

## HOUSE BILL NO. HB0111

Crimes and offenses-explosives.

Sponsored by: Representative(s) White

A BILL

for

1 AN ACT relating to crimes and offenses; creating offenses  
2 for activities relating to explosive or destructive  
3 devices; providing penalties; providing definitions;  
4 prohibiting the employment of persons convicted of a felony  
5 or a crime of domestic violence in a company possessing  
6 explosive or destructive devices; providing an exception;  
7 and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 6-3-111(a)(i), (iv), (b) through (d),  
12 by creating new subsections (e) through (g) and by amending  
13 and renumbering (e) as (h) is amended to read:

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15 **6-3-111. Possession, manufacture, transportation and**  
16 **sale of explosives, improvised explosive device, or**

1 **incendiary apparatus with unlawful intent prohibited;**  
2 **penalties; definition; exception.**

3  
4 (a) As used in this section:

5  
6 (i) "Explosive" means any chemical or mechanical  
7 compound, substance or mixture that is commonly used or  
8 intended to cause an explosion and which contains any  
9 oxidizing and combustive units or other ingredients in such  
10 proportions, quantities or packing that an ignition by  
11 fire, friction, concussion, percussion or by detonation of  
12 any part of the compound or mixture is likely to cause such  
13 a sudden generation of heated gases that the resultant  
14 gaseous pressures are capable of producing destructive  
15 effects on nearby objects, or of destroying life or limb.

16 The term "explosive" shall include those items and  
17 compounds listed as explosives in the federal register as  
18 of July 1, 2006 by the United States attorney general  
19 pursuant to 18 U.S.C. 841(d);

20  
21 (iv) The terms "destructive device,"  
22 "explosive," "improvised explosive device" and "incendiary  
23 apparatus" shall be construed to include and refer to any  
24 explosive, incendiary, bomb, grenade, rocket having a

1 propellant charge of more than four (4) ounces, missile  
2 having an explosive or incendiary charge of more than one-  
3 quarter (1/4) ounce, mine, booby trap capable of causing  
4 serious bodily injury, Molotov cocktail, bottle bomb, any  
5 vessel or container intentionally caused to rupture or  
6 mechanically explode by expanding pressure from any gas,  
7 acid, dry ice or other chemical mixture, or similar device  
8 containing or represented to contain any poison gas, nerve  
9 gas, biological agent or other chemical or substance  
10 capable of causing death or serious physical injury.

11

12 (b) Any person who possesses, manufactures,  
13 transports, sells or delivers to another person any  
14 destructive device, explosive, improvised explosive device,  
15 or incendiary apparatus, with the intent unlawfully to  
16 endanger the life or physical well being of another, to  
17 commit assault or battery or to inflict bodily harm or  
18 injury upon the person of another, or with the intent to  
19 assist another person to do the same, is guilty of a  
20 felony. Upon conviction, he shall be punished by  
21 imprisonment for not more than ten (10) years, a fine of  
22 not more than ten thousand dollars (\$10,000.00), or both.

23

1 (c) Any person who possesses, manufactures,  
2 transports, sells or delivers to another person any  
3 destructive device, explosive, improvised explosive device,  
4 or incendiary apparatus, with the intent to cause injury or  
5 damage to the property of another as defined in W.S.  
6 6-3-103(c), or with the intent to assist another person to  
7 do the same, is guilty of a felony. Upon conviction, he  
8 shall be punished by imprisonment for not more than five  
9 (5) years, a fine of not more than five thousand dollars  
10 (\$5,000.00), or both.

11

12 (d) A person is guilty of intimidation by ~~explosive~~  
13 ~~device~~ hoax if he knowingly, and with the intent to  
14 threaten, intimidate or terrorize another person, uses any  
15 object or material and represents it to be, or places it in  
16 such a way that it is likely to be interpreted to be, an  
17 explosive, improvised explosive device, ~~or~~ incendiary  
18 apparatus, destructive device, dangerous chemical, or  
19 biological or radioactive material, and thereby places  
20 another person in reasonable fear of imminent physical  
21 harm. Upon conviction he shall be punished by imprisonment  
22 for not more than five (5) years, a fine of not more than  
23 ten thousand dollars (\$10,000.00), or both.

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1       (e) Any person who possesses or manufactures a  
2 destructive device is guilty of a felony. Upon conviction,  
3 he shall be punished by imprisonment for not more than two  
4 (2) years, a fine of not more than five thousand dollars  
5 (\$5,000.00), or both.

6  
7       (f) A person is guilty of theft of explosives or  
8 destructive devices if he steals any explosive or  
9 destructive device from any individual, employer, mine,  
10 magazine, military firing range or place of business that  
11 is legally possessing explosive products or destructive  
12 devices. Upon conviction, he shall be punished by  
13 imprisonment for not more than five (5) years, a fine of  
14 not more than five thousand dollars (\$5,000.00), or both.

15  
16       (g) No person convicted of a felony or a crime  
17 involving domestic violence shall be employed by any person  
18 or company in a capacity where he shall be in possession of  
19 or have access to explosive products or destructive devices  
20 with the exception of fireworks offered for sale to  
21 nonagricultural consumers and not specifically prohibited  
22 in 16 C.F.R. 1500.17(a)(3), (8), (9) and (11).

23

1        ~~(e)~~(h) Nothing contained in this section shall be  
2        construed to apply to any law enforcement officer if  
3        performed in the lawful performance of his official duties,  
4        nor to any person who has not been convicted of a felony or  
5        a crime involving domestic violence and who is customarily  
6        engaged in the lawful business of manufacture,  
7        transportation, sale or use of such materials and devices,  
8        if performed in the ordinary course of business and without  
9        the criminal intent described in this section, nor to any  
10       person who has not been convicted of a felony or a crime  
11       involving domestic violence and who is actually and  
12       lawfully engaged in demolition activity on a ranch, farm or  
13       construction site with the authority of the owner thereof,  
14       and acting without the criminal intent described in this  
15       section.

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17           **Section 2.** This act is effective July 1, 2006.

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19 (END)