

SENATE BILL 421

E4, E1

2lr1654

By: **Senator Mathias**

Introduced and read first time: February 1, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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 a
5 bomb or destructive device designed to operate by chemical, mechanical, or
6 explosive action; and generally relating to explosives.

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

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 11–101(c)
15 Annotated Code of Maryland
16 (2011 Replacement Volume)

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

19 **Article – Public Safety**

20 11–101.

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

22 (c) (1) “Explosives” means gunpowder, powders for blasting, high
23 explosives, blasting materials, fuses other than electric circuit breakers, detonators
24 and other detonating agents, smokeless powder, and any chemical compound or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 mechanical mixture that contains oxidizing and combustible units or other ingredients
2 in such proportions, quantities, or packing that ignition by fire, friction, concussion,
3 percussion, or detonation of any part of the compound or mixture may and is intended
4 to cause an explosion.

5 (2) “Explosives” includes:

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

8 (II) TWO OR MORE COMPONENTS THAT ARE PACKAGED
9 TOGETHER FOR SALE AND WHEN COMBINED CREATE A BOMB OR DESTRUCTIVE
10 DEVICE DESIGNED TO OPERATE BY CHEMICAL, MECHANICAL, OR EXPLOSIVE
11 ACTION.

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

16 11–105.

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

21 11–114.

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

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

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

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

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

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

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

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