

SENATE BILL 421

E4, E1

(2lr1654)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Judiciary* —

Introduced by **Senator Mathias**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Explosives – Package of Components**

3 FOR the purpose of altering the definition of “explosives” to include two or more
4 components that are ~~packaged together for sale and when combined create~~
5 advertised and sold together with instructions on how to combine the components
6 to create a bomb or destructive device designed to operate by chemical,
7 ~~mechanical, or explosive action~~ a certain explosive; and generally relating to
8 explosives.

9 BY repealing and reenacting, without amendments,
10 Article – Public Safety
11 Section 11–101(a), 11–105(a), and 11–114
12 Annotated Code of Maryland
13 (2011 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
2 Article – Public Safety
3 Section 11–101(c)
4 Annotated Code of Maryland
5 (2011 Replacement Volume)

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

8 **Article – Public Safety**

9 11–101.

10 (a) In this subtitle the following words have the meanings indicated.

11 (c) (1) “Explosives” means gunpowder, powders for blasting, high
12 explosives, blasting materials, fuses other than electric circuit breakers, detonators
13 and other detonating agents, smokeless powder, and any chemical compound or
14 mechanical mixture that contains oxidizing and combustible units or other ingredients
15 in such proportions, quantities, or packing that ignition by fire, friction, concussion,
16 percussion, or detonation of any part of the compound or mixture may and is intended
17 to cause an explosion.

18 (2) “Explosives” includes:

19 (I) bombs and destructive devices designed to operate by
20 chemical, mechanical, or explosive action; AND

21 (II) TWO OR MORE COMPONENTS THAT ARE ~~PACKAGED~~
22 ~~TOGETHER FOR SALE AND WHEN COMBINED CREATE~~ *ADVERTISED AND SOLD*
23 *TOGETHER WITH INSTRUCTIONS ON HOW TO COMBINE THE COMPONENTS TO*
24 *CREATE A BOMB OR DESTRUCTIVE DEVICE DESIGNED TO OPERATE BY*
25 ~~CHEMICAL, MECHANICAL, OR EXPLOSIVE ACTION~~ *AN EXPLOSIVE, AS DEFINED IN*
26 *PARAGRAPH (1) OF THIS SUBSECTION.*

27 (3) “Explosives” does not include fixed ammunition for small arms,
28 small arms ammunition primers, small arms percussion caps, safety and pyrotechnic
29 fuses, quills, quick and slow matches, friction primers, fireworks, or common matches
30 when used in their original configuration.

31 11–105.

32 (a) Except as otherwise provided in this subtitle, a person shall obtain a
33 license issued under this subtitle before the person engages in business as a
34 manufacturer or dealer, possesses explosives other than explosives for use in firearms,
35 or possesses or stores explosives for use in firearms in the State.

1 11–114.

2 (a) Except as otherwise provided in this subtitle, a person may not engage in
3 business as a manufacturer or dealer in the State unless the person is licensed under
4 this subtitle.

5 (b) Except as otherwise provided in this subtitle, a person may not possess
6 explosives other than explosives for use in firearms in the State unless the person is
7 licensed under this subtitle.

8 (c) Except as otherwise provided in this subtitle, a dealer may not sell,
9 barter, give, or dispose of explosives other than explosives for use in firearms to a
10 person unless the person is licensed under this subtitle.

11 (d) The owner or operator of a mine, quarry, or other operation that uses
12 explosives, and a contractor performing work that uses explosives, may not engage in
13 business as a dealer in the State unless the person is licensed under this subtitle.

14 (e) An employee of an owner or operator of a mine, quarry, or other operation
15 that uses explosives, or of a contractor performing work that uses explosives, may not
16 possess explosives in a place not necessary for the employee to perform the employee's
17 duties unless the employee is licensed to possess explosives under this subtitle.

18 (f) A person may not violate a regulation adopted under this subtitle.

19 (g) Except as otherwise provided in § 11–116 of this subtitle, a person who
20 violates this section is guilty of a misdemeanor and on conviction is subject to
21 imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2012.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.