

2018 -- H 8156 SUBSTITUTE A

LC005603/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO CRIMINAL OFFENSES - EXPLOSIVES AND FIREWORKS

Introduced By: Representatives Mattiello, Giarrusso, Shekarchi, Lima, and Marshall

Date Introduced: May 03, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-13-9 of the General Laws in Chapter 11-13 entitled "Explosives  
2 and Fireworks" is hereby amended to read as follows:

3 **11-13-9. ~~Threats, false report of or placing bombs in buildings.~~ Placing of explosive**  
4 **devices, threats, possession of readily convertible components.**

5 (a) Every person who, without lawful authority, places a bomb, ~~or other~~ explosive ~~in any~~  
6 ~~public or private building, or area where persons may lawfully assemble as provided in § 11-11-1~~  
7 device or any destructive or incendiary device or substance or falsely reports the placing of a  
8 bomb, explosive device or any destructive or incendiary device or substance shall upon  
9 conviction be imprisoned not less than three (3) years nor more than twenty (20) years and fined  
10 not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000).

11 (b) Every person who threatens to place a bomb, ~~or other~~ explosive ~~in any public or~~  
12 ~~private building, or area where persons may lawfully assemble as provided in § 11-11-1,~~ device,  
13 or any destructive or incendiary device or substance, or falsely reports the placing of a bomb, ~~or~~  
14 ~~other~~ explosive ~~in the building or area~~ device, or any destructive or incendiary device or  
15 substance, shall, upon conviction, be imprisoned not less than one year nor more than ten (10)  
16 years and fined not less than five hundred dollars (\$500) nor more than five thousand dollars  
17 (\$5,000).

18 (c) Whoever, without lawful authority, has in their possession or under their control any  
19 bomb, explosive device, or any destructive or incendiary device or substance or combination of

1 materials that are readily convertible to a bomb, explosive device, or any destructive or  
2 incendiary device or substance shall be punished by imprisonment for not less than three (3) years  
3 nor more than twenty (20) years, or by a fine of not less than one thousand dollars (\$1,000) nor  
4 more than ten thousand dollars (\$10,000), or both.

5 SECTION 2. Chapter 11-13 of the General Laws entitled "Explosives and Fireworks" is  
6 hereby amended by adding thereto the following section:

7 **11-13-10. Definitions.**

8 For purposes of this chapter unless the context otherwise requires:

9 (1) "Destructive or incendiary device or substance" means an explosive, article or device  
10 designed or adapted to cause physical harm to persons or property by means of fire, explosion,  
11 deflagration or detonation and consisting of any substance capable of being ignited, whether or  
12 not contrived to ignite or explode automatically.

13 (2) "Explosive" means any chemical compound, mechanical mixture, or device that  
14 contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities,  
15 or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the  
16 compound, mixture, or device or any part thereof may cause an explosion; any chemical  
17 compound, mixture, or device, the primary or common purpose of which is to function by  
18 explosion; the term includes, but is not limited to high and low explosives, black powder,  
19 smokeless powder, pellet powder, initiating explosives, detonators, safety fuses, squibs,  
20 detonating cord, igniter cord, igniters; and other materials which are classified as Division 1.1,  
21 1.2, 1.3, 1.4, 1.5 or 1.6 explosives by the United States Department of Transportation or listed  
22 pursuant to 18 USC § 841 or 27 CFR 555.23. "Explosive" shall not include a pyrotechnic, small  
23 arms ammunition, small arms ammunition primers, smokeless powder and black powders  
24 possessed in quantities allowable by law pursuant to § 23-28.28-5 unless possessed or used for an  
25 illegal purpose.

26 (3) "Hoax explosive", "hoax destructive or incendiary device or substance" or "hoax  
27 chemical, biological or nuclear weapon" means any device, article or substance that would cause  
28 a person to reasonably believe that such device, article or substance is: (i) An explosive; (ii) A  
29 destructive or incendiary device or substance; or (iii) A chemical, biological or nuclear weapon,  
30 harmful radioactive substance or poison capable of causing bodily injury which is actually an  
31 inoperable facsimile.

32 (4) "Oxidizer" means a substance that yields oxygen readily to stimulate the combustion  
33 of organic matter or other fuel.

34 (5) "Places" means to set or put in a particular space.

1           (6) "Pyrotechnic" means any commercially manufactured combustible or explosive  
2 composition or manufactured article designed and prepared for the purpose of producing an  
3 audible effect or a visible display including, but not limited to: (i) Fireworks, firecrackers; (ii)  
4 Flares, fuses and torpedoes, so-called, and similar signaling devices.

5           (7) "Readily converted" means any combination of components that have been brought  
6 together in a manner for assembly that is designed or adapted to cause physical harm to persons  
7 or property by means of fire, explosion, deflagration or detonation but are not yet in a completed  
8 stage. Elements to determine whether an item is "readily converted" include, but are not limited  
9 to: (1) Time required to convert the components; (2) Ease of conversion; (3) Expertise needed;  
10 (4) Necessary equipment; (5) Availability of parts and the ease in which they can be obtained; (6)  
11 Expense; (7) Scope to which the item(s) have already been modified; and (8) Feasibility.

12           (8) "Small arms ammunition" means any shotgun, rifle, pistol, or revolver cartridge, and  
13 cartridges for propellant-actuated power devices and industrial guns.

14           SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would make it illegal to possess, place, or threaten to place, without lawful  
2 authority, a bomb, or other explosive device, or any destructive or incendiary device or substance  
3 and/or any substance or combination of materials that are readily convertible to a bomb,  
4 explosive device, or any destructive or incendiary device or substance and would create criminal  
5 violations for such violations.

6           This act would take effect upon passage.

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