructive devices designed to operate by chemical, mechanical or explosive  
11 action but shall not include fixed ammunition for small arms, small arms ammunition  
12 primers, small arms percussion caps, safety and pyrotechnic fuses, quills, quick and slow  
13 matches, friction primers, fireworks, or common matches when used in their original  
14 configuration.

15 **Article 27 - Crimes and Punishments**

16 139B.

17 (b) The term "destructive explosive device" shall include any explosive, as defined  
18 by Article 38A, § 26(1) of the Code, incendiary or poisonous gas incorporated into a  
19 bomb, grenade, rocket having a propellant charge, missile having an explosive or  
20 incendiary charge, mine, or other similar device.

21 139C.

22 (a) In this section, "pipe bomb" means a noncommercially made explosive device  
23 constructed of a solid material filled with explosive material which is designed to explode  
24 when subjected to heat, friction, concussion, or detonation.

25 139D.

26 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
27 INDICATED.

28 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.

29 (3) "DETECTIVE TAGGANT" MEANS ANY SUBSTANCE THAT:

30 (I) IS ADDED TO AN EXPLOSIVE MATERIAL DURING THE  
31 MANUFACTURE OF THE MATERIAL; AND

32 (II) PERMITS THE DETECTION OF THE MATERIAL BEFORE ITS  
33 DETONATION.

34 (4) "EXPLOSIVE MATERIAL" INCLUDES:

35 (I) EXPLOSIVES, AS DEFINED UNDER § 26(1) OF ARTICLE 38A OF  
36 THE CODE;

37 (II) DESTRUCTIVE EXPLOSIVE DEVICES, AS DEFINED UNDER §  
38 139B(B) OF THIS ARTICLE; AND

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1 (III) PIPE BOMBS, AS DEFINED UNDER § 139C(A) OF THIS ARTICLE.

2 (5) "IDENTIFICATION TAGGANT" MEANS ANY SUBSTANCE THAT:

3 (I) IS ADDED TO AN EXPLOSIVE MATERIAL DURING THE  
4 MANUFACTURE OF THE MATERIAL; AND

5 (II) AFTER DETONATION:

6 1. IS RETRIEVABLE;

7 2. PERMITS THE IDENTIFICATION OF THE MANUFACTURER  
8 AND THE DATE OF MANUFACTURE OF THE MATERIAL; AND

9 3. PROVIDES ANY OTHER INFORMATION REQUIRED BY THE  
10 DEPARTMENT THROUGH REGULATION.

11 (B) (1) A PERSON MAY NOT KNOWINGLY MANUFACTURE, DESIGN, OR  
12 ASSEMBLE ANY EXPLOSIVE MATERIAL IN THIS STATE THAT DOES NOT CONTAIN AN  
13 IDENTIFICATION TAGGANT AND A DETECTION TAGGANT APPROVED BY THE  
14 DEPARTMENT.

15 (2) A PERSON MAY NOT KNOWINGLY POSSESS, SELL, RESELL, BUY, USE,  
16 TRANSPORT, SHIP, DISTRIBUTE, OR RECEIVE ANY EXPLOSIVE MATERIAL  
17 MANUFACTURED, DESIGNED, OR ASSEMBLED AFTER THE EFFECTIVE DATE OF THIS  
18 SECTION IN THIS STATE IF THE EXPLOSIVE MATERIAL DOES NOT CONTAIN AN  
19 IDENTIFICATION TAGGANT AND A DETECTION TAGGANT APPROVED BY THE  
20 DEPARTMENT.

21 (C) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO EFFECTUATE  
22 AND ENFORCE THIS SECTION.

23 (2) IN DECIDING WHETHER TO APPROVE AN IDENTIFICATION  
24 TAGGANT OR A DETECTION TAGGANT, THE DEPARTMENT SHALL CONSIDER THE  
25 PROBABLE EFFECTS OF THE TAGGANT ON:

26 (I) HUMAN LIFE;

27 (II) THE ABILITY TO ASSIST LAW ENFORCEMENT OFFICERS IN  
28 THEIR INVESTIGATIVE EFFORTS;

29 (III) THE QUALITY AND EFFECTIVENESS OF AN EXPLOSIVE;

30 (IV) THE ENVIRONMENT; AND

31 (V) THE COSTS TO MANUFACTURERS AND USERS.

32 (D) (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION SHALL  
33 BE GUILTY OF A FELONY AND PUNISHABLE BY A FINE NOT TO EXCEED \$10,000, BY  
34 IMPRISONMENT FOR NOT MORE THAN 30 MONTHS, OR BOTH.

35 (2) ANY UNTAGGED EXPLOSIVE MATERIALS SHALL BE SUBJECT TO  
36 SEIZURE AND FORFEITURE BY THE STATE.

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1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 1997.