

SENATE FILE NO. SF0054

Weapons of destruction.

Sponsored by: Senator(s) Schiffer and Representative(s)  
Rose

A BILL

for

1 AN ACT relating to crimes and offenses; creating the crimes  
2 of the manufacture, possession, sale, delivery, use or  
3 attempted or threatened use of a weapon of destruction or  
4 hoax weapon of destruction; providing elements of the  
5 crimes; providing penalties; providing definitions;  
6 providing an exemption; and providing for an effective  
7 date.

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9 *Be It Enacted by the Legislature of the State of Wyoming:*

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11 **Section 1.** W.S. 6-2-507 is created to read:

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13 **6-2-507. Weapons of destruction; manufacture,**  
14 **possession, sale, delivery, display, use or attempted or**  
15 **threatened use of a weapon of destruction or hoax weapon of**  
16 **destruction prohibited; definitions; penalties.**

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2 (a) A person who, without lawful authority,  
3 manufactures, possesses, sells, delivers, displays, uses,  
4 threatens to use, attempts to use or conspires to use or  
5 who makes readily accessible to others a weapon of  
6 destruction, including any biological agent, toxin, vector  
7 or delivery system as those terms are defined in this  
8 section, is guilty of a felony, punishable by imprisonment  
9 for not more than twenty (20) years and if death results,  
10 shall be punished by death, life imprisonment or life  
11 imprisonment without parole, according to law.

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13 (b) Any person who, without lawful authority,  
14 manufactures, possesses, sells, delivers, displays, uses,  
15 threatens to use, attempts to use or conspires to use or  
16 who makes readily accessible to others, a hoax weapon of  
17 destruction with the intent to deceive or otherwise mislead  
18 another person into believing that the hoax weapon of  
19 destruction will cause terror, bodily harm or property  
20 damage is guilty of a felony, punishable by imprisonment  
21 for not more than five (5) years, and should physical  
22 injury result, punishable by imprisonment for not more than  
23 ten (10) years, and if death results, shall be punished by  
24 life imprisonment.

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2 (c) This section does not apply to any member or  
3 employee of the Armed Forces of the United States, a  
4 federal or state governmental agency or a private entity  
5 who is otherwise engaged in lawful activity within the  
6 scope of his employment, if the person is otherwise duly  
7 authorized or licensed to manufacture, possess, sell,  
8 deliver, display, or is otherwise engaged in activity  
9 relative to this section and if the person is in compliance  
10 with applicable federal and state law.

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12 (d) As used in this section:

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14 (i) "Biological agent" means any microorganism,  
15 virus, infectious substance, or biological product that may  
16 be engineered through biotechnology, or any naturally  
17 occurring or bioengineered component of any such  
18 microorganism, virus, infectious substance or biological  
19 product, capable of causing:

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21 (A) Death, disease or other biological  
22 malfunction in a human, an animal, a plant or other living  
23 organism;

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1 (B) Deterioration of food, water,  
2 equipment, supplies or material of any kind; or

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4 (C) Deleterious alteration of the  
5 environment.

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7 (ii) "Delivery system" means:

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9 (A) Any apparatus, equipment, device, or  
10 means of delivery specifically designed to deliver or  
11 disseminate a biological agent, toxin or vector; or

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13 (B) Any vector.

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15 (iii) "Hoax weapon of destruction" means any  
16 device or object that by its design, construction, content  
17 or characteristics appears to be or to contain, or is  
18 represented to be, constitute or contain, a weapon of  
19 destruction, but which is, in fact, an inoperative  
20 facsimile, imitation, counterfeit or representation of a  
21 weapon of destruction which does not meet the definition of  
22 a weapon of destruction or which does not actually contain  
23 or constitute a weapon, biological agent, toxin, vector or  
24 delivery system prohibited by this section;

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2 (iv) "Toxin" means the toxic material of plants,  
3 animals, microorganisms, viruses, fungi or infectious  
4 substances, or a recombinant molecule, whatever its origin  
5 or method of reproduction, including:

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7 (A) Any poisonous substance or biological  
8 product that may be engineered through biotechnology  
9 produced by a living organism; or

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11 (B) Any poisonous isomer or biological  
12 product, homologue or derivative of such substance.

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14 (v) "Vector" means a living organism or  
15 molecule, including a recombinant molecule or biological  
16 product that may be engineered through biotechnology,  
17 capable of carrying a biological agent or toxin to a host;

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19 (vi) "Weapon of destruction" means:

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21 (A) Any device or object that is designed  
22 or intended to cause death or serious bodily injury through  
23 the release, dissemination, or impact of toxic or poisonous  
24 chemicals or their precursors;

