

ENROLLED HOUSE
BILL NO. 1306

BY: JOHNSON (Rob) of the
HOUSE

and

WRIGHT of the SENATE

AN ACT RELATING TO CRIMES AND PUNISHMENTS; AMENDING
21 O.S. 1981, SECTIONS 1767.1 AND 1767.3, WHICH
RELATE TO BOMBS AND EXPLOSIVES; PROVIDING FOR
CRIMINAL PROSECUTIONS FOR USE OF SIMULATED BOMBS;
PROVIDING FOR PROSECUTION FOR POSSESSION, SALE,
DELIVERY OR USE IN FELONY OF EXPLOSIVE OR SIMULATED
BOMB; PROVIDING DEFINITION; AND DECLARING AN
EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 1981, Section 1767.1, is
amended to read as follows:

Section 1767.1 A. Any person who shall willfully and
maliciously commit any of the following acts shall be deemed guilty
of a felony:

1. Any person who places in, upon, under, against or near to
any building, car, aircraft, motor or other vehicle, vessel or
structure, any gunpowder, dynamite, bomb, any explosive substance,
or incendiary device, with unlawful intent to destroy, throw down,
or injure, in whole or in part, such property of another, or
conspires, aids, counsels or procures the destruction of any
building or structure, public or private, or any car, aircraft,
motor or other vehicle, vessel or structure, shall be guilty of a
felony; or

2. Any person who places in, upon, under, against or near to
any building, car, aircraft, motor or other vehicle, vessel or
structure, any gunpowder, dynamite, bomb, or any explosive
substance, with intent to destroy, throw down or injure the whole or
any part thereof, under circumstances that, if such intent were
accomplished, human life or safety would be endangered thereby,
shall be guilty of a felony; or

3. Every person who maliciously, by the explosion of gunpowder,
dynamite or any explosive substance, destroys, throws down, or
injures any property of another, or by which explosion an injury is
caused to the person of another, shall be guilty of a felony; or

4. Any person or group of persons who shall willfully
manufacture, sell, transport, or possess a bomb or simulated bomb or
any explosive including an incendiary device or the component parts
of an explosive or incendiary device with knowledge or intent that
it will be used to unlawfully kill, injure or intimidate any person,
or unlawfully damage any real or personal property, is guilty of a
felony; or

5. Any person who shall place in, upon, under, against or near
to any building, car, aircraft, motor or other vehicle, vessel or
structure, any foul, poisonous, offensive or injurious substance or

compound or simulated bomb, with intent to wrongfully injure, molest or coerce another or to injure or damage the property of another, shall be guilty of a felony; or

6. Any person or group of persons who maliciously injures, damages or attempts to damage by an explosive, including an incendiary device, any person, persons, or property, whether real or personal, is guilty of a felony; or

7. Any person who uses the telephone or other instrument to willfully make any threat or maliciously convey information known to be false, concerning an attempt or alleged attempt to kill, injure or intimidate any person or unlawfully damage any real or personal property by means of an explosive or simulated bomb, including an incendiary device, shall be guilty of a felony; or

8. Any person who manufactures, possesses, sells or delivers an explosive or simulated bomb or mails or sends an explosive or simulated bomb to another person shall be guilty of a felony; or

9. Any person who, while committing or attempting to commit any felony, possesses, displays or threatens to use any explosive or simulated bomb shall be guilty of a felony.

B. Nothing contained herein shall be construed to apply to, or repeal any laws pertaining to, the acts of mischief of juveniles involving noninjurious firecrackers or devices commonly called "stink bombs."

SECTION 2. AMENDATORY 21 O.S. 1981, Section 1767.3, is amended to read as follows:

Section 1767.3 As used in Section 1767.1 of Title 21 of the Oklahoma Statutes:

1. "Explosive" or "explosives" mean any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion; i.e., with substantial instantaneous release of gas and heat, unless such compound, mixture or device is otherwise specifically classified by the United States Department of Transportation. The term "explosives" shall include all material which is classified as explosives by the United States Department of Transportation.

2. "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, and includes any trustee, receiver, assignee or personal representative thereof.

3. "Incendiary device" means any chemical compound, mixture or device, the primary purpose of which is to ignite on impact or as a result of chemical reaction such as a "Molotov cocktail" or "firebomb" which is ignited on impact, causing a mechanical reaction of the container's breaking and permitting the inflammable matter to spread or splatter and is ignited from the burning wick or hypergolic reaction of chemicals.

4. "Component parts" means separate parts which if assembled would form an explosive device. Component parts of an "incendiary device" shall consist of an inflammable material, a breakable container and a source of ignition.

5. "Simulated bomb" means any device or object that by its design, construction, content, or characteristics appears to be, or to contain, a destructive device or explosive as defined in this section, but is, in fact, an inoperative facsimile or imitation of such a destructive device or explosive.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 13th day of March, 1991.

Speaker of the House of
Representatives

Passed the Senate the 8th day of April, 1991.

President of the Senate